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Church robbers and reformers in Germany, 1525–1547. Confiscation and religious purpose in the Holy Roman Empire. By Christopher Ocker. (Studies in Medieval and Reformation Traditions. History, Culture, Religion, Ideas, 114.) Pp. xx + 340 incl. frontispiece and 5 ills. Leiden–Boston: Brill, 2006. €99. 13 978 90 04 15206 9; 10 90 04 15206 7; 1573 4188

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The Protestant Reformation brought about a significant redistribution of economic resources, as rulers and magistrates confiscated objects, income, property and patronage rights from the Catholic Church. This process was particularly complex in the Holy Roman Empire, where jurisdictional fragmentation meant that the process was carried out in different ways and over a long period of time. Christopher Ocker's goal is not to describe that process of confiscation, but rather to show how Protestant theologians slowly developed a justification for confiscation as a defence against prosecution by the imperial courts. He begins by summarizing the rather unclear notions of property and lordship in the later Middle Ages and then shows how the Peasants' War offered city governments a justification for extending their protection over church property without necessarily identifying themselves as Protestant. Through the early 1530s the most pressing question was how rulers – and especially city magistrates – should regard the rights of foreign patrons over church property under their secular jurisdictions. By 1537 the Schmalkaldic League recognised the need for a common position regarding the confiscation of church property. The consensus that gradually emerged acknowledged on the one hand the government's responsibility to provide for religious needs – support for the ministry, for the poor and for upkeep of church buildings – which was a concern especially of the Protestant cities, and on the other the right of territorial rulers to appropriate any surplus, whether for the common good or as reimbursement for expenses incurred in overseeing the Church. This religious justification for confiscation was accepted by the emperor in the recess of the 1541 Diet of Regensburg, which suspended the prosecution of Protestant confiscations before the imperial chamber court. This suspension was reaffirmed in the 1555 Peace of Augsburg. Ocker argues that the relatively conservative religious defence of confiscation developed by Protestant theologians was vital for guaranteeing the economic basis, and thus the long-term development, of the Protestant territorial Church. This study is valuable not only as an overview in English of a very complicated area of ecclesiastical law which had significant economic ramifications, but also for its implications for understanding the rise of the territorial state in early modern Germany.

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