

2009

The Much Married Michael Kramer': Evangelical Clergy and Bigamy in Ernestine Saxony, 1522-1542

Marjorie Elizabeth Plummer

Western Kentucky University, beth.plummer@wku.edu

Follow this and additional works at: http://digitalcommons.wku.edu/history_fac_pubs



Part of the [European History Commons](#), [History of Religion Commons](#), and the [Women's History Commons](#)

Recommended Citation

Marjorie Elizabeth Plummer, "The Much Married Michael Kramer': Evangelical Clergy and Bigamy in Ernestine Saxony, 1522-1542." In *Ideas and Cultural Margins in Early Modern Germany: Essays in Honor of H.C. Erik Midelfort*, edited by Marjorie E. Plummer and Robin B. Barnes, 99-115. Aldershot, Hambleton: Ashgate Publishing, 2009.

This Contribution to Book is brought to you for free and open access by TopSCHOLAR®. It has been accepted for inclusion in History Faculty Publications by an authorized administrator of TopSCHOLAR®. For more information, please contact topscholar@wku.edu.

Chapter 6

‘The Much Married Michael Kramer’: Evangelical Clergy and Bigamy in Ernestine Saxony, 1522–1542

Marjorie Elizabeth Plummer*

During the 1528 visitation of Electoral Saxony, the Lucka city council informed the visitors that their preacher Michael Kramer had “three living wives.”¹ Pressed by the visitors, Kramer told a complex tale of his troubled conscience, his marital misadventures, and the obstacles he faced as a newly married cleric in a region bordering between evangelical and Catholic control in the 1520s. After his first marriage, subsequent arrest by the Bishop of Naumburg, and dramatic escape from episcopal custody in 1523, Kramer’s situation became even more difficult and absurd in 1524 when his first and then his second wife abandoned him. In 1525, Martin Luther advised Kramer to consider his previous wives spiritually “dead,” and to remarry if he could not live a celibate life.² Concern about Kramer’s “many wives” followed him through several parishes. The evangelical visitors found themselves balancing their obligation to enforce moral conduct among the clergy, Luther’s teachings on marriage, local concerns about bigamy, and territorial attempts at regulation of marriage in deciding this case.

Canon law identified several categories of bigamy, including a second engagement after a failed first engagement, breaking vows of celibacy (*bigamia similitudinaria*), marrying someone already bound to another by sexual intercourse (*bigamia interpretativa* or constructive bigamy), digamy (*bigamia successiva* or remarriage, usually after the death of a spouse, but also after any termination of a

* I would like to thank the Western Kentucky University Foundation and the Department of History for generous financial and institutional support to complete the research for this article, and Randolph Head, Christine Johnson, B. Ann Tlusty, and members of the Potter College Writing Group for their helpful comments on earlier drafts of this essay.

¹ Thüringisches Hauptstaatsarchiv Weimar, Ernestinisches Gesamtarchiv (hereafter ThHStAW EGA) Reg. Ii1, 45v. On the 1528 Meissen-Vogtland visitation, see Carl August Hugo Burkhardt, *Geschichte der sächsischen Kirchen- und Schulvisitationen im Zeitalter der Reformation* (Leipzig, 1879), 43; Martin Luther, *Luther’s Works* [Hereafter LW] (55 vols, Minneapolis, 1955–75), 50:98n3.

² ThHStAW EGA, Reg. Ii1, 46r–53r.

marriage), bigamy (*bigamia simultanea* or simultaneous wives), and polygamy.³ Most scholars discussing bigamy in the early Reformation have focused on—and roundly condemned—the support that leading Lutheran reformers offered for a second marriage, rather than a divorce, by Henry VIII in 1527, or have analyzed the widespread denunciation by mainstream German reformers of the 1533–34 Anabaptist polygamy in Münster.⁴ The most vehement scholarly controversy has erupted over Luther’s support of Philip of Hesse’s 1540 bigamy, which is often presented as Luther caving in to political pressure. Nikolaus Müller described Philip’s bigamy, and the evangelical response, as the “greatest stain in Reformation history.”⁵ Even scholars who justify Luther’s response to Philip portray his discussion on bigamy as an “isolated ... incident,” given in “emergency ... and singular,” and thus not exemplary for Luther’s teachings on marriage.⁶ Certainly, imperial law in the 1532 *Carolina* and the debate over the marriages of Henry VIII and Philip of Hesse made bigamy an increasingly controversial matter for political leaders in the Holy Roman Empire by the early 1540s. Philip, however, was not the first person with more than one wife in the early sixteenth century, nor was he alone in obtaining Luther’s support for a second marriage.

Those scholars who have considered Michael Kramer’s irregular marital situation have also treated it as a singular instance, and thus have not contextualized his “trigamy” within the larger debates over clerical marriage, other bigamy cases, or jurisdictional conflicts over marriage.⁷ Although Kramer was unusual in the quantity of his marital difficulties, he was not the only evangelical pastor with multiple wives. As reformers fought to establish priestly marriage as a behavioral norm, they were unprepared for the resulting cases of married clergy who wished

³ James Brundage, *Law, Sex, and Christian Society in Medieval Europe* (Chicago, 1987), 252, 477; Kim Siebenhüner, *Bigamie und Inquisition in Italien 1600–1750* (Munich, 2006), 9–10. The term bigamy [*Bigamie* or *Doppelehe*] was not used in Frühneuhochdeutsch; sixteenth century authors use *Zweifacher Ehe*, *Doppelverlobung*, or the number of spouses to describe what would be considered bigamy under canon law.

⁴ Geoffrey Elton, *England Under the Tudors* (London, 1991), 118; R. Po-chia Hsia, “Münster and the Anabaptists,” in R. Po-chia Hsia (ed.), *The German People and the Reformation* (Ithaca, 1988), 51–60; Lyndal Roper, “Sexual Utopianism in the German Reformation,” in Lyndal Roper (ed.), *Oedipus and the Devil: Witchcraft, Sexuality and Religion in Early Modern Europe* (London, 1994), 79–103.

⁵ William Walker Rockwell, *Die Doppelehe des landgrafen Philip von Hessen* (Marburg, 1904), 136; Nikolaus Müller, “Zur Digamie des Landgrafen Philipp von Hessen,” *ARG* 1 (1903/1904): 365–71, here 365.

⁶ Joel Harrington, *Reordering Marriage and Society in Reformation Germany* (Cambridge, 1995), 90; Hartwig Dieterich, *Das protestantische Eherecht in Deutschland bis zur Mitte 17. Jahrhunderts* (Munich, 1970), 50, 80.

⁷ See, for instance, Veit Ludwig Seckendorff, *Commentarius Historicus et Apologeticus de Lutheranismo, ... D. Martini Lutheri* (2 vols, Leipzig, 1694), 2:31; Otto Clemen, *Flugschriften aus den ersten Jahren der Reformation* (4 vols, Leipzig, 1907–11), 1:423–4.

to return to the celibate life or to remarry after separating from a spouse, whether through mutual agreement, abandonment or death. In the chaotic initial years of the reform movement, Luther repeatedly offered second marriage to these pastors as a way to fulfill their social and sexual needs. However, questions quickly emerged about the validity of such unions, questions that went beyond the question whether clergy could marry in the first place. Notably, critics of the reformers proved eager to exploit such high-profile cases as evidence of the evangelical clergy's moral turpitude.

Recently, scholars have shown that Luther developed a theological position by the early 1520s supporting marriage as the only acceptable form of sexual behavior for everyone, including the clergy.⁸ After 1521, Luther supported marriage for evangelical clergymen as a way to confront the widely tolerated sexual misconduct of unmarried clergy, which, he argued, threatened public order and individual souls. Few scholars, however, have discussed the instances of clerical bigamy that followed the first clerical marriages, or analyzed Luther's views on bigamy expressed in his correspondence. As letters, visitation records, eyewitness testimony, and official interrogations from the 1520s and 1530s in Electoral Saxony reveal, however, married clergy confronted the same marital crises as the laity. Domestic conflict, alienation of affection, and abandonment led some to an unavoidable end of one marriage and, in exceptional cases, to the start of another. As early as 1522, Luther and the Wittenberg theologians confronted instances of clerical and lay bigamy in Ernestine Saxony; in the late 1520s and 1530s, magistrates and jurists joined them in making decisions on contested marriages. Since no comprehensive marriage law existed in Electoral Saxony until the mid-sixteenth century, the reform leadership and electoral officials dealt with problematic marriage cases on an *ad hoc* basis even after the foundation of the Wittenberg consistory in 1539.⁹ The seemingly contradictory decisions they reached highlight the confusion in local parishes about the theological and legal status of bigamy, as well as the role played by territorial and individual interests in each case.

Luther's participation in bigamy cases and the way ideas about bigamy evolved in the 1520s and 1530s demonstrate several important points. First, Luther's concession to Philip was not an exception for an elite supporter, but rather consistent with his policy of privileging salvation over the rule of law; Luther provided the same answers to the laity, the clergy, and to princes. Second, even

⁸ Merry E. Wiesner-Hanks, *Christianity and Sexuality in the Early Modern World: Regulating Desire, Reforming Practice* (London, 2000), 63; Robert Scribner, "Anticlericalism and the German Reformation," in Robert Scribner (ed.), *Popular Culture and Popular Movements in Reformation Germany* (London, 1987), 243–56, here 246–9, 252.

⁹ Ralf Frassek, *Eherecht und Ehegerichtsbarkeit in der Reformationszeit: Der Aufbau neuer Rechtsstrukturen im sächsischen Raum unter besonderer Berücksichtigung der Wirkungsgeschichte des Wittenberger Konsistoriums* (Tübingen, 2005), 37–41, 173–88.

though Luther remained consistent in his advice, his support for bigamous clergy provided the laity with a new way to justify the traditional practice of what has been termed “self-divorce,” which was forbidden by imperial and ecclesiastical law.¹⁰ This popular reaction affected legal debates and by the 1530s and 1540s led to the refinement of the judicial rules used by territorial authorities in electoral Saxony to regulate marriage. Finally, tensions between Luther’s “pastoral advice” and territorial and canon laws on bigamy continued well into the sixteenth century. Thus, multiple marriages situated newly evangelical clergymen precariously between theological discussions that defended clerical marriage as a remedy for clerical sexual misconduct, canon and imperial law, popular marriage customs, and local authorities’ concern about the clergy presenting a negative marital example to the laity.

I

The new definition of marriage introduced by Lutheran theologians called into question the conditions under which a marriage should be terminated and the circumstances when a second marriage was allowed. Lutheran reformers considered marriage the backbone of society and did not want to jeopardize the institution of marriage through divorce, but they also feared that marital discord could lead to sexual misconduct and to households that disrupted the social order. In *The Estate of Marriage* (1522), Luther acknowledged two valid reasons for divorce: abandonment and adultery. When reconciliation was impossible and an abandoned spouse could not remain chaste, Luther recommended in his *Commentary on 1 Corinthians 7* (1523) that a second marriage could take place, because “a spouse [that would run away] is truly a heathen and unchristian.”¹¹ However, Luther’s recommendation was complicated by his concern about divorce. In *The Babylonian Captivity of the Church* (1520), Luther stated that he “so detested divorce that [he] would rather allow bigamy than divorce.” Luther thus recommended a “secret marriage” or bigamy for the wife of an impotent husband who opposed a public divorce, and later claimed this “advice for confessors” as expedient when circumstances potentially jeopardized an individual’s salvation.¹²

¹⁰ Richard Helmholz, *Marriage Litigation in Medieval England* (Cambridge, 1974), 59; Monique Vleeschouwers-Van Melkebeek, “Self-Divorce in Fifteenth-Century Flanders: The Consistory Court Accounts of the Diocese of Tournai,” *Legal History Review* 68 (2000): 83–98; Sara Butler, “Runaway Wives: Husband Desertion in Medieval England,” *Journal of Social History* 40 (2006): 337–8.

¹¹ LW 28:32, 38; WA 6:278–9, 288.

¹² WA 6:558–9; Klaus Suppen, *Die Ehelehre Martin Luthers: Theologische und rechtshistorische Aspekte des reformatorischen Eheverständnisses* (Salzburg, 1971), 99–125.

His stance on bigamy thus followed from his intent to avoid divorce in order to protect the integrity of marriage.

Clerical marriage became even more controversial when the general expectation of marriage for all clergy began to include second marriages. Early Lutheran theologians justified clerical marriage by citing 1 Timothy 3, which states that a “bishop should be the husband of only one wife,” but soon confronted the implications of the word “one” when clergy remarried.¹³ Luther himself distinguished between law and what could be allowed or tolerated in unusual circumstances, pointing to Old Testament polygamy, but this did not allay concerns about his position on clerical marriage and remarriage.¹⁴ At the 1537 provincial synod held in Salzburg, imperial theologians described clerical marriage as leading to disintegration of sexual mores and clerical bigamy, and was thus a dangerous precedent for the laity. One theologian expressed fears that the “heretics ... were no longer satisfied with a maidenly spouse,” instead choosing to marry “filthy whores and prostitutes” and engaging in “bigamy and trigamy” against the examples of “honorable clergy” and the commands of Paul in 1 Timothy 3.¹⁵ In effect, critics maintained that Luther’s advice to the clergy on marital matters would lead to a broader misinterpretation of divine and imperial law on marriage, not only by the clergy, but also by the laity.

Digamy, while different from bigamy and divorce in that one spouse was not currently alive, presented similar concerns as polygamy among the clergy, since the assumption was that marriage was not terminated even by death. In his *Commentary on 1 Corinthians 7* (1523), however, Luther noted that Paul, a widower and a bishop, claimed the right to remarry, which, as Luther pointed out, made him a “digamist under papal law.”¹⁶ In 1527, the controversy over clerical digamy sharpened when Nuremberg pastor and reformer Dominicus Schleupner remarried following his first wife’s death.¹⁷ In a 1527 letter to Willibald Pirckheimer, Johann Cochlaeus argued that Luther’s response to the remarriage of clergy at the death of their spouse indicated that Luther is “so misguided, that contrary to Christ, the Church, and temporal Roman law, he grants the laity the right that a man may have two, three, or however many wives he wants simultaneously,” since they could

¹³ Johannes Kymaeus, *Von der priester Ehestand* (Wittenberg, 1533), G2r; Dieterich, *Eherecht*, 104; Olavi Lähteenmäki, *Sexus und Ehe bei Luther* (Turku, 1955), 72.

¹⁴ WA 53:196a.

¹⁵ Georg Pfeilschifter, ed., *Acta reformationis Catholicae ecclesiam Germaniae concernentia saeculi XVI. Die Reformverhandlungen des deutschen Episcopats von 1520 bis 1570* (6 vols, Regensburg, 1959–74), 2:427.

¹⁶ WA 12:110–11.

¹⁷ [Willibald Pirckheimer], *De ministrorum ecclesiasticorum Digamia* ([Nürnberg], [1528]); Martin Luther, *De Digamia Episcoporum Propositiones* (Wittenberg, 1528); Gustav Kawerau, “Der Nürnberger Streit über die zweite Ehe der Geistlichen,” *Beiträge zur bayerischen Kirchengeschichte* 10 (1904): 119–29; Gustav Kawerau, *De Digamia Episcoporum: Ein Beitrag zur Lutherforschung* (Kiel, 1889).

remarry after the death of a spouse. Cochlaeus was also willing to admit that “he [Luther] has not said so directly in his words.”¹⁸ In *On Marriage Matters* (1530), Luther did state unequivocally that digamy was justified by a form of “divorce” valid for everyone, including clergy.¹⁹ By 1539, Luther concluded that the Devil, no longer able to hinder clerical marriages, “thought up *Digamia* and other useless things,” and criticized the continued resistance of jurists to clerical remarriage, exclaiming “to have one, two, three, or four wives in succession is [in every case] a marriage.”²⁰

What Wittenberg theologians argued in their early works presented Saxon visitors, civic marriage courts, and consistory court judges with a problem: who determined when a marriage “ended” prematurely, and whether each spouse could remarry? Luther initially envisioned turning over the control and discipline of marriage to the state rather than the church, but offered advice when asked. Nonetheless, he maintained that his advice was about salvation, insisting, “I won’t make such judgments public because I don’t have the authority to carry them out.”²¹ By the late 1520s, nevertheless, Luther’s involvement in marital disputes led to conflict as theologians, jurists, and officials differed on how to deal with marital breakdown in the absence of “definite norms or clearly defined areas of jurisdiction.”²² This lack of a single norm became especially problematic in cases involving irregular sexual unions and bigamy, in part owing to Luther’s lack of concern about the potential implications of allowing a pastor, and by extension the laity, to marry a second time.²³

II

As the Saxon visitors discovered in 1528, marital irregularities among the evangelical clergy often became well known because of the very public nature of marriage. Not surprisingly, problems emerged in the first years of the reform movement when some clergymen chose spouses without consideration of rank, knowledge about their moral character, or understanding of dissimilar expectations about the marriage.²⁴ In 1523, Johannes Eberlin warned nuns and

¹⁸ As quoted in Kawerau, “Der Nürnberger Streit,” 121.

¹⁹ Dieterich, *Das protestantische Eherecht*, 69.

²⁰ WA TR 3:452; WA TR 4:350; LW 54:243–44; Martin Brecht, *Martin Luther* (3 vols, Minneapolis, 1985–93), 3:119.

²¹ LW 54:66.

²² Brecht, *Martin Luther* 1:280–81.

²³ Harrington, *Reordering Marriage*, 88–91; Lyndal Roper, *The Holy Household: Woman and Morals in Reformation Augsburg* (Oxford, 1989), 177.

²⁴ Marjorie Elizabeth Plummer, “‘Partner in his Calamities’: Pastors’ Wives, Married Nuns and the Expectation of Clerical Marriage in Early Reformation Germany,” *Gender and History* 20 (2008): 207–27, here 209–11.

monks “three days out of the cloister” not immediately to take unknown “whores and rascals” in marriage, reminding them that marriage could be “unendurably long” after a bad choice.²⁵ More problems emerged when the marriages were not “long,” and clergy remarried. Like other social institutions, marriage was subject to many levels of negotiation and to various personal strategies, as well as to theological pronouncements, which all became pertinent when marriages failed. Abandonment or a wife’s questionable marital status proved vexing for pastors, for whom marriage was a self-defining expression of their evangelical belief. While they did not promote bigamy or polygamy per se, evangelical theologians’ intensive advocacy of marriage made multiple marriages an inevitable possibility for the newly married evangelical clergy.

Like many Saxon clergymen, Michael Kramer moved rapidly from learning about the new evangelical movement to a decision to marry. He described hearing about the evangelical teachings in 1523 while a priest in Kunitz, and ultimately concluding that marriage was the only remedy for his sexual misconduct. He was influenced by Hebrews 13.4, which said that “neither fornicators nor adulterers” would enter heaven, which he understood to include his own “punishable life.” As one witness stated, Kramer married Dorothea, a servant, in nearby Eisenberg in church “in the presence of many pious honorable people,” and brought her back to live with him in Kunitz. Although the city was tangentially under the Frederick the Wise’s control, the Bishop of Naumburg arrested Kramer at the insistence of Georg, Duke of Albertine Saxony.²⁶ After escaping from episcopal officials, Kramer studied for a time in the relative safety of Wittenberg in order to avoid further attention from territorial and episcopal authorities, leaving his wife behind with his brother until he could send for her. Kramer was not the only cleric to turn up in Wittenberg following official action against married clergy in 1522–24.²⁷ Jobst Kern arrived in Saxony in 1524 following his marriage in Nuremberg to Ursula Topler, a nun in the Dominican convent of Engenthal where he served as priest.²⁸ In the midst of an imperial diet, the Nuremberg city council had found

²⁵ Johann Eberlin, *Eyn freundtlichs zuschreyben ... den geystlichen so auß klostern oder pfaffenstandt gehen wöllen* (Erfurt, 1521), B1r–C1r.

²⁶ ThHStAW EGA, Reg. Ii1, 46r; Felician Gess, *Akten und Briefe zur Kirchenpolitik Herzog Georgs von Sachsen* (2 vols, 1905; repr. Cologne, 1985), 1:740n3, 761, 768; J. Löbe, “Merkwürdige Ehegeschichte eines Geistlichen in der ersten Zeit der Reformation, nebst Nachträgen zur Geschichte der Stadt Lucka in der Kirchen Gallerie,” *Mittheilungen der Geschichts und Alterthumsforschenden Gesellschaft des Osterlandes* 9 (1883), 177–94 here 178–9.

²⁷ Marjorie Elizabeth Plummer, “Clerical Marriage and Territorial Reformation in Ernestine Saxony and the Diocese of Merseburg in 1522–1524,” *ARG* 98 (2007): 45–70, here 60–61.

²⁸ Otto Clemen, “Die Leidensgeschichte der Ursula Toperlins,” *Zeitschrift für bayerische Kirchengeschichte* 7 (1937): 161–70.

it expedient to assure the emperor that they did not harbor “runaway monks and nuns” and “priests who take wives,” leading Kern and Topler to flee the city.²⁹

Rather than being a stepping-stone to settling into a “normal” role as a married pastor, Wittenberg provided Kramer and Kern only a short respite from the difficulties surrounding marriage. Clerical wives could, and did, choose to leave their husbands, using a traditional form of “self-divorce” through abandonment. When Kramer went to pick his wife up, Dorothea’s dissolute behavior and sexual misconduct had become so flagrant that “everyone in Eisenberg knew.”³⁰ Kramer tried to stand by Dorothea with “all possible diligence,” but she continued to meet with “this or that rascal” and soon ran away. Kramer was more cautious in entering his second marriage, informing his bride, Margherita Kutschmers, about “his advanced age, poverty, and other private frailties” before the wedding, so that she could not claim he had deceived her.³¹ Unfortunately for Kramer, his second wife disappeared one day while he was at church. Abandonment proved familiar to Kern as well. After much discussion, Luther recommended Kern, the “newly married monk,” for the vacant post as pastor in nearby Allstedt.³² Despite considerable pressure from Kern and her family, Topler refused to join her husband, expressing a desire to return to her convent instead.³³ According to Kern, if given the choice between returning to her husband or dying, Topler wrote that “she would rather choose death.”³⁴ As is evident from these cases, early evangelical clergy confronting spousal abandonment had little official recourse other than reconciliation to maintain their married status. Divorce was not an option, even though the legality of clerical marriage remained uncertain at best.

When pursued by husbands attempting reconciliation, wives of clergymen took advantage of the uncertainty about clerical marriage as a strategy to help them legally escape their unwanted unions. Protected by reform opponents, these women could act as though the marriage had never taken place. Early in 1524, Kramer’s first wife took refuge in the court of a noblewoman who opposed the reform movement. Local authorities arrested Kramer when he arrived to retrieve Dorothea, and allowed a crowd gathered in the town to taunt him by asking, “why he thought he was allowed to take a wife.”³⁵ Dorothea did not return with Kramer, instead marrying another man in Schönberg, which local authorities did

²⁹ StAN, Rep. 24b, 495r–v; Rep. 61a/b, Nr. 86, 170r–v.

³⁰ ThHStAW EGA, Reg. Ii1, 52v.

³¹ Ibid., 47v.

³² WA Br 3:408; WA Br 3:421.

³³ ThHStAW EGA, Reg. O1426, 1r–2v, 3r, 6r–9v.

³⁴ Clemens, “Die Leidensgeschichte,” 163; ThHStAW EGA, Reg. O1426, 10r–v, 14r–16v, 19r.

³⁵ ThHStAW EGA, Reg. Ii1, 46v–47r. Löbe, “Merkwürdigen Ehegeschichte,” 180. Löbe argues that this was the “widow’s seat” [*Witwensitz*] of Elisabeth, the widow of Hans von Weißenbach, a strong opponent of the new reform movement.

not treat as bigamy.³⁶ In late 1524, Kramer's second wife claimed she had been "deceived," after she "heard from papist seducers" in Leipzig that hers was not a proper marriage.³⁷ Topler argued that her union with Kern was not a "marriage," but rather "the way whores and rascals come together."³⁸ Topler fled to the court of Ernst II, count of Mansfeld-Vorderort, where countess Dorothea zu Solm-Lich proved sympathetic to Topler's plight and helped protect her from all attempts to reunite her with Kern. Such cases demonstrate how strong sentiment against clerical marriage remained in certain regions, and how little early evangelicals could do to challenge these views.

Resolving the individual cleric's spiritual crisis by a second marriage created a problematic precedent, but one that Luther was willing to accept in these circumstances. Kramer's "marriage matters" led Altenburg reformer Wenzeslaus Linck to seek Martin Luther's counsel in 1524, and the Domnitzsch city council to consult him in 1525.³⁹ In his 1525 response, which Kramer retained in his possession, Luther recommended his own discussion of 1 Corinthians 7, and stated that Kramer was allowed to remarry if, in his conscience, he could not "live without marriage."⁴⁰ In contrast, Kern's case was brought directly to Elector John, not to Luther, in 1526. John had his magistrate in Allstedt investigate the case, at which point John asked Luther for advice on how the Elector should proceed.⁴¹ Luther advised John to allow Topler to return to her convent "as she wished," since efforts to convince her to return to Kern had failed. Using much the same language he had with Kramer, Luther also recommended that Kern be free to marry again, "as if [Topler] were dead."⁴² Luther's position was that remarriage, rather than fornication, adultery, prostitution, or concubinage, was preferable for the moral welfare of the individual cleric, even if that involved bigamy.

More problematic for Luther were cases in which the bigamy was on the wife's side, since these laywomen fell more firmly under secular jurisdiction. Such cases opened up a complex set of issues concerning bigamy and gendered expectations of sexual behavior. Some of the first clerical wives were women who had abandoned previous marriages, or who were otherwise unmarriageable because of previous sexual liaisons or engagements, and who eventually found positions as servants and concubines in clerical households. When marriage became a possibility for the clergy, a potential for bigamy emerged out of such relationships, which brought unwanted attention to some clerical households. Jessen pastor Urban Sprecher, one of the first married priests, found himself in this situation in 1522 when rumors

³⁶ Löbe, "Merkwürdigen Ehegeschichte," 181.

³⁷ ThHStAW EGA, Reg. li1, 48r.

³⁸ ThHStAW EGA, Reg. O1426, 14r-15v.

³⁹ ThHStAW EGA, Reg. li1, 46r-53r; Löbe, "Merkwürdigen Ehegeschichte," 180-82; WA Br 3:231-3.

⁴⁰ ThHStAW EGA, Reg. li1, 49r.

⁴¹ WA Br 4:17-18.

⁴² WA Br 4:21-2; ThHStAW EGA, Reg. O1426, 23r.

circulated that his wife was already married. When ducal officials questioned him, Sprecher admitted that his “supposed” wife had been married to Lemnus Koselitz, but that this was “against her will” and she was “never happy with him.”⁴³ Initially, Luther wrote to electoral secretary George Spalatin that he did not think this union was a good idea, but he later supported the pastor.⁴⁴ Neunhofen pastor Wolfgang Koch initially avoided a bigamy charge during the 1528 visitation by explaining that his wife’s husband had abandoned her eleven years earlier. Although she had originally been Koch’s concubine, everyone said her husband was dead, and the couple now lived together as man and wife with her family’s permission. This apparently satisfied the visitors. In 1530, however, her husband, a miner, arrived in Neunhofen claiming that Koch had seduced his wife away from him. Electoral officials wanted to proceed against Koch, but found he was not directly under the jurisdiction of Wittenberg court.⁴⁵ Not all clergy in these circumstances married right away. Sebastian, the vicar in Rosenau, when asked during the 1528 visitation about why he had not married his concubine, explained that he would if there were not “hindrances” caused by her previous engagement. The visitors responded that he should either marry her or send her away, signaling that this was not a serious impediment as far as they were concerned.⁴⁶ Luther’s main concern with bigamous clergymen was preventing sin and supporting clerical marriage. In the case of the bigamous wives, Luther was less concerned about the women’s salvation than he was about ensuring that clergymen found wives.

Clerical bigamy always involved more than just the couple—a *fortiori* with previously married women—and, as is evident above, congregations and electoral officials became entangled in the negotiations. Most instances of clerical bigamy that Luther initially resolved privately reemerged during the 1528 visitations because of local concerns. The clergymen involved presented evidence that they had consulted Luther, but none had an official divorce granted by electoral officials. Such cases brought Luther into conflict with the concerns of the jurists, who by the late 1520s were signaling a different approach on marriage and bigamy that stressed public judicial resolution rather than private actions. Part of their concern was about popular reactions to bigamist clerics, but another part was Luther’s seeming toleration of popular traditions of *de facto* marriage or separation. In 1525, Kramer married his third wife, Walpurgis Ober, an honorable woman from Domnitzsch, with full support from his congregation.⁴⁷ Similarly, Luther advised allowing Kern to remarry, but Elector John rejected this, fearing the reaction of the Allstedt congregation. Instead, the Elector asked the local magistrates to reunite Topler and Kern.⁴⁸ During the 1533 visitation, the Elector’s

⁴³ ThHStAW EGA, Reg. O1409a, 1r–v, 2r.

⁴⁴ WA Br 3:145.

⁴⁵ ThHStAW EGA, Reg. O1429, 1r–4r, 5r–15v.

⁴⁶ ThHStAW EGA, Reg. Ii1a, 183v.

⁴⁷ ThHStAW EGA, Reg. Ii1, 48v–49v.

⁴⁸ ThHStAW EGA, Reg. O1426, 24r.

concerns were vindicated when parishioners accused Kern of having “two wives” after he apparently disregarded the Elector’s objections.⁴⁹ The visitors dropped the bigamy charge when Kern produced letters from Topler, “in her own handwriting,” showing that she had left him “willfully” and rejected his attempts to reconcile.⁵⁰ Electoral officials and jurists were clearly unenthusiastic about Luther’s advice in such cases of remarriages. They sought instead to focus on reconciling couples, but did little at first to remove “bigamous” clergy from their positions once a second marriage had occurred.

By the late 1520s, the visitors increasingly emphasized reconciliation while disregarding Luther’s advice to allow remarriage. During the 1529 visitation, Schönberg pastor Johann Hertz complained that his wife had abandoned him. After the couple and their friends and relatives were questioned, secular officials declared, “they found no reason why they should be divided [*geschaiden*].”⁵¹ Apparently, Hertz’s wife remained firm in her resolve that she could not live with her husband. By 1534, the break seemed irreconcilable, since as she stated “she would be happy to live with him if he were like other husbands” but could not because “he is such a pig.” Hertz asked permission to “marry elsewhere,” but was told, “they should live together again as married people”; he was therefore denied permission to remarry.⁵²

III

The secular government in Ernestine Saxony faced almost a dozen instances of multiple marriages and engagements among the laity between 1522 and 1544. These lay bigamy cases further demonstrate the secular government’s growing reluctance to support Luther’s pastoral solution of marital dissolution through remarriage and bigamy. In 1530, for instance, the Ronneburg city council consulted Elector John about Matthias Frenzel’s request to marry a second time after his first wife left him. John wrote the local pastor, saying that while he agreed Frenzel’s situation was “a matter of conscience,” he wanted clarification as to why the wife left.⁵³ By the 1530s, electoral officials and Wittenberg jurists sought a more consistent and public method of assessment than that being followed by Luther.⁵⁴ Administrators

⁴⁹ Landeshauptarchiv Sachsen-Anhalt-Magdeburg, Abteilung Wernigerode [LHASA, MD] Rep. A29B, II, Nr. 63, 298r; WA Br 4:22; Clemen, “Die Leidensgeschichte,” 170; Burkhard, *Geschichte*, 142–3.

⁵⁰ LHASA, MD, Rep. A29B, II, Nr. 63, 298v; Rudolf Hermann, “Amtsbrüder und Nachfolger Thomas Müntzers in der Stadt Allstedt,” in *Laudate Dominum: Achtzehn Beiträge zur thüringischen Kirchengeschichte* (Berlin, 1976), 137–44, here 140.

⁵¹ ThHStAW EGA, Reg. O1345, 1r–v, 3r–v.

⁵² *Ibid.*, 18–19, 21r–v.

⁵³ ThHStAW EGA, Reg. O1273.

⁵⁴ Frassek, *Eherecht*, 72–117.

and lawyers in Electoral Saxony began turning to imperial and Roman law when considering whether the second marriage of a cleric, or his previously married spouse, should be treated as bigamy [*zweifacher Ehe*] or as a type of aggravated adultery. To some degree, they proved successful in establishing a new legal standard by the late sixteenth century.⁵⁵

In a case that reveals pre-Reformation lay attitudes, Johannes Helwetter, a medical doctor, wrote to Frederick the Wise in 1522 asking for help after being attacked by the new family of his remarried wife. While Helwetter asked for protection and access to his goods and to his daughter, he did not mention his wife's bigamy.⁵⁶ By the mid-1520s, the laity sought clerical, rather than ducal intervention, perhaps hoping for a more favorable outcome, in cases of bigamy. In 1524, Luther, Justus Jonas, Johannes Bugenhagen, Benedict Pauli, and Philipp Melancthon allowed "a woman of good conscience" named Hedwig to separate from her impotent husband, Erasmus Hertzog, and to marry Master Baldasar Juglio without consulting electoral officials.⁵⁷ Such pastoral interventions were unregulated by secular magistrates, however, and electoral officials viewed clerical decisions with some suspicion. In 1527, for instance, Ursula Vogt was brought before the Bitterfeld magistrate for having married twice, once to Steffen Wartmann in Grunau and once to Hans Nagel in Bitterfeld. Vogt testified that she had been "divorced" [*geschieden*] under the authority of the pastor Ambrosius Freiwald, "bishop of Brisenitz," in nearby Jessewitz, meaning that her second marriage was legal. Electoral officials arrested Freiwald, who was forced to state his error from the pulpit after an eight-day imprisonment, and they told Vogt to return to her first husband.⁵⁸ Electoral officials thus showed increasing willingness by the late 1520s to challenge and, if necessary, to overturn pastoral decisions on lay bigamy cases.

The evidence also demonstrates that the laity often justified their own second marriages with arguments that mirrored those of the clergy, which contributed to official concern about these cases. Such an approach to justifying "self-divorce" was clearest among laypeople with close clerical associations. In 1528, Georg von Wolffersdorf, overseer [*Versteher*] of the Nimbschen convent, asked for permission to remain married to Agnes Bloßl, Hans Poler's wife. The Mannichswalde pastor Jorg Hartman had solemnized their marriage in 1526 after Luther, Spalatin, and Bugenhagen confirmed that Bloßl's situation concerned her "conscience" and "salvation of the soul," and that she should be allowed to marry Wolffersdorf.⁵⁹ What is striking is how well versed Wolffersdorf was in the arguments used by evangelical theologians about what could effectively end a marriage, including

⁵⁵ Susan C. Karant-Nunn, *The Reformation of Ritual: An Interpretation of Early Modern Germany* (London, 1997), 210–11.

⁵⁶ ThHStAW EGA, Reg. O1335.

⁵⁷ WA Br. 3:443–5; Brecht, *Martin Luther*, 2:280.

⁵⁸ ThHStAW EGA, Reg. O1555.

⁵⁹ ThHStAW EGA, Reg. O1738, 1r, 6r.

secret marriage, bigamy, and abandonment. Wolffersdorf admitted that he had married Agnes in secret in the 1510s and knew of her later marriage to Poler, but now believed “in this land such a vow could be undone,” and that his marriage was valid from “godly words.”⁶⁰ While the electoral authorities upheld his marriage, Wolffersdorf lost his position at Nimbschen.⁶¹ How widespread such lay use of “conscience” and scripture, common in clerical cases, became is evident by the 1540s. In 1544, Hans Götze, a linen weaver from Haina justified his second marriage after his wife ran away to live with another man, saying that “as a poor simple man, he had learned out of the gospel that adultery divorced a marriage and since his wife had done that to him so publicly, ... he thought himself free” to remarry.⁶²

The most common lay bigamy cases involved secret engagements followed by a marriage to someone else.⁶³ Here the cooperation between electoral officials and Luther was clear, but these cases also show how much a selective understanding of Luther’s ideas had spread into popular parlance. In 1528, the Eisenach magistrates wrote to Elector John to ask his advice about Margarethe and Hans Ewald’s marriage after Hans Müller, Margarethe’s previous betrothed from Hesse, arrived on the scene. When Müller and the local pastor confronted her, Margarethe admitted the engagement, but denied that she was Müller’s wife. When Elector John consulted him, Luther declared Margarethe to be Müller’s “proper wife before God.”⁶⁴ However, Luther changed his position when Margarethe sent an appeal claiming that the first engagement had been “secret” and therefore, as Luther himself conceded, “not legal” according to his own writings.⁶⁵ Discussing the Ewald and Wolffersdorff cases, Luther admitted that his “personal opinion” on the invalidity of secret marriage [*klandestine coniugia*] did not follow the law of the land [*Landrecht*], which he feared confirmed what “the papists teach.” At least in these two cases, his opinion prevailed.⁶⁶

The continuing popular custom of “self-divorce” and the resulting bigamy cases undercut secular rulers’ attempts to gain control over marriage. Luther’s unintentional support of individuals using this method only intensified the problem. Secular authorities, local city councils, and ducal officials uncomfortable with Luther’s pastoral approach and even more concerned about local pastors or laity using his teachings to evoke their “right of conscience,” sought to prevent or end bigamous unions where possible. Bigamy was rarely discussed in secular law codes before 1520s. A rare exception is section 146 in the *Bambergische Halsgericht*

⁶⁰ Ibid., 3r, 5r–v, 24r.

⁶¹ WA Br 4:417n1.

⁶² ThHStAW EGA Reg. O1308, 1v.

⁶³ See ThHStAW EGA, Reg. O1127 (1526); O1350 (1540); O1351 (1541); O1185 (1543).

⁶⁴ ThHStAW EGA, Reg. O1508, 5r.

⁶⁵ Ibid., 5ar–v, 6r–8r; WA Br 4:417–19.

⁶⁶ WA Br 4:419.

(1507), in which Bamberg Hofmeister Johann von Schwarzenberg outlined the minimum punishment for bigamy [*zwifacher Ee*] as being “imprisonment, punishment on the body, and then banishment.” Schwarzenberg was less certain about whether drowning, a common punishment, was appropriate, noting, “because the imperial law does not give the death penalty for this, we do not want to order the death punishment.”⁶⁷ Expanding on this earlier code, the imperial legal code, the *Carolina* (1532), stated that a “marriage during the life of the first spouse” was to be considered “adultery,” but a more serious form and punished “no less than adultery”—generally interpreted as drowning or another form of execution.⁶⁸ The clarification of imperial law and the problems prompted by lay appropriation of evangelical theological arguments about bigamy as a means of justifying their own remarriages reinforced the authorities’ willingness to prevent and punish bigamy.

The contradiction between Luther’s advice and the “law of the land” became even clearer in the 1530s and 1540s. Franz Zulsdorf of Wittenberg became engaged to two separate women in succession, but his engagement to a third woman in 1542 brought him to the attention of the Wittenberg consistory court. Luther argued that Zulsdorf’s earlier engagements had taken place without parental permission, and thus did not constitute a marriage. While his opinion had prevailed in the earlier cases, it did not in this one.⁶⁹ The Elector asked that Zulsdorf marriage be delayed until the case could be investigated, and then banished Zulsdorf for a year when it was discovered he had married anyway. Luther objected to the Elector’s handling of the case, since the consistory court had waited until the day before the wedding to send out its injunction, by which time it was too late to stop the guests from coming. Elector John Frederick replied by reminding Luther that if Zulsdorf had done things properly by consulting the consistory court and following “proper process” [*ordentliche process*] to end his engagements, then he would not have been in this position.⁷⁰

By the early 1540s, magistrates in Electoral Saxony proved willing to uphold the strictest interpretation of the imperial code by punishing bigamy with death. In 1542, Rastenberg miller Hans Bruckner was arrested after rumors of his “two wives” began circulating. After repeated questioning, Bruckner admitted that he had married his first wife in Erfurt, but abandoned her when he discovered that they “were related in the third degree.” A year later, he married his current wife.⁷¹ Weimar magistrate Johannes Kunhold had no questions about the gravity of the crime, and Bruckner did not dispute his bigamy. The only question was

⁶⁷ [Johann von Schwarzenberg], *Bambergische halßgerichts vnd rechtlich Ordnung* (Bamberg, 1507), XLlr–v.

⁶⁸ “Article 121” in *Die Peinliche Gerichtsordnung Kaiser Karls V. und das Heiligen Römischen Reichs von 1532 (Carolina)*, ed. Friedrich-Christian Schroeder (Stuttgart, 2000), 77.

⁶⁹ ThHStAW EGA, Reg. O1785, 1r–2v, 7r–v.

⁷⁰ WA Br 10:183–7.

⁷¹ ThHStAW EGA Reg. O1182, 1r–v.

punishment. The Leipzig jurists concluded Bruckner had taken a second wife “in the appearance of holy marriage during his first wife’s life” and “according to imperial law” should be executed “with the sword.” This decision was sent to Elector John Frederick for confirmation, and then to chancellor Gregor Bruck for a report from the “learned” in Wittenberg in February 1542.⁷² All evidence points to Bruckner being executed.

It is possible that news of this case had an impact on the laity, although a direct link is difficult to prove. In any event, cases before the consistory court changed dramatically after 1544. While the number of multiple engagements continued to grow, the records show no case of true bigamy and only three instances of remarriage after abandonment.⁷³ This shift did not mean that spouses did not seek to marry again, but at least 28 individuals requested an official divorce from their absent spouse before seeking remarriage, with half of those occurring after 1542. This suggests that although the laity still did not accept engagement as being equal to a marriage, they did, at least in Electoral Saxony, accept that they should not marry a second time without consulting the magistrates to dissolve their first marriage. Luther’s tolerance of secret or bigamous second marriages evidently declined in influence in popular tradition after 1544.

Bigamy did not disappear altogether, nor did its tie to clerical marriage evaporate. The Wittenberg consistory still worked primarily with theologians, including Luther, and secular and pastoral interests coincided at times, even in the 1540s. In 1541 in Naumburg, Simon Blick, former abbot of the Benedictine monastery in Pegau, sought to marry Hedwig Spitzkirchen, his long-time concubine.⁷⁴ Because she had “a living husband,” Naumburg pastor Hans Medler “dutifully” sent the case to the consistory court for arbitration after warning the couple not to marry without the Elector’s permission [*vorwissen*], a move supported by Naumburg bishop, Nicholas von Amsdorf.⁷⁵ The case became complicated when the impatient Blick married another woman, Margaret Regis, in Albertine Saxony rather than waiting for a decision from Electoral Saxony. Recognizing this as bigamy, Amsdorf denounced Blick’s second marriage as “a Turkish ... whorish marriage” in violation of scripture and “government warning.”⁷⁶ What is more, the Wittenberg consistory declared Spitzkirchen single when she became publicly engaged to Blick, because of her first husband’s adultery and abandonment. Blick, now living in bigamy with Regis, was therefore “to be seriously punished.”⁷⁷ Despite Blick’s contention to the contrary, this judgment was consistent with the way the consistory court

⁷² *Ibid.*, 3r–4v, 5r–v.

⁷³ ThHStAW EGA, Reg. O1567(1548); O1492(1550); O1191(1554).

⁷⁴ For a more detailed discussion of this case, see Gerritina D. Justitz, “The Abbot and the Concubine: Piety and Politics in Sixteenth-Century Naumburg,” *ARG* 92 (2001): 138–64; WA BR 10:103–9.

⁷⁵ ThHStAW EGA, Reg. O1648, 1r.

⁷⁶ ThHStAW EGA, Reg. O1648, 5v–6r, 10v, 17v.

⁷⁷ *Ibid.*, 35r.

handled other such cases. In 1543, for example, the Wittenberg consistory court dissolved Bastian Mueller's first marriage to Anna Graf based on her desertion and subsequent relationship with a cleric, and recognized his second marriage as valid. No resolution, however, was possible in the Blick case, since he had moved just beyond the jurisdiction of the Saxon authorities and had the support of the local Naumburg elite.⁷⁸ In 1545, Amsdorf asked the elector once again to punish Blick, "to protect against such a disturbing evil."⁷⁹

IV

When the visitors arrived in 1528, Kramer was still married to Ober, with two children and a third on the way, in what was by all indications a peaceful marriage. Kramer had not remained long in Domnitzch after his third marriage, or in any of his subsequent positions, but none of his moving around appears to be tied to failures in his clerical office or his personal behavior.⁸⁰ Letters written on Kramer's behalf provide strong evidence of his success as a pastor, his "honorable behavior," and his "good reputation." In 1528, he was described as more capable than the pastor in Lucka, and found "able" during the 1533 visitation to his new parish in Unterwürschnitz.⁸¹ Like many clergy, Kramer did have some difficulty with one parish over his salary, but little negative information emerges about him, despite Reformation scholars' contention that his trigamy was "immoral."⁸² Kramer remained an evangelical pastor in Electoral Saxony throughout his career, moving back to the Vogtland in the south of the diocese of Naumburg in 1539, where he finished his career in Adorf.⁸³

The position of evangelical theologians, including Martin Luther, about marriage often put them at odds with local secular officials and with jurists. Luther's writings and actions on second marriages for the clergy and laity opened up new possible manifestations of popular customs. His work also established an ideological precedent even for bigamy. The implications of this theological discussion gradually became clear as evangelical clergy confronted their own marital problems and those of their congregations. Throughout the 1520s and 1530s, Luther held that what could have been considered "irregular" sexual

⁷⁸ Justitz, "The Abbot and the Concubine," 160–62.

⁷⁹ WA Br. 12:355–7; ThHStAW EGA, Reg. O1523.

⁸⁰ ThHStAW EGA, Reg. Ii1, 50v–51r; Burkhardt, *Geschichte*, 45; WA Br 13:77. Kramer moved to Hermsdorf (1526), Lucka (1527), Wohlbach near Adorf (1533), Frankenthal (1534), and Kraftsdorf (1537).

⁸¹ Löbe, "Merkwürdigen Ehegeschichte," 184–8.

⁸² WA Br 3:513.

⁸³ Reinhold Grünberg, *Sächsisches Pfarrerbuch: Die Parochien und Pfarrer der Ev.-lut. Landeskirche Sachsens (1539–1939)* (4 vols, Freiberg in Sachsen, 1939–40), 2:466; WA Br 13:77.

unions, such as bigamy, remarriage, and digamy for the clergy, should be upheld, a position in part prompted by the unusual circumstances surrounding clerical marriage in the first years of the reform movement.

Theologians such as Luther, Melancthon, Andreas Osiander, and Martin Bucer, who defended bigamy or digamy—even when limited to cases where a marriage was “divided” by death, desertion, or irreparable breach of the marriage bond—found that their arguments created a slippery slope that became an obstacle for those who sought to establish a single norm of marriage. Although Luther’s advice at first passed to the laity with the appearance of law and authority, the state soon reacted by condemning bigamy under any circumstance. Discussions about digamy and bigamy, together with controversies about divorce and remarriage, thus highlight significant differences in the religious, legal, and social definitions of marriage that permeated not only discussions of clerical marriage, but extended into general discussions on marriage for the laity that continued well beyond the Reformation. Administering a marriage policy based on the specific circumstances of the clergy and laity became impractical, even at a regional level, just as it became impolitic to advocate a pastoral policy that seemingly supported bigamy in the aftermath of Philip’s bigamous marriage. Luther’s more individualized pastoral approach therefore gave way to the electoral authorities’ desire to establish universally enforceable policies. By the early 1540s, jurists and secular authorities in Electoral Saxony were more willing to accept the dictates of canon and imperial laws in condemning bigamy, rather than following Luther’s concern for individual salvation. The punishment for bigamy in Wittenberg, and throughout the Holy Roman Empire, now could be death, regardless of confessional affiliation.

Kramer’s disappearance from public office after 1539 may have been fortunate, given the new resolve of the Wittenberg consistory to punish bigamy, since it is unclear whether his own case might have been reexamined, or his trigamy might have forced him to leave his position. In the aftermath of the bigamy of Philip of Hesse, Luther in 1542 defended himself from accusations that he was too free with his advice by claiming that he “would not properly divorce a man from his wife, if she had not previously divided herself by public adultery.”⁸⁴ As he responded to the evolving political circumstances sparked by Philip’s second marriage, Luther subtly shifted his position on the issue from his earlier emphasis on pastoral care to a position emphasizing the consistory court, without changing his essential arguments about bigamy. Nonetheless, he never did publish his planned second work on bigamy and digamy. Kramer’s trigamy was allowed in 1528, but a decade later, similar cases demonstrate a changed attitude about marital irregularities and how to deal with them. By then, questions of what constituted a valid marriage were no longer determined by Luther, or even by the evangelical theologians, alone.

⁸⁴ As quoted in Müller, “Zur Digamie des Landgrafen Philipp von Hessen,” 366.