

# Ordinance of a Common Chest

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By Martin Luther



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Fraternal Agreement on the Common  
Chest of Entire Assembly at Leisnig  
*Translated by Walther I. Brandt*



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## FOREWORD

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The Reformation changed all of social life in the lands it touched. The Gospel of God's free favor in Christ, apart from works of the believer, revolutionized the church's approach to poverty and social need. The medieval wealthy viewed alms for the poor as a method to achieve divine favor and merit toward life eternal. The poor were created by God to be poor, and had a duty to remain so for the sake of the wealthy, who needed them to achieve eternal blessedness. So the Reformation was at once detrimental to the life of the poor, but also a great benefit. It was potentially detrimental because alms for the worthy poor were no longer viewed as works gaining heavenly merit, thus the wealthy no longer had the incentive of gaining heaven to motivate giving. Alms, in light of the Gospel of grace, were simply the fruit of living faith in Christ and his all-sufficient sacrifice on the cross. And the Gospel indeed spurred many to care for the needy. The Reformation also brought benefit for the poor because now millions of dollars were freed up from endowed masses, to be used to aid the needy. For the sins unatoned at life's end, foundations and endowments had long ensured that the sacrifice of the mass would be repeated for the souls of the deceased, toward their eventual release from purgatory (temporal punishment) to heaven. Luther revealed the false premises of this system, and directed that endowments instead be used to help the living. A rising social consciousness, which fostered the hospital movement and homes for the blind and lepers, also included concern to aid the poor in acquiring means to support themselves. Luther's rejection of the notion that monasticism was a holier vocation than that of father, mother, son, daughter, artisan, merchant, or any secular role meant a total rejection of begging by those in ecclesiastical vocations (particularly the mendicant orders).

The Leisnig Order of the Common Chest (1523) was Luther's attempt to solve many new and vexing problems as the new Lutheran community carried out its life in fellowship with Christ and one another. You can read in the historical preface about the relative (lack of) success of this attempt in Leisnig. Regardless, this order became a model for many that followed in the *Kirchenordnungen*, or "church orders", of Lutheranism (see Sehling, *Die Evangelische Kirchenordnungen ... Tuebingen: JCB Mohr*). And they were church orders, which were concerned with the needy, though they evidenced the close inter-working of church and civil society in such matters. That very fact might give pause when we are tempted to reject out of hand any Lutheran charitable work in cooperation with the state!

We present this order mainly to demonstrate to modern readers that the church's life of mercy and compassion, and concern for a host of matters from education to building committees to pastors' salaries, has always been complex. Fund development, governance, committees, record keeping, casework and legal issues were all present in Lutheranism already five centuries ago. It is our sincere desire that this document spur our congregations, individuals, pastors and agencies to re-think, or consider for the first time, what might be accomplished in caring for those in need today. I am convinced that opportunities and resources abound as never before.

The church has a corporate life of mercy (See *A Theology for Mercy*, The Lutheran Church—Missouri Synod). That corporate life of care as the body of Christ is worth the investment of time and thought. To that end, we give you what follows.

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## INTRODUCTION

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The medieval church required financing at the local level as well as at the top. Church buildings, once erected, had to be kept in repair; clerical and lay personnel connected with them needed to be furnished a livelihood. Funds were required too for the church's efforts to deal, however inadequately, with the problem of widespread poverty among the masses. Normally the bulk of the local revenue for these purposes came from income-producing foundations or properties, endowments of altars at which special masses were celebrated, compulsory tithes, and fees for ministerial acts, especially those performed for the souls of the departed.

Some of these sources were already drying up before the Lutheran movement got under way. Others were condemned in principle by the reformers; private masses, for example, were frowned upon.<sup>1</sup> Secular princes, who had long coveted the wealth of the church, were on the point of confiscating the lands and property of church and monastery. Many laymen used the new “freedom” as a pretext for refusing to pay tithes. The burden of poor relief showed no signs of diminishing; estimates are that from 15 to 30 per cent of the population may have been paupers and vagrants in towns of that period.<sup>2</sup>

Begging, a common practice during the Middle Ages, one which had become almost respectable through the activities of the several mendicant orders, was condemned by the reformers. As early as 1520, in the *Long Sermon on Usury*, Luther denounced the practice on the basis of **DEUT. 15:4, 11**; Christians were not

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<sup>1</sup> While at the Wartburg, Luther wrote to Melanchthon on Aug. 1, 1521, that he would never again celebrate a private mass. WA, Br 2, 372; S-J 2, 50. Before his return to Wittenberg, his own monastery had ceased to celebrate mass in the accustomed fashion, according to a letter of unknown authorship dating from about Dec. 4, 1521. S-J 2, 75–78.

<sup>2</sup> Smith, *The Age of the Reformation*, pp. 558–559.

to let anyone be in want or beg.<sup>3</sup> In his 1521 *Open Letter to the Christian Nobility* he suggested that every city should take care of its own poor, and that an organized system of poor relief be set up to replace the current haphazard system.<sup>4</sup> All these circumstances made imperative a complete reorganization of the parish financial system.

The first attempt in this direction was made by Karlstadt in Wittenberg during Luther's stay at the Wartburg.<sup>5</sup> Other communities quickly followed suit, either on their own initiative or through the Wittenberg influence. Among these may be cited Augsburg, Nürnberg, and Altenburg in 1522; and Kitzingen, Strassburg, Breslau, and Regensburg in 1528.<sup>6</sup>

The Leisnig ordinance of 1523 is therefore by no means unique. It is included in the present volume because it was drawn up on Luther's direct advice, had his hearty approval, and was published by him together with a preface of his own. It was one of the most thoroughgoing of these ordinances, almost a rudimentary congregational constitution, and illustrates a number of the difficulties encountered in the complicated process of reorganizing parish finances in the sixteenth century.

The parish of Leisnig on the Mulde River in electoral Saxony was already in existence when in 1191 the Cistercians founded the monastery of Buch some distance up the river. In the same year Emperor Henry VI granted the parish of Leisnig to the

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<sup>3</sup> See pp. 281–282, 286–287.

<sup>4</sup> See *PE* 2, 134–135.

<sup>5</sup> Karlstadt's ordinance, which has many similarities with the later Leisnig ordinance, is summarized in Herrmann Barge, *Andreas Bodenstein von Karlstadt*, I, 378–382. See the complete text in Aemilius Ludwig Richter, *Die evangelischen Kirche-nordnungen des sechzehnten Jahrhunderts* (2 vols. in 1; Weimar: Landes-Industrie-comptoirs, 1846), II, 484–485; or in Hans Lietzmann, *Die Wittenberger und Leisniger Kastenordnung, 1522–23* ("Kleine Texte für theologische Vorlesungen und Uebungen," No. 21 [Bonn: Weber, 1907]), pp. 4–6.

<sup>6</sup> Detailed references to these instances are given in WA 12, 2. See also O. Winkelman, "Die Armenordnungen von Nürnberg (1522), Kitzingen (1523), Regensburg (1523), und Ypern (1525)." *Archiv für Reformationsgeschichte*, X (1912–1913), 242–280, and XI (1914), 1–18.

monastery. Later, when a small city<sup>7</sup> grew up about the castle, and the church of St. Matthew was erected there and made the parish church, the bishop of Meissen decreed that the abbot of Buch should have the right to name the parish priest. This right was repeatedly confirmed; in 1419 it was specifically recognized by Pope Martin V. According to contemporary law, Leisnig was at once both a religious and a political community.<sup>8</sup>

Abbot Antoninus of Buch (d. 1526) was hostile to the Reformation. Nevertheless, the reform movement spread among the nobility, bourgeoisie, and peasantry of the parish, which then included eleven rural villages, until it seems to have become virtually unanimous.

In response to repeated requests from certain members of the Leisnig parish, Luther paid them a visit on Sept. 25, 1522.<sup>9</sup> Presumably two items were discussed: first, the right of the parish to select its priest and preacher; second, the establishment of a common chest for the parish. It appears that Abbot Antoninus had appointed one of his monks, Heinrich Kind, as parish priest of Leisnig. After assuming the post, Kind embraced the evangelical cause, and was recalled by the abbot.<sup>10</sup> The Leisnig congregation, however, elected him as their priest, and Johann Gruner<sup>11</sup> as their preacher.<sup>12</sup> The two took office about the end of the year 1522.

Naturally, the abbot of Buch resented this usurpation of his well-established right of patronage, and instructed a new

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<sup>7</sup> In 1523 Leisnig had a population of about 1500. WA 12, 3, n. 1.

<sup>8</sup> MA 5, 400.

<sup>9</sup> See Luther's letter to Spalatin dated Sept. 25, 1522. WA, Br 2, 604.

<sup>10</sup> See Paul Kirn, *Friedrich der Weise und die Kirche* (Leipzig: Teubner, 1926), p. 116. Kind served as parish priest at Leisnig from 1523 until he was retired, for reasons of age and other considerations including his own request, by the visitors of 1529. WA 12, 7, n. 1. Cf., however, WA, Br 3, 22, n. 2.

<sup>11</sup> Johann Gruner is probably the "Johannes Gronigerus" or "Groner," former preacher in Oschatz, who in 1524 sought and obtained from Prince Wolfgang of Anhalt the appointment as parish priest in Zerbst, being installed there at Christmastime, 1524. He was the author of the treatise, *A Booklet to Comfort All Poor Consciences*, published at Wittenberg in 1524. WA 12, 7, n. 1.

<sup>12</sup> Their choice is reported in an undated letter from the Leisnig parish to Elector Frederick, quoted in WA 12, 3-4.



appointee to take over the parish. The bishop's appointee was notified by Sebastian von Kötteritzsch,<sup>13</sup> speaking on behalf of the parish, that they wanted Kind and Gruner, that they looked upon him as a stranger not called by the congregation, and that they refused to recognize or accept him as their shepherd of souls. Thereupon the appointee departed.<sup>14</sup>

Official attempts at a compromise between the parish and the abbot failed. Hans von der Planitz<sup>15</sup> and Hans von Minkwitz, acting for the elector, proposed that the abbot name the priest and the citizens name the preacher. This was unsatisfactory to both parties. Next they proposed that the abbot yield up all his rights over the parish in return for an annual stipend. The abbot seems to have been willing, but most of his monks refused to accept this.<sup>16</sup> An agreement never was worked out between the parish and the monastery.<sup>17</sup> The independence of the parish never received formal recognition until it was confirmed by the visitation commission of 1529, and thus also by the temporal authority.<sup>18</sup> The Leisnig congregation protested to the elector that they had never granted the right of patronage to the abbot themselves, and that their

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<sup>13</sup> With his brother Hans, Sebastian von Kötteritzsch (d. ca. 1575) held the fiefs of Sitten and Kropowitz in the Leisnig parish. Having served as a magistrate in Altenburg, he was without office in 1523, but later became a magistrate in Bitterfeld and participated in the visitations of 1528–1530, 1533, 1534. At the Diet of Augsburg (1530) he was among those accompanying the Elector John of Saxony. WA, Br 3, 23, n. 3.

<sup>14</sup> WA 12, 4; Kirn, op. cit., p. 116.

<sup>15</sup> Hans von der Planitz (d. 1535) was probably already in Elector Frederick's service when, together with Hans von Minkwitz, he visited Jerusalem in 1518. In 1521 he became chief magistrate in Grimma, where his work was frequently interrupted when he was sent on diplomatic errands by the elector. He was present at the Leipzig Debate in 1519, and represented the elector on the Council of Regency in 1521 where he worked to block implementation of the Edict of Worms. In 1530 he accompanied Elector John to the Diet at Augsburg. *Allgemeine deutsche Biographie*, XXVI 232–233. His reports from the diets of Nürnberg, an important source, have been edited by Ernst Wülcker and Hans Virck, *Des kursächsischen Rathes Hans von der Planitz Berichte aus dem Reichsregiment in Nürnberg 1521–1523* (Leipzig: Teubner, 1899).

<sup>16</sup> See the letter from Antoninus von Von der Planitz dated Oct. 4, 1524, and the text of the proposed agreement to a stipend in Kirn, op. cit., pp. 189–191.

<sup>17</sup> *Ibid.*, p. 117.

<sup>18</sup> The visitation report stated, "Whereas the parish assembly at Leisnig on their own initiative conducted a common chest for some years according to their written and printed ordinance, it is to remain in force by authority of this visitation, as follows . . ." Emil Sehling, *Die evangelischen Kirchenordnungen des XVI. Jahrhunderts* (6 vols.; Reisland, 1902–1957), I, 608.

right of choice was established by Christ fifteen hundred years before, namely, “that the whole congregation through the grace of God and by ordinance of divine Scripture has the right to call, choose, install, and depose one, two, or three persons from within its own company.”<sup>19</sup>

The abbot, sensing the trend of the times and fearing more serious conflict, apparently failed to push his claims, or the elector may have intervened on the side of the parish.<sup>20</sup> At any rate, the congregation proceeded with confidence in taking over all church properties within the parish and establishing an organization to administer them, to provide for divine worship and schools, and to assist the poor and needy. Luther’s influence in the matter is seen by the fact that the town council and the congregation sent two representatives, Sebastian von Kötteritzsch and Franz Salbach, to Wittenberg with a formal letter dated Jan. 25, 1523,<sup>21</sup> requesting his advice and counsel in the matter of their proposed ordinance, a copy of which they probably presented to him at that time. The ordinance itself may well have been the work of Kind and Gruner.

The delegation also presented two other requests to Luther: first, that he give them a written statement in approval of their procedure in calling Kind and Gruner to serve them; second, that he furnish them with an evangelical order of service. Luther replied promptly and briefly to the council in a letter of Jan. 29, expressing his approval of their ordinance for the parish.<sup>22</sup> In the same letter he also promised to comply with their other two requests, a promise he fulfilled in the spring of that same year with the publication of two treatises: *The Right and Power of a Christian Congregation or Community to Judge All Teaching and to Call, Appoint, and Dismiss Teachers, Established and Proved from*

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<sup>19</sup> WA 12, 4.

<sup>20</sup> WA 12, 4–5.

<sup>21</sup> See the text of this letter in WA, Br 3, 21–22.

<sup>22</sup> WA, Br 3, 23.

*Scripture*,<sup>23</sup> and *Concerning the Ordering of Divine Worship in the Congregation*.<sup>24</sup> Luther's reply to the congregation came later in the form of a written preface to the ordinance; he had both preface and ordinance printed and published together.

Encouraged by the warm approval expressed in Luther's letter to the council, the Leisnig congregation proceeded to set up their common chest and to reform the order of service. On Feb. 24 they elected the ten directors of the chest; on Sunday, March 8, they set aside the sacrifice of the mass, thereby abolishing the functions of the priests attached to the four side altars.<sup>25</sup> The report of the Saxon visitation of 1529, where it speaks of the changes that had to be undone, shows the thoroughness of their early reform of the service. Clerical vestments were abolished; the clergy consecrated the elements while garbed in lay attire; the three great festival periods of the church year were each reduced to a single day and celebrated in the "forenoon only, the afternoon being regarded as a work day . . . in order to avoid excessive drinking, carousing, and idleness."<sup>26</sup>

Unhappily, the administrators of the common chest encountered difficulties.<sup>27</sup> The city council was reluctant to transfer to the directors of the chest its existing right to dispose of endowments, bequests, etc., and maintained that it could not take such a step without the elector's express permission. The congregation appealed to the elector, who named the tax commissioner of Kolditz to hear the disputing parties. Negotiations dragged on for weeks.<sup>28</sup> A compromise was finally reached to the extent of having both parties agree to keep the peace and bring their differences to

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<sup>23</sup> WA 11, (401) 408–416; PE 4, (71) 75–85.

<sup>24</sup> WA 12, (31) 35–37; PE 6, 60–64.

<sup>25</sup> WA 12, 6. On the altar priests, see p. 180.

<sup>26</sup> See the text of the 1529 visitation report in Emil Sehling, op. cit., I, 605–606.

<sup>27</sup> For bibliographical references see Enders, *D. Martin Luthers Briefwechsel*, IV, 71, n. 1.

<sup>28</sup> Kawerau (ed.), *Köstlin's Martin Luther*, I, 551.

the elector for resolution as they might arise; on April 12 the elector wrote the congregation that he was happy over this agreement.<sup>29</sup>

In August 1523, probably at the elector's request, Luther again visited Leisnig to look into the matter of the common chest. He found that the council was still withholding funds; despite his urging the council remained obdurate. Meanwhile, the congregation was running short of funds with which to pay its officials. On Aug. 11 and again just eight days later, Luther wrote angrily to the elector, requesting confirmation of the Leisnig ordinance,<sup>30</sup> but the elector, as usual, hesitated and delayed. As late as Nov. 24, 1524, Luther complained to Spalatin that the Leisnig preacher, Tilemann Schnabel,<sup>31</sup> might soon have to leave for want of pay and sheer hunger. He deeply regretted that the Leisnig attempt, the first of its kind, which should have been such an example of success, had turned out to be such a miserable example of failure.<sup>32</sup>

There is no direct evidence to show when the preface with the appended ordinance came from the press. It has been held<sup>33</sup> on the basis of Luther's letters of Aug. 11 and 19 that it did not appear until the time of Luther's second visit to Leisnig in August 1523. Against this may be cited the fact that a copy of the first edition bears a marginal note by its original purchaser that he paid ten pfennig for it on July 6, 1523.<sup>34</sup> Furthermore, Luther was prompt in replying to the Leisnig request for a letter approving their

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<sup>29</sup> WA 12, 6.

<sup>30</sup> See his letters in WA, Br 3, 124–125 and 128–129.

<sup>31</sup> Tilemann Schnabel (d. 1559), an Augustinian monk, received his doctorate in theology at Wittenberg in 1515 and became a provincial of his order in Alsfeld shortly after 1520. There he preached evangelical sermons so eloquently that he won over the whole town by 1522, only to be forbidden to preach by the Landgrave Philip. Doffing his cowl, he remained for a time with Luther at Wittenberg until he accepted the office of preacher at Leisnig, succeeding Gruner. After Hesse embraced the evangelical cause, Philip granted the citizens of Alsfeld, as a reward for their faithfulness in the Peasants' War, their request to have Schnabel appointed as their priest. He served as superintendent of Alsfeld from 1531 to 1541, resigning on account of poor health. *Allgemeine deutsche Biographie*, XXXII, 81–82.

<sup>32</sup> See the letter to Spalatin in WA, Br 3, 390.

<sup>33</sup> This is the position, e.g., of De Wette, *Dr. Martin Luthers Briefe*, II, 382.

<sup>34</sup> EA 22, 106.

method of choosing a preacher and for an order of service. These two documents came from the press between Easter and Pentecost, 1523; it would be strange if he then withheld the ordinance from the press for several months. Judging by his actions on other occasions, it is quite probable that he rushed the ordinance into print without consulting the elector, in order to give it the widest publicity and confront the elector with an accomplished fact. His very haste may have militated against the success of the Leisnig experiment, for in his sermon of Dec. 26, 1523, where he suggested how a city parish might organize a system of poor relief, he added, “But we do not have the personnel for this, therefore I do not think we can put it into effect until God makes Christians.”<sup>35</sup>

The translation of Luther’s preface given here is a revision of the one that appeared in PE 4, 92–98. The ordinance itself is here translated for the first time in English. The translation of both documents is based on the first Wittenberg printing by Cranach and Döring: *Ordnung eyns gemeynen kastens. Radschlag wie die geystlichen gutter zu handeln sind* (1523), as that has been reprinted with annotations in WA 12, 11–30.

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<sup>35</sup> WA 12, 693.

## PREFACE

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1523

TRANSLATED BY ALBERT W. STEINHAUSER

*Suggestions on how to deal with ecclesiastical  
property Martin Luther, Ecclesiastic<sup>6</sup>*

**T**o all Christians in the congregation of Leisnig, my dear sirs and brethren in Christ: Grace and peace from God the Father and our Savior Jesus Christ.

Dear sirs and brethren. Since the Father of all mercies has called you as well as others to the fellowship of the gospel, and has caused his Son Jesus Christ to shine into your hearts; and since this richness of the knowledge of Christ is so active and powerful among you that you have set up a new order of service,<sup>37</sup> and a common fund after the example of the apostles [ACTS 2:44–45; 4:32–35], I have seen fit to have this ordinance of yours printed, in the hope that God will so add his gracious blessing that it may become a public example to be followed by many other congregations, so that we, too, may boast of you, as St. Paul boasted of the Corinthians that their effort stirred up many others [2 COR. 9:2]. Nevertheless, you will have to expect and take comfort from the fact that if what you are undertaking is of God it will necessarily meet with vigorous opposition, for Satan never rests or takes a holiday.

We cherish the hope that this example of yours will come to be generally followed, and that as a result there will be a great

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<sup>36</sup> *Ecclesiastes* (“the preacher”) is the Greek title for one of the Old Testament writings. Luther used it as a self-designation to assert his status as a man of the church after that dignity had been denied him by the papal bull and the Edict of Worms. MA3 5, 401, n. 45, 1; MA3 3, 374, n. 16, 2. See his defense of this title in his 1522 *Wider den falsch genannten geistlichen Stand des Papsts und der Bischöfe*. WA 10II, 125–126. Cf. also the title of Emser’s rebuttal: *Wider den falschgenannten Ecclesiasten und Wahrhaftigen Erzketzer Martinum Luther* (Leipzig, 1523).

<sup>37</sup> See the Introduction, pp. 165–166.

decline in the existing foundations, monastic houses, chapels, and those horrible dregs<sup>38</sup> which have until now battered on the wealth of the whole world under the pretense of serving God. This decline is also being mightily facilitated by the holy gospel which is now bursting forth once more, and which reveals this blasphemous and damnable “service of God” in its true colors. Moreover, the clergy themselves are behaving in such a manner that goodness and integrity have vanished from their midst and will have nothing more to do with them. Things have everywhere come to such a pass that it seems both God and man have grown sick and tired of monkery and clericalism, and there has to be a change. At the same time for this very reason there is need of great care lest there be a mad scramble for the assets of such vacated foundations, and everyone makes off with whatever he can lay his hands on.

I have resolved, therefore, to the extent of my ability and duty to forestall such a catastrophe while there is still time, by offering Christian counsel and admonition. For since I have to take the blame whenever monasteries and foundations are vacated, when the number of monks and nuns decreases, and whenever anything else happens to diminish and damage the clerical estate, I refuse to accept any additional responsibility if some greedy bellies should grab these ecclesiastical possessions and claim as an excuse that I was the one who put them up to it.

If it comes to that, I fear that very few will be guided by my advice, for Greed is a disobedient and unbelieving scoundrel. I will nevertheless do my part, clear my own conscience, and place the burden upon theirs, so that no one can accuse me of remaining silent or speaking up too late. Let whoever will, then, follow my well-meant advice or reject it; I am not to blame. But first I want to warn sincerely, and kindly request, that no one heed or follow these suggestions of mine unless he realizes and thoroughly

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<sup>38</sup> *Grundsuppen* has reference to the priests who are at the bottom of it all. MA3 5, 401, n. 45, 22; BG 7, 111, n. 3.

understands from the gospel that monkery and clericalism, as they have been for the past four hundred years, serve no useful purpose and are nothing but harmful error and deception. A weighty matter like this has to be tackled with a good and unshakeable Christian conscience; otherwise, things will go from bad to worse, and on our deathbed we will be overwhelmed by terrible remorse.

**First.** It would have been a good thing if no rural monasteries,<sup>39</sup> such as those of the Benedictines,<sup>40</sup> Cistercians,<sup>41</sup> Celestines,<sup>42</sup> and the like, had ever appeared on earth. But now that they are here, the best thing is to let them dwindle away, or, where it can properly be done, to assist them to disappear altogether. This can be done in either of two ways: first, by allowing the inmates, if they so desire, to leave of their own free will, as the gospel permits; second, by each governing authority arranging with the monasteries under its jurisdiction to admit no further applicants and, if there are too many inmates, to send the excess elsewhere and let the remainder die out.

Since no one is to be coerced into faith and the gospel, those who because of their age, their bellies, or their consciences elect to remain in the monastery should not be ejected or harshly dealt with, but should be supported for the rest of their days just as before. For the gospel teaches us to do good even to the unworthy, just as the heavenly Father sends rain and sunshine upon the good and the evil alike [MAT. 5:45]. We must remember, too,

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<sup>39</sup> *Fellt kloster* was Luther's name for the monastic settlements which, to enable their monks to retire from the world, grew up outside of the cities and engaged primarily in agriculture. BG 7, 112, n. 7.

<sup>40</sup> The term Benedictines applied to a number of autonomous religious orders professing the Rule drawn up by St. Benedict of Nursia (ca. 480–ca. 550) for his monks at Monte Cassino.

<sup>41</sup> The Cistercians were a religious order founded in 1098 at Cîteaux as an offshoot of the Benedictine Order, and given new life by the entry of St. Bernard of Clairvaux in 1112. For purposes of seclusion their houses were erected only in remote places, and hence frequently became important centers of pioneering agriculture.

<sup>42</sup> The Celestines were also an offshoot of the Benedictine Order, founded about 1250 by Peter of Murrone, who in 1294 became Pope Celestine V.



that these persons have drifted into this estate as a result of the blindness and error which prevailed generally, and have never learned a trade by which they could support themselves.

I would recommend that the governing authorities take over the property of such monasteries, and from it make provision for those inmates who choose to remain there, until they die. This provision should be even more ample and generous than what they may have had before, so that men may realize that this is not a case of greed opposing clerical possessions, but of Christian faith opposing monasticism. In carrying out this policy the permission of pope or bishop is not to be sought beforehand, neither is their ban or anathema to be feared; for I am writing this solely for those who understand the gospel and who have the authority to take such action in their own lands, cities, and jurisdictions.

**Second.** The property of those monasteries which are taken over by the governing authorities should be used in the following three ways. First, those inmates who choose to remain should be supported, as has just been said. Second, those who leave should be provided with sufficient funds to find a position and make a fresh start in life, even though they brought nothing with them when they entered the monastery. For when they depart, they are leaving at the same time their lifelong way of making a livelihood; and they have been defrauded, because the time they spent in the monastery might have been employed in learning something else. As for those who brought something with them when they entered, it is no more than right in the sight of God that they should have it returned to them, to each his own portion,<sup>43</sup> for here matters are to be determined by Christian love and not by strict human justice. If anyone is to suffer injury or loss, it should be the monastery and not the individual, for the monastery is the cause of their error. The third way is the best, however, to devote all

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<sup>43</sup> *Yhe eyns teyls* is here taken to mean “*jeden sein Teil*” (MA3 5, n. 47, 15, and CL 2, 406, n. 20) rather than “*Jedem ein (gleiches) Thiel*” (BG 7, 114, n. 1 and Lietzmann, *op. cit.*, p. 8, n. 5).

the remaining property to the common fund of a common chest, out of which gifts and loans could be made in Christian love to all the needy in the land, be they nobles or commoners. In this way, too, the will and testament of the founders would be carried out. For although they erred and were misled when they gave this property to monasteries, their intention certainly was to give it for the glory and service of God; but their purpose was not realized. Now there is no greater service of God than Christian love which helps and serves the needy, as Christ himself will judge and testify at the Last Day, **MATTHEW 25[:31-46]**. This is why the possessions of the church were formerly called *bona ecclesiae*, that is, common property, a common chest, as it were, for all who were needy among the Christians.<sup>44</sup>

If the heirs of the founder are impoverished and in want, however, it is fair and in harmony with Christian love that the foundation revert to them, at least a large portion of it, or the whole amount if their need be great enough to warrant it. It certainly was not the intention of their fathers — and should not have been — to take the bread out of the mouths of their children and heirs and bestow it elsewhere. And even if that was their intention, it is false and un-Christian, for fathers are in duty bound to provide for their own children first of all; that is the highest service they can render to God with their temporal goods. But if the heirs are not poor and in need of it, they should not take back their father's bequest, but let it go into the common chest.

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<sup>44</sup> At least from the time of the investiture controversies and throughout the Middle Ages the church's legal rights to acquire, receive, hold, and dispose of property had been largely asserted and defended in terms of the rights of ecclesiastical personages over against persons not of the spiritual estate. The First Lateran Council of 1123, e.g., decided "that laymen . . . have no faculty for determining anything concerning ecclesiastical possessions . . . let the bishop have the care of all ecclesiastical business." Denzinger, *Sources of Catholic Dogma*, p. 147, No. 361. The Council of Constance of 1414–1418 asserted over against John Huss "that it is permissible for ecclesiastical personages to hold possessions and temporal goods" and that if the laity "lay hold on these ecclesiastical goods [*bona ipsa ecclesiastica*] they are to be punished as sacrilegious persons." *Ibid.*, p. 218, Nos. 684–685. Luther is using the term *ecclesia* in its etymological sense to underscore the communal aspect of such ecclesiastical property — in Greek *ekklesia* means "the assembly of people" — as belonging to laity as well as clergy. In Acts 2:44 and 4:32 the Vulgate term was *Omnia communia*, "all things in common."

But you might say, “That is opening the door too wide; on that basis the common chest will receive precious little, for everyone will claim the whole amount and say that his needs are so great, etc.” Answer: This is why I said that Christian love must judge and act in this matter; it cannot be handled by laws and regulations. Besides, I am setting down this advice only in accordance with Christian love, and for Christians only. We have to expect that greed will creep in here and there. So what? We cannot just let things slide on that account. After all, it is better to have greed take too much in an orderly way than to have general plundering, as happened in Bohemia.<sup>45</sup> Let each one examine himself to see what he should take for his own needs and what he should leave for the common chest.

**Third.** The same procedure should be followed in the case of bishoprics, foundations, and chapters which have under their control lands, cities, and other possessions. Such bishops and foundations are neither bishops nor foundations; they are in actual fact secular lords with ecclesiastical titles. Hence, they should be turned into secular lords, or else their possessions should be divided between the impoverished heirs and relatives, and the common chest. As for prebends and benefices, they should be left to their present incumbents; when these die no successors should be appointed, but the properties should be divided between the needy heirs and the common chest.

**Fourth.** The possessions of monasteries and foundations in part, and the prebends in large measure, are based on usury, which today is everywhere called “repurchase”<sup>46</sup> and which has

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<sup>45</sup> Luther is referring to the excesses of the radical Taborites during the Hussite Wars of 1420–1432. One of the “Four Prague Articles” set forth by the Hussites in 1420 demanded that the clergy be divested of all worldly goods. The *Compactata* agreed upon by the Council of Basel in 1433 complied with this demand as regards all clergy bound by vows of poverty, allowing the church itself, however, to acquire and hold temporal goods, but merely as administrator.

<sup>46</sup> *Widderkauff* was known as early as the thirteenth century and was actually a type of sales contract in which the sale was conditional upon the seller’s right to repurchase what he had sold. The two sales transactions together were the equivalent of a loan. A merchant would sell an article on credit for a given price, and immediately repurchase it from the buyer for cash in a smaller amount, the

in but a few years swallowed up the whole world.<sup>47</sup> The holdings thus derived would first of all have to be separated, like leprosy, from the property which consists of simple bequests. For the advice I gave above refers only to foundations established by true and honest bequests apart from “repurchase.” Foundations established on the basis of “repurchase,” however, may rightly be regarded as usury; for I have never yet seen or heard of a proper redeemable zins contract.<sup>48</sup> In this matter, therefore, it is first necessary to make up for the usury by returning to each one what is his own before allowing such assets to go into the common chest, for God says, “I hate robbery with a burnt offering” [Is. 61:8]. If it should prove impossible to find the persons who had suffered loss in the repurchase transaction, the common chest might then receive the property.

But the right and wrong of “repurchase” is too long a story for the present; I have dealt with it sufficiently in the treatise on usury,<sup>49</sup> from which one may learn what portion of such prebends and foundations should be restored to those who have been paying zins. For there is no doubt that a good many prebends have long since received back the principal sum of their loans, yet they do not stop sucking the sweat and blood out of their creditors. Hence, this matter is decidedly one of the most pressing problems for consideration by emperor and kings, princes and lords, and everybody else.

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cash being then in effect a loan. The difference between the two prices became in effect an interest charge on the outstanding loan. See Herbert Heaton, *Economic History of Europe* (New York: Harper, 1936), p. 203; and Grimm, *Deutsches Wörterbuch*, XIV1, 1063. The scholastics up through the fifteenth century condemned such contracts of sale and resale in the name of the whole medieval prohibition against usury — which was designed to protect the debtor— largely because of the unfair prices involved. The resale clause itself was not condemned, but incorporated into the fifteenth century zins contract (see pp. 234–238) as a redeemability clause. John T. Noonan, *The Scholastic Analysis of Usury* (Cambridge: Harvard University Press, 1957), pp. 95–98. It is the mutually redeemable zins contract—relatively recent (see p. 295. n. 141) — to which Luther here refers.

<sup>47</sup> Living in the “age of discovery,” Luther saw in his lifetime a remarkable growth in trade and commerce, cities and the merchant class, and a consequent increase in the demand for capital which was accompanied by a sharp rise in prices and exorbitant “interest” rates. See *BG* 7, 494–513.

<sup>48</sup> *Zinsskauff auff Widderkauff*. For a discussion of the meaning of the mutually redeemable zins contract, see Noonan, *op. cit.*, pp. 230–235.

<sup>49</sup> See the *Long Sermon on Usury* (1520) in this volume, pp. 273–308, esp. p. 295 ff.

**Fifth.** Mendicant houses located in cities<sup>50</sup> might be converted into good schools for boys and girls,<sup>51</sup> as they were before.<sup>52</sup> Other monasteries could be converted into dwellings if the city needed them. The fact that they were consecrated by bishops should raise no obstacle, for God knows nothing of such consecration. If this advice of mine were acted upon in a Christian way, many other things would suggest themselves and be found feasible, and much would be learned by experience, more than can now be proposed in words, for various and extraordinary situations would arise where only Christian love can judge aright.

If God were to grant that these suggestions be carried out, not only would we have a well-filled common chest for every need, but three crying evils would diminish and eventually cease. The first of these is begging,<sup>53</sup> which does so much harm to land and people in soul and property. The second is the terrible misuse of the ban,<sup>54</sup> which serves no other purpose than to torture people in the interest of the possessions of priests and monks. If they had no possessions, there would be no need of this ban. The third is this cursed zinss contract,<sup>55</sup> the biggest usury on earth, which up to now has asserted its validity even in the matter of ecclesiastical properties — there above all.

If anyone does not care to follow these suggestions, and in so doing quench his greed, I wash my hands of him. Well do I know

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<sup>50</sup> The monasteries of such mendicant orders as the Dominicans, Franciscans, and Augustinian Hermits were built mostly within the cities, in contrast to those rural orders mentioned on p. 171.

<sup>51</sup> Cf. Luther's 1521 *De votis monasticis*. WA 8, 615 and 641.

<sup>52</sup> The burden of lay education in the early Middle Ages was borne mainly by the monasteries, which conducted not only "internal" schools for future members of the order but also "external" schools to educate children of various classes for life in the community outside the monastery. The instruction was given gratuitously. *Catholic Encyclopedia*, XIII, 555–556. See in this volume, p. 341.

<sup>53</sup> Luther had previously denounced begging in *An Open Letter to the Christian Nobility* (1520). PE 2, 134–135; and in the *Long Sermon on Usury* (1520), in this volume, pp. 281–282, 286–287.

<sup>54</sup> In 1520 Luther had written *A Treatise Concerning the Ban*. PE 2, (33) 37–54.

<sup>55</sup> On the *zinsskauff*, see pp. 295–310; on its use in the churches, see especially p. 306.

that few will accept such advice. I am content if only one or two follow me, or would at least like to follow me. The world must remain the world, and Satan its prince. I have done what I can, and what I am in duty bound to do. God help us all to do what is right and to stand firm. Amen.<sup>56</sup>

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<sup>56</sup> Luther's own preface ends here. What follows is the Leisnig Ordinance itself, of which Luther is not the author, though he gave it his hearty approval and himself had it published. See the Introduction, pp 162, 165.

# FRATERNAL AGREEMENT ON THE COMMON CHEST OF THE ENTIRE ASSEMBLY AT LEISNIG<sup>57</sup>

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TRANSLATED BY WALTHER I. BRANDT

## IN THE NAME OF THE HOLY UNDIVIDED TRINITY, AMEN.

Since by the grace of the Omnipotent God, through the revelation of the Christian and evangelical Scriptures, we have been given not only firmly to believe but also profoundly to know that, according to the ordinance and precept of divine truth and not according to human opinion, all the internal and external possessions of Christian believers are to serve and contribute to the honor of God and the love of the fellow-Christian neighbor, we the nobility,<sup>58</sup> council, craft supervisors,<sup>59</sup> gentry,<sup>60</sup> and commoners dwelling in the city and villages<sup>61</sup> of the assembly and parish of Leisnig, by these presents confess and make known that we, for ourselves and our posterity, upon the considered and mature counsel of men learned in the divine Scriptures,<sup>62</sup> have drawn up and adopted the following fraternal agreement among ourselves as a community, and that both now and for the future it is to be held true and inviolable, namely:

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<sup>57</sup> Since no title at all appears in the Wittenberg printing at this point, we have supplied the title which appears on the cover of a very early original manuscript still extant at Leisnig, which is designated as “L” in WA 12, 9.

<sup>58</sup> The *Erbar manne* are named specifically in the last paragraph on p. 194.

<sup>59</sup> The *Viertell meister* (literally, “quarter master”) exercised a certain supervisory authority in a particular quarter of the city. The term was also applied to the chief of any particular craft since shops of a given sort tended to be concentrated in a given area. Grimm, *Deutsches Wörterbuch*, XII2, 331. The crafts in question are named in the last paragraph on p. 194.

<sup>60</sup> *Eldesten* is the equivalent of *Honoratioren*. CL 2, 408, n. 34.

<sup>61</sup> According to the report of the 1529 visitation, the parish included the eleven villages of Gorschwitz, Röda, Brösen, Tautendorf, Minckwitz, Meinitz, Neudörfchen, Vorwerf Hasenberg, Dölen, Lichtenhain, and Liebgens Mühle, the last three of which subsequently became part of Leisnig itself as the city expanded. WA 12, 3, n. 1; BG 7, 117, n. 3.

<sup>62</sup> This was probably a reference to Luther, who had visited Leisnig on Sept. 25, 1522; see the Introduction, p. 163.

## **FILLING THE PASTORAL OFFICE**

In matters which relate to the filling of the pastoral office in our parish, including the calling, choosing, appointing, and dismissing of our pastor for the sole purpose of preaching God's word and administering the sacraments, we solemnly purpose and promise at all times to use, exercise, and employ our Christian liberty solely in conformity with the precept and ordinance of the divine biblical Scriptures; and in such a pre-eminently spiritual undertaking as the care of the poor and needy, to be obedient in true humility to the well-founded and proven instruction and counsel of those learned in the divine Scripture, submitting to it and following it by the grace of God, of which we have a clear token in our midst in the administration given to our parish, which shall be retained intact.<sup>63</sup>

## **ON HEARING GOD'S WORD**

We solemnly purpose and promise that every master and mistress of a household within the confines of our parish shall be obliged themselves — and out of Christian love shall also hold their children and servants to it — to listen faithfully to God's saving and comforting word at the appointed days and hours and take it to heart for our own improvement, as God grants us grace.

## **REVERENCING GOD AND KEEPING HIS COMMANDMENTS**

We solemnly purpose and promise that as masters and mistresses we shall diligently see to it — each one for himself and for his children and servants in his own home as God grants us grace — that God is revered, and we shall studiously avoid, guard against, and prevent open blasphemy, excessive drinking, fornication, ruinous dice games, and other sins and offenses which are known to be in direct conflict with God's commandments. If any member of our community is found to be negligent or lax in

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<sup>63</sup> This is probably a reference to Leisnig's priest and preacher, Kind and Gruner, whose appointments had been challenged by the erstwhile patron of the parish but successfully defended by the congregation itself. See the Introduction, pp.163–164.



this regard, an assembly of the whole parish shall have the right and power to take up the matter and by proper means, with the aid and cooperation of the authorities, to secure appropriate punishment and salutary improvement.

#### **PROPERTY, RESOURCES, AND RECEIPTS FOR THE COMMON CHEST**

In order that our Christian faith — in which all the temporal and eternal blessings won by our Lord and Savior Christ out of pure grace and mercy are granted unto us by the eternal God — may bear fruit in brotherly love, and this love truly express itself in deeds of tender kindness, we, the aforesaid general parish assembly, acting unanimously, for ourselves and our posterity have ordained, established, and set up a common chest, and by these presents we do now ordain, establish, and set up this same chest on the authority of this our fraternal agreement as to purpose, scope, and form, as follows.

The property and resources of the common chest shall consist of the following enumerated items: incomes [zinsse], properties, rights, moneys, and goods everywhere amassed, collected, brought, vested, and assigned in perpetuity.

#### **RECEIPTS FROM PARISH PROPERTIES AND RIGHTS**

We, the parish assembly, by virtue of our universal priesthood,<sup>64</sup> have always had and should have had the full right and authority, which we reserve wholly to ourselves and in no way relinquish, to acquire all properties and rights, hereditary lands, quitrents, and supplementary rents,<sup>65</sup> proprietary rights, buildings, manor places, gardens, fields, pastures, stores, and chattels personal without exception, insofar as they were in every case granted and assigned by the original donors, and by those who later supplemented these

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<sup>64</sup> Luther had taught the priesthood of all believers three years earlier in *An Open Letter to the Christian Nobility*. PE 2, 66–73; and *The Babylonian Captivity*. LW 36, 112–117; and again in *The Misuse of the Mass* (1521). LW 36, 138–146.

<sup>65</sup> *Gatter zinsse* were rents which had to be collected in person by the landlord or his agent, and only at the latticed gate (*gatter*) of the debtor. Grimm, *Deutsches Wörterbuch*, IV1, 1511; 7, 237.

bequests to the priestly and pastoral office here in our midst, and have in times past thereto belonged and therein been used — this was the substance of the negotiations and the decision reached between ourselves and the abbot of Buch in the chancellery of our most gracious lord, the Elector of Saxony<sup>66</sup> — which properties and rights are now on deposit in our common chest. Likewise, whatever belonged to the school and the sacristan's place<sup>67</sup> has been turned over to this chest.

#### RECEIPTS FROM CHURCH PROPERTY AND RIGHTS

All property and rights, hereditary lands, quitrents and supplementary rents, bridge tolls,<sup>68</sup> ready cash, silver and jewels,<sup>69</sup> stores, chattels personal, and thus everything that accrues to the church either regularly or from time to time, together with the written documents, lists, and records pertaining thereto, shall be included without exception in the common chest and there remain.

#### RECEIPTS FROM THE PROPERTY AND RIGHTS OF THE FOUR BENEFICED ALTARS<sup>70</sup> AND OTHER FOUNDATIONS

When the present benefited altar priests die or the benefices otherwise become vacant,<sup>71</sup> the four benefited altars in our church

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<sup>66</sup> See the Introduction, pp. 162–165. If the elector, Duke Frederick of Saxony, did intervene, as this sentence seems to suggest, no records of his disposition of the case are extant either at Weimar, Dresden, or Leisnig. WA 12, 5.

<sup>67</sup> *Kusterey* had reference to the office and holdings of the sacristan, who was usually attached to a certain benefice. His task was to care for the church property, particularly its sacred vessels and vestments (see p. 187). The term was also applied to that facility, in or near the church, in which the church's treasures were kept in custody (see p. 184).

<sup>68</sup> The wooden toll bridge over the Moldau was church property until transferred to the state in 1847. WA 12, 18, n. 2.

<sup>69</sup> *Silberberg*, *Cleinod* had reference to the costly materials used in decorating, and in such altarware as monstrances and shrines for relics. BG 7, 120, n. 3.

<sup>70</sup> The four side altars in the church at Leisnig, each separately endowed and served, were those of the Cross, the Annunciation of Mary, the Conception of Mary, and the Corpus Christi. WA 12, 18, n. 3. The most heavily endowed of the four according to the 1529 visitation report, the Corpus Christi, had an annual income of 32 gulden, 26 groschen, 6 pfennige, and 1 heller. Lietzmann, *op. cit.*, p. 13, n. 11.

<sup>71</sup> One of the four altar priests died shortly after the ordinance went into effect. The other three continued to receive their stipends, although they had no functions to perform; the congregation had forbidden them to read mass, and they refused to celebrate an evangelical mass. WA 12, 6.

shall henceforth no longer be provided for. Instead, the four chapels, together with their properties, rents, revenues, usufructs, jewels, stores, and chattels personal, and the written archives, inventories, and records pertaining thereto, shall be put in the common chest. In addition, all their masses for the dead, perpetual memorials, indulgence weeks or octaves, and other onetime foundations<sup>72</sup> and alms for the hospital<sup>73</sup> or other objectives, shall be turned over to the common chest.

#### RECEIPTS FROM BROTHERHOODS<sup>74</sup>

Whatever has hitherto been collected and is now available to the famous brotherhoods, the Calends,<sup>75</sup> St. Anne,<sup>76</sup> and the Cobblers,<sup>77</sup> in the way of ready cash, annuities [*tzinsskauffen*], jewels and silver, stores, and chattels personal, together with their written documents, lists, and records, shall without exception be turned over and assigned to the common chest, and there remain.

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<sup>72</sup> *Begengnus* were “masses for the dead,” including vigils and requiems, not the funeral itself. They were distinguished as being either *einlitzige*, “one-time,” those held 8, 30, or 365 (the “anniversary” so-called) days after the death or burial, or “perpetual memorials,” the *Jahre tage* held annually on the anniversary of the death or burial. The “indulgence week or octave” is a memorial in which mass is held and prayers offered for the deceased over a period of one week, to procure indulgence for him. Each of these expressions can also stand, as here, for the fund endowed for the particular memorial in question. MA3 5, 403, n. 52, 17. Luther had inveighed against such masses already in his 1520 *Address to the Christian Nobility*. PE 2, 125.

<sup>73</sup> The *hospital*, besides being a hospice for the lodging of strangers, was a charitable institution for the care of the aged, infirm, poor, sick, and dependent children.

<sup>74</sup> Brotherhoods were organizations, usually of laymen, formed for the purpose of performing devotional and charitable works for which the whole membership would receive spiritual credit. See Luther’s own sharp critique of them dating from 1519 in *The Blessed Sacrament of the Body of Christ*. LW 35, 67–73.

<sup>75</sup> The Calend brotherhoods probably grew out of the priestly conferences held on the first day of each month (*calendae*). MA3 5, 403, n. 52, 22. Their membership was restricted pretty largely to clergy, whose surfeiting at the common meal was almost proverbial. Albert Hauck (ed.), *Realencyklopädie für protestantische Theologie und Kirche* (3rd ed., 24 vol.; Leipzig: Hinrichs, 1896–1913), IX, 704. The Calends had endowed one of the four benefited altars in Leisnig, the one to the Annunciation of Mary. Lietzmann, op. cit., p. 14, n. 5.

<sup>76</sup> The patron saint of the St. Anne brotherhood was Anne, according to tradition the mother of the Virgin Mary. Sodalities bearing her name spread “like an epidemic” after the fourteenth century. LW 35, 68, n. 44.

<sup>77</sup> The Cobblers brotherhood was composed of journeymen shoemakers united under church auspices for the purpose of aiding their deceased fellow craftsman through prayers and masses. BG 7, 121, n. 5.

## RECEIPTS OF DONATIONS TO THE CHURCH<sup>78</sup> BY ARTISANS AND PEASANTRY

Contributions, craft guild rights,<sup>79</sup> levies, penances, penalties, and fines, which as donations to the church were formerly collected, and in years to come will continue to be collected, within the city from the artisans and in the country villages outside the city from the peasants in our entire parish, into a reserve supply, are and in the future shall be all turned over to and deposited in the common chest.

## RECEIPTS OF EDIBLE FOODSTUFFS AND MONEY IN THE ALMS CHESTS AND COIN BOXES

It is ordered that in our church there shall at all times be kept two barrels or casks, not to be removed, in which bread, cheese, eggs, meat, and other foodstuffs and provisions may be placed, and a little box or two for coins, both for the maintenance of the common chest. Likewise, whenever our parish assembles in the church, two of our officials shall always be present to solicit each person for support of the poor, and the alms and love gifts thus received shall at once be contributed to and placed in these receptacles. Articles of food, being perishable, shall be distributed by the appointees among the poor as needed without delay, in accordance with their instructions hereinafter specified. Whatever is not perishable is to be kept until the following Sunday and then distributed as may be appropriate and beneficial for the poor.

## RECEIPTS OF GIFTS MADE DURING DAYS OF GOOD HEALTH, AND BY WILL AT THE TIME OF DEATH

Other voluntary gifts made during days of good health and by will at the time of death, insofar as they are made with a Christian intention, to the honor of God and love of neighbor, whether they

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<sup>78</sup> *Gotsgabe* (literally, “a gift to God”) was the general term for a contractual endowment of a church institution, usually a benefice, a living, or a foundation involving gifts and benefits in cash or in kind made and administered “for God’s sake.” Grimm, *Deutsches Wörterbuch*, IV1, 1240.

<sup>79</sup> *Zunftgerechtigkeiten* has reference to legal claims of the church against craft guilds. MA3 5, 403, n. 52, 29.

consist of property, ready cash, jewels, stores, or chattels personal, shall be given wholly to this common chest and there remain. Faithful admonition thereto shall also be made by our pastor from the pulpit, and elsewhere in legitimate instances, even at the sickbed if the prospective heirs give their approval and the patient is still in possession of his faculties.

#### **SETTING UP THE ADMINISTRATION OF THE COMMON CHEST**

The administration of the common chest shall be set up in the following manner: annually each year, on the Sunday following the octave of Epiphany,<sup>80</sup> at about eleven o'clock, a general assembly of the parish shall convene here in the town hall. There, by the grace of God united in true Christian faith, they shall elect from the entire assembly ten trustees or directors for the common chest who shall be without exception the best-qualified individuals; namely, two from the nobility; two from the incumbent city council; three from among the common citizens of the town; and three from the rural peasantry. The ten thus duly elected shall immediately assume the burden and responsibility of administration and trusteeship of the common chest. They shall do so voluntarily and with a good Christian conscience, for the sake of God and the general welfare. They shall discharge their duties to the best of their ability, without regard to favor, animosity, personal advantage, fear, or any unseemly consideration, and shall be pledged and bound faithfully and honestly to handle the administration, receipts, and disbursements, according to the terms of our agreement herein described.

#### **LOCKING THE CHEST WITH FOUR DIFFERENT KEYS**

This common chest or receptacle shall be kept in that part of our church where it is safest, and shall be provided with four separate and distinct locks, each having its own key, so that the nobility

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<sup>80</sup> Epiphany falls on January 6; therefore, the meeting was to convene on the first Sunday after January 13.

shall have one of the keys, the council another, the town citizenry the third, and the rural peasantry the fourth.

**THE DIRECTORS TO MEET TOGETHER EVERY SUNDAY**

Every Sunday in the year, from eleven o'clock until two hours before vespers, the ten directors shall meet in the parsonage or in the town hall, there to care for and exercise diligently their trusteeship, making their decisions and acting in concert in order that deeds of honor to God and love to the fellow-Christian may be continued in an unbroken stream and be used for purposes of improvement. These decisions of theirs shall be kept in strictest confidence and not be divulged in unauthorized ways. If any of the directors are from time to time absent for good and sufficient reason, the majority shall have the power to go ahead anyway and transact business.

**THREE BOOKS, IN WHICH ARE RECORDED ALL PROPERTIES, RIGHTS, AND ADMINISTRATIVE ACTS**

The ten directors at their regular Sunday meeting shall have on hand three record books, namely:

The primary documents. Herein shall be entered and preserved a transcription of this our fraternal agreement, an exact copy of the sealed original deposited in the chest; also, all written documents, deeds of conveyance, lists, and inheritance records having to do with all properties and rights which have ever been brought in and contributed to the common chest, as specified above, and which may come or be brought to it in the future.

The minutes. Herein shall be properly recorded and indexed all deliberations, conclusions, decisions, inquiries, investigations, and resolutions that have been undertaken, made, and completed, which in any way concern the administration, receipts, and disbursements of the common chest, so that the necessary information may be available at any time.

The annual accounts. Herein shall be transcribed at the outset a complete list or inventory of all items of stores, chattels personal, jewels, silver, and cash monies, each accurately described in terms of weight, quantity, and bulk, as they are handed over, item by item, to the aforementioned ten directors each year when they take office, as a balance and as the starting point for continued accounting. Herein shall also be entered every week on Sunday each and every receipt and disbursement, all in accordance with a customary accounting form agreed upon by the general parish assembly and modified from time to time as the assembly may see fit. From this then a definitive ledger, categorized under the necessary headings, shall always be prepared and drawn up by the outgoing directors, and turned over to the ten new directors on the day of their election, to forestall harmful errors and negligence. When these three books have been used in the manner described they shall at once be locked up again in the common chest.

#### **COLLECTING ALL EARNINGS AND DEBTS**

The ten directors shall exercise all diligence in demanding and collecting for the common chest all rents, incomes, accounts, and obligations, both the recurrent and the occasional, to the fullest possible extent but without oppressing the poor; and in preserving inviolate all such sources of revenue.

#### **THE OFFICE OF TWO BUILDING SUPERVISORS**

The ten directors shall appoint from among their number two building supervisors. These two, with the advice and knowledge of the other eight, shall have charge of the church buildings, the bridge, the parsonage, the school, the sacristan's place, and the hospitals. Both of these men, equipped with two little bags or collection plates, shall also be on hand in the church whenever our parish is assembled, to solicit alms for the support of the poor. Such contributions shall at once be dumped into the two coin boxes provided for that purpose, the keys to which shall

be kept in the common chest. Every Sunday the money shall be taken out of these boxes by the ten directors acting in a body, properly recorded in the annual accounts book, and placed in the common chest. Alms consisting of edible foodstuff and other perishable stores shall be distributed daily among the poor whenever the ten directors, acting in concert on any particular Sunday, shall deem it necessary and proper. Nonperishable articles shall be removed from the alms chests and stored in appropriate places in the church until some Sunday when, at the judgment of the ten directors, they shall be distributed to the poor.

#### **THE BURDEN OF CARING FOR NONRESIDENTS NOT ASSUMED**

With respect to the perceptible burden imposed in excessive measure upon the entire parish by nonresident, fictitious poor and idlers who are not really in need, a burden which only aggravates our own distressed condition and which men learned in the divine Scriptures have advised us to exclude and disavow, we, the nobility, council, craft supervisors, gentry, and commoners dwelling in the city and villages of our parish, by virtue of this our agreement have accordingly resolved for us and our posterity that this burden is and shall remain excluded and disavowed, namely:

#### **BEGGING CONCESSIONS<sup>81</sup> FORBIDDEN**

No monks, of whatever order<sup>82</sup> they may be, shall henceforth have any sort of begging concession within our parish, either in the city or in the villages; their three houses,<sup>83</sup> therefore, shall also be absorbed into the common chest, from which they shall be indemnified in accordance with a fair appraisal.

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<sup>81</sup> *Terminen* were the areas within which a mendicant order had the right to solicit alms. The term was also used to indicate the collection of such alms and the houses from which such begging monks operated as a headquarters away from their home cloister. Grimm, *Deutsches Wörterbuch*, XI, 260. Cf. p. 69, n. 34.

<sup>82</sup> See p. 175, n. 15.

<sup>83</sup> Of the three *Terminen* in the parish of Leisnig at the time, the Frieberg cloister (Dominican) was granted in 1529 to the deacon for a residence, and the Oschatz cloister (Franciscan) became the archdiaconate. WA 12, 23, n. 1. Lietzmann, op. cit., p. 17, n. 6.



**BEGGING BY MONKS, STATIONARIES,<sup>84</sup> AND CHURCH BEGGARS<sup>85</sup> ABOLISHED**

No monk, *stationarius*, or church *beggar* shall be permitted or allowed to beg or have others beg for him in our parish, either in the city or in the villages.

**BEGGING BY STUDENTS FROM OUTSIDE THE PARISH FORBIDDEN**

No student from outside the parish shall be permitted to beg in our parish, either in the city or in the villages. If anyone wants to attend our school he will have to provide his own board and keep.

**MEN AND WOMEN BEGGARS FORBIDDEN**

No men or women beggars shall be tolerated in our parish, either in the city or in the villages, since anyone not incapacitated by reason of age or illness shall work or, with the aid of the authorities, be expelled from the parish, the city, and the villages. But those among us who are impoverished by force of circumstances, or are unable to work because of old age or illness, shall be supported in suitable fashion by the ten officials out of our common chest as follows:

**DISBURSEMENTS AND ASSISTANCE FROM THE COMMON CHEST**

We, the members of this parish and our posterity, therefore solemnly purpose and promise henceforth to provide food, sustenance, and support through our ten elected directors out of our common chest, to the limit of our resources as God grants us grace, and as occasion demands to make the following disbursements, namely:

**DISBURSEMENTS FOR THE PASTORAL OFFICE**

To the pastor or priest called and elected by our congregation, and to a preacher similarly called by us and appointed to assist

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<sup>84</sup> On the *stationirer*, see p. 69, n. 34, and p. 318, n. 7.

<sup>85</sup> *Kirchenbitter* were monks who did their begging on behalf of church construction. MA3 5, 404, n. 56, 30.

the pastor<sup>86</sup> (though the pastor himself should be able and qualified to preach God's word and perform the other duties of his pastoral office), and also to a chaplain<sup>87</sup> if the need for one arises, the ten directors, on the unified resolution of the entire assembly, are to furnish annually each year a specified sum of money, together with certain consumable stores and lands and properties subject to usufruct, to support them and adequately meet their needs, one-fourth to be paid each quarter at the Ember fast<sup>88</sup> out of the common chest, in return for a proper receipt. They shall be content with such annual salary, stores, and usufruct, and shall by no means seek or accept anything more from the people of the parish, unless it be unsolicited, voluntary, free offerings and gifts. In this respect and in the administration of the pastoral office of the congregation, their conduct shall be in accordance with the ordinance and instructions of the men learned in the divine Scriptures,<sup>89</sup> which ordinance shall be kept in our common chest, and be considered and implemented by the ten directors every Sunday, so that no harm may come to the pastoral office.

#### DISBURSEMENTS FOR THE OFFICE OF SACRISTAN

The sacristan or custodian, to whom the assembly entrusts the locking up of the church and the suitable care of it, shall be given by the ten directors out of the common chest in quarterly installments a specified annual salary and certain usable stores and usufructs, as may be determined by the assembly in accordance with the aforementioned scriptural ordinance for the pastoral office of the congregation, which embraces also the duties of the sacristan.

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<sup>86</sup> The parish priest at the time was Heinrich Kind; the preacher was Johann Gruner. See the Introduction, p. 165.

<sup>87</sup> The Cappellan was a priest appointed to assist in the pastoral duties of the parish.

<sup>88</sup> *Quatemper*, derived from the Latin for "four times," had reference to the fast days with which each quarter of the church year began, namely, the Wednesday, Friday, and Saturday following December 13 (St. Lucy), Ash Wednesday, Pentecost, and Sept. 14 (Holy Cross). For purposes of quarterly rents and payments the Wednesday in question was considered the terminal date. MA 5, 404, n. 57, 30; CL 2, 417, n. 2.

<sup>89</sup> See p. 177, n. 27.

## DISBURSEMENTS FOR THE SCHOOLS<sup>90</sup>

The ten designated directors, in the name of our general parish assembly, shall have the authority and duty, with the advice and approval of our elected pastor and preacher and others learned in the divine Scriptures,<sup>91</sup> to call, appoint and dismiss a schoolmaster for young boys, whereby a pious, irreproachable, and learned man may be made responsible for the honorable and upright Christian training and instruction of the youth, a most essential function. The schoolmaster shall be required to train, teach, govern, and live at all times in conformity with and hold unswervingly to the mandate of the aforementioned ordinance for the pastoral office of our congregation which is deposited in the coffers of our common chest. In accordance with a determination of the general assembly, the ten directors shall give the schoolmaster as compensation for his services a specified annual salary plus certain stores in quarterly instalments out of the common chest. He shall be content with this, and shall neither seek nor accept anything more from our parish assembly or any of its four groups as classified above.<sup>92</sup> But from pupils from outside the parish, who are permitted here only at their own expense without begging, the schoolmaster may, at the discretion of the priest and preacher, together with the ten directors, accept a suitable recompense, so that Christian training and instruction may be imparted to these outsiders too. Our pastor, preacher, and the ten directors shall maintain a constant and faithful supervision over this office of teaching school and governing the youth; every Sunday as need may arise they shall consider this matter, take action, and implement it with the utmost seriousness.

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<sup>90</sup> *Zucht schulen*, literally, “training schools,” were so called because they were schools intended not simply for instruction of the mind in certain subjects but for training of the entire person in arts, skills, conduct, and the fear of God. Grimm, *Deutsches Wörterbuch*, XVI, 278; BG 7, 128, n. 6. In 1529 there were forty-five pupils in the Leisnig school. WA 12, 24, n. 1.

<sup>91</sup> In 1529 it was accordingly ordered that when next the post of schoolmaster became vacant, a qualified teacher, a graduate recommended by Melancthon, should be called from Wittenberg. WA 12, 24, n. 2.

<sup>92</sup> The nobility, councilmen, townspeople, and peasants are categorized on p. 194.

Likewise the ten directors shall grant to an upright, fully seasoned, irrefragable woman an annual stipend and certain stores out of our common chest for instructing young girls under twelve in true Christian discipline, honor, and virtue and, in accordance with the ordinance for our pastoral office, teaching them to read and write German, this teaching to be done during certain specified hours by the clear light of day and in a respectable place that is above suspicion. Beyond that she is neither to seek nor accept anything further from our assembly. But from girls outside the parish who might be sent hither to the German school this woman may, on recommendation of the ten directors, collect an appropriate fee. The ten directors shall also diligently supervise the training and governing of such German schools and young girls, so that Christian discipline, honor, and virtue may be maintained inviolate.

#### **DISBURSEMENTS FOR THE POOR WHO ARE AGED AND INFIRM**

Those individuals in our parish and assembly who are impoverished by force of circumstances and left without assistance by their relatives, if they have any capable of helping, and those who are unable to work because of illness or old age and are so poor as to suffer real need, shall receive each week on Sunday, and at other times as occasion demands, maintenance and support from our common chest through the ten directors. This is to be done out of Christian love, to the honor and praise of God, so that their lives and health may be preserved from further deterioration, enfeeblement, and foreshortening through lack of shelter, clothing, nourishment, and care, and so that no impoverished person in our assembly need ever publicly cry out, lament,<sup>93</sup> or beg for such items of daily necessity. For this reason the ten directors shall constantly make diligent inquiry and investigation in order to have complete and reliable knowledge of all these poor — as

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<sup>93</sup> Beggars customarily cried aloud in the streets and movingly pleaded their needs at the door of each home. BG 7, 130, n. 5.

above — in the city and villages within our entire parish, and they shall confer on this matter every Sunday. The names of the poor whom they have discovered and decided to help, together with the action taken, shall be legibly entered in the minutes so that the resources of our common chest are distributed in orderly fashion.

#### **DISBURSEMENTS FOR THE SUPPORT OF ORPHANS AND DEPENDENT CHILDREN**

Poor and neglected orphans within the city and villages of our entire parish shall, as occasion arises, be provided with training and physical necessities by the directors out of the common chest until such time as they can work and earn their bread. If there be found among such orphans, or the children of impoverished parents, young boys with an aptitude for schooling and a capacity for arts and letters, the directors should support and provide for them, like the other poor, out of the common chest; the other boys will be trained for labor, handicraft and other suitable occupations. The girls among the neglected orphans, and likewise the daughters of impoverished parents, shall be provided by the directors out of the common chest with a suitable dowry for marriage.

#### **DISBURSEMENTS FOR HOME RELIEF<sup>94</sup>**

To artisans and others suffering in private, whether married or widowers, who are residents of the city and villages within our parish and who are honestly unable to ply their trade or other urban or rural occupation, and have no other source of help, the directors shall advance an appropriate amount out of the common chest, to be repaid at some future date. In cases where despite honest and diligent toil they are unable to make repayment, the debt shall be forgiven for God's sake as a contribution to their need. Such circumstances shall be carefully investigated by the directors.

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<sup>94</sup> *Hawssarmer leutte* were those poor who, in contrast to the beggars, suffered their poverty privately and quietly at home, and also received such aid as came to them in the form of home relief rather than alms on the streets and in public places. BG 7, 131, n. 8; Grimm, *Deutsches Wörterbuch*, IV2, 652.

### **DISBURSEMENTS FOR THE RELIEF OF NEWCOMERS FROM WITHOUT**

In the case of newcomers to the parish of whatever estate, be they men or women, if they are in Christian and brotherly harmony with our general assembly and wish to seek their livelihood within the city or villages of our parish by their labor, toil, and industry, the ten directors shall encourage them, and even offer them help through loans and gifts out of our common chest, as circumstances dictate, so that the strangers too may not be left without hope, and may be saved from shame and open sin.

### **DISBURSEMENTS FOR THE MAINTENANCE AND CONSTRUCTION OF BUILDINGS**

The directors shall provide for the daily maintenance and improvement of buildings, and for new buildings, at the following sites belonging to the common chest: the church, the Moldau bridge, the parsonage, the school, the sacristan's place, and the hospitals. With the advice of people skilled and experienced in construction they shall diligently and prudently arrive at decisions, place orders, and cause them to be executed, providing appropriately for supplies of the necessary materials and making the expenditures out of the common chest. They shall carry on the work through their two building supervisors, securing other hand labor, especially for the bridge, by calling on<sup>95</sup> men of the city and the country, as has been customary in the past.

### **DISBURSEMENTS FOR THE PURCHASE OF GRAIN FOR THE COMMON STORES**

For the general welfare of our parish, the ten directors shall employ funds from the common chest, supplemented by grants from the town council out of the town treasury, to buy up and set aside a good quantity of grain and peas in storehouses which belong to the council and the entire parish. Such stores are not to be drawn

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<sup>95</sup> Bethel referred to the notice given those volunteers who were next in line for the duty to report and take their turn. MA3 405, n. 61, 16; CL 2, 420, n. 22.

upon in years when grain is plentiful and cheap, but by all means to be increased and supplemented. In this way the people of the whole parish everywhere in the city and villages may by the grace of God have recourse to these stores for bodily sustenance in times of imminent scarcity, through purchase, loans, or grants as the directors may deem fitting and appropriate. Whatever grain is bequeathed by will or given as gift of love by farm laborers from the city or peasants in the country for the common good, and remains over after support of the poor as noted above, shall also be added to this common store and, as we have just heard, shall be used for the needs of the whole parish.

#### **PAYING AN ANNUAL TAX TO THE COMMON CHEST**

Wherever the rents, collections, revenues, and contributions to the resources and stores of our common chest, as itemized above, should prove insufficient for the maintenance and support of our pastoral office, office of sacristan, schools, needy poor, and the buildings owned in common, as these have been duly set forth in orderly sequence, we the nobility, council, craft supervisors, gentry, and commoners dwelling in the city and villages of our whole parish, for ourselves and our posterity, and by virtue of this our fraternal agreement, have unitedly resolved and consented that every noble, townsman, and peasant living in the parish shall, according to his ability and means, remit in taxes for himself, his wife, and his children a certain sum of money to the chest each year, in order that the total amount can be arrived at and procured which the deliberations and decisions of the general parish assembly, on the basis of investigation in and experience with the annual statements, have determined to be necessary and sufficient.

To this end, throughout the entire extent of our parish, every householder, domestic servant, journeyman of the various handicrafts, and other persons who are not home owners but who share in the enjoyment and use of our parish rights shall individually contribute annually one silver groschen; that is, three new pennies,

the fourth part of the groschen, every quarter at the Ember fast. Each master or mistress shall diligently collect this money and turn it over to the ten directors at each Ember fast.

The parish assembly solemnly purposes and promises that to the honor of God and the love of our fellow Christians we shall never spare ourselves this trifling annual contribution in view of the fact that hitherto, since time out of mind, both residents and nonresidents throughout our common parish have by many methods and devices been overburdened and fleeced incessantly the year round with exorbitant and intolerable impositions and assessments. By the grace of God these practices have now been restored to the true freedom of the Christian spirit. It is the duty of every Christian to see that such Christian liberty is not misused as a cover for shameful avarice [I PET. 2:16].

#### **HOLDING A GENERAL ASSEMBLY THREE TIMES A YEAR**

Three times a year, namely, on the Sunday following the octave of Epiphany,<sup>96</sup> the Sunday following St. Urban's Day,<sup>97</sup> and the Sunday following St. Michael's Day,<sup>98</sup> the whole general parish assembly shall convene at eleven o'clock in the town hall and remain in session there at least until two o'clock in the afternoon. First, this our fraternal agreement shall be read aloud; then our ten elected directors shall present their books of minutes and accounts, and make their report. Growing out of their report, and the ideas of us all, there shall be a discussion of the administration, receipts, and disbursements of our common chest, and of other matters generally which are needful and appropriate. Finally, by the grace of God, decisions shall also be made by which this fraternal agreement, according to the circumstances of the common stores and resources, may be maintained and not fall into decline. If anyone in the parish cannot be present on the three appointed days

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<sup>96</sup> See p. 182, n. 45.

<sup>97</sup> St. Urban's Day falls on May 25. *Catholic Encyclopedia*, XV, 209–210

<sup>98</sup> September 29 was observed as the Feast of St. Michael. *Ibid.*, X, 276–277.



— and no one should absent himself without a manifestly good reason — the assembly shall nevertheless, as mentioned above,<sup>99</sup> legitimately proceed to transact business.

#### **DIRECTORS TO FURNISH A COMPLETE ANNUAL STATEMENT**

Annually each year on the Sunday following the octave of Epiphany and on successive days thereafter, our ten elected directors shall make, deliver, and present their annual statement on the administration, receipts, and disbursements of our common chest, both through their books of minutes and accounts, and also by their oral report. This shall be done publicly, in the presence of our whole assembly or an appreciable number or committee acting on behalf of the whole assembly, as circumstances shall dictate, and according to the form and specifications for such a statement, as determined by action of the assembly and presented and turned over to the directors on the day they took office, as indicated above.<sup>100</sup> When this statement has been executed by the directors and accepted, then with a resolution of profound thanks on behalf of the assembly, the directors shall be declared discharged, freed, and relieved of all responsibility. They shall then immediately entrust and turn over to our newly-elected ten directors the common chest together with all its written documents, lists, and records, as well as the three books, namely, the primary documents, minutes, and annual accounts, as many of them as exist. They shall also turn over all items of inventory which according to their final statement remain on hand and in storage, namely, grain, consumable stores, chattels personal, jewels, silver, cash monies, and all sorts of building supplies, all accurately described in terms of weight, quantity, and bulk. This transfer shall be duly recorded anew in a separate inventory or list which shall be sealed in the name of the whole assembly by the nobles, councilmen, and four craft supervisors, and deposited in the common chest as the starting point for continued accounting.

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<sup>99</sup> See p. 183.

<sup>100</sup> See p. 184.

## NEW DIRECTORS TO GET HELP FROM THEIR PREDECESSORS

The new directors, whenever they feel it necessary, may also consult with former directors. The former directors, for the sake of God and the common weal, shall not shirk this responsibility, but shall furnish reliable guidance and counsel.

In witness whereof, and so that all the articles, items, and provisions of this our fraternal agreement recorded above shall at all times be applied, used, and administered faithfully and without fraud by the parish here in Leisnig for no other purpose than the honor of God, the love of our fellow Christians, and hence for the common good, we the nobility, to wit, Balthasar von Arras, Sebastian von Kötteritzsch,<sup>101</sup> and Sigmund von Lausk, have affixed to this present document our family seals; and we, the council, the privy seal of our city; and we, the duly sworn craft supervisors of the four handicrafts, namely, clothmakers, bakers, cobblers, and coopers, our customary craft seals. This we have done on behalf of and at the request of each and every inhabitant of the city and villages of our parish, under legal public notarization, for ourselves and our future parish assembly. Done and given at Leisnig, in the one thousand five hundred and twenty-third year after the birth of Christ our dear Lord.

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<sup>101</sup> See p. 163, n. 13, and the Introduction, p. 165.

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