

Regulatory Articles and Regulations for the Election of Saxon Clergymen in the Early Modern Period (1543–1819)

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Introduction

THE ELECTION of the Saxon clergy has not received significant attention from researchers for a long time. In 1862, Georg Daniel Teutsch dedicated a 27-page booklet to the subject, in which he emphasizes the need for freedom and order in the churches of the Transylvanian Saxons, including the free and orderly election of clergymen. According to Teutsch, the right of the Transylvanian Saxons to elect their clergymen and pay them tithes would preserve “the sense of Christian freedom as national self-confidence” for the guests of the Hungarian king.¹ This idea is surprisingly modern for the thirteenth century. Teutsch interpreted the privilege to elect the ministry through the lens of the Lutheran freedom of the Christian (*die Freiheit eines Christenmenschen*) and that of German nationalism. His interest was to prove that the right of free election of the Saxon parish priests was of Germanic origin. The Reformation, in his view, restored the biblical right of the congregation to elect its ministers, thus eliminating the “priestly sacramental mediation of the divine goods and mercy” (*priesterlich-sakramentale Vermittlung der göttlichen Güter und Gnaden*) of the medieval Church.² What Teutsch failed to acknowledge is that the Saxon Churches, both before and after the Reformation, functioned according to rights and privileges of royal and papal origin.³

Since the Middle Ages, the election of clergymen had been part of the right of patronage (*ius patronatus*), which for the *Fundus regius* was the right and prerogative of the king of Hungary, the landlord of this territory. The adult members of the congregations (mostly men, heads of families), the jurors and judges in the villages, town magistrates, seat and royal judges, bailiffs etc. only had the right of under-patronage (*subpatronatus*).⁴ After the collapse of the medieval Kingdom of Hungary (1526) and amid the increasing political and economic role of the University of Saxons (*Universitas Saxonum*) in the era of the Transylvanian Principality, the role of *summus episcopus* (i.e., the highest/supreme bishop, the term used by Protestant monarchs in the Holy Roman Empire for the heads of their territorial churches) of the Saxon parishes in the *Fundus regius* as well as that of protector of the superintendency in Biertan was assumed by the *comes regius* (royal judge) in Sibiu.⁵

The right of the colonists to elect their own clergy was granted by king Andrew II in his bull from 1224: *Sacerdotes vero suos libere eligant et electos repraesentent* [...] (“But let

them freely choose their priests and represent those chosen ...”).⁶ This means that the monarch, in his capacity as patron, bestows upon the representatives of the guests (*hospites*) the prerogative to elect clergymen for the entire group. These clergymen must be presented to the archbishop or bishop for their confirmation in office. This interpretation of the sentence suggests that the king granted to the Saxons the privilege to elect their clergymen by virtue of his right of patronage.

Georg Daniel Teutsch asserted that King Andrew's donation was merely confirming a right that the guests had already possessed within the confines of the Holy Roman Empire, and that the guests had subsequently transmitted this right to Hungary.⁷ This thesis is not endorsed by the modern research community. Dietrich Kurze, a leading authority on the history of medieval parishes in Germany, argued that the election of clergymen by the congregation was not a widespread practice at the time the ancestors of the Transylvanian Saxons departed from the Holy Roman Empire:

*Even after the eleventh century, election by the parishioners was the exception rather than the rule. Maybe except for Friesland, with its bylaws that were more reminiscent of Scandinavia and included a strong cooperative ecclesiastical organization, parish election rights in the German landscapes of the 12th and 13th centuries are difficult to track down due to their rarity, and—this is decisive—where they can be found, they are all newly acquired.*⁸ (My transl. from the German original)

Furthermore, Kurze's analysis of German medieval colonized settlements in Eastern Europe reveals the absence of any congregation that possessed the prerogative to elect its priest as part of its inherent right of patronage.⁹ The same phenomena are consistent across Poland, Bohemia, and Silesia. Kurze remarks that the establishment of the right to patronage by *dos*, *fundus*, and *aedificatio* was accompanied by the appointment of clergymen by landlords and the Church hierarchy.¹⁰ Conversely, he enumerates a plethora of privileges bestowed upon settlers by the Hungarian kings, including the *Andreanum*.¹¹ The right to elect their own magistrates and priests was an integral component of the royal policy aimed at providing settlers with the opportunity to exercise patronage. The Hungarian kings functioned as the landlords of the German settlers.¹²

András Kubinyi further elaborated on Kurze's conclusions by providing numerous examples from the medieval Kingdom of Hungary, highlighting intricate local developments, such as the observation that in certain parishes, the election of the priest was only considered free if the landlord had not nominated his own candidate. In other instances, landlords voluntarily relinquished their prerogative in favor of the parishioners, formally allowing them to elect their local priest. In parishes where the landlord did not fulfill his patronage duties—especially the upkeep of the church and the payment of the priest's salary—citizens and peasants elected their local priests with the approval of the higher ecclesiastical authorities.¹³

A thorough examination of the numerous examples provided by Kubinyi reveals that the communal election of Transylvanian Saxon clergymen was not an isolated occurrence within the Kingdom of Hungary. This observation underscores the pivotal role played by landlords in the exercise of this right. The necessity of this introduction, which elucidates

the discourse surrounding the election of clergymen, is twofold. Firstly, it demonstrates that a right previously held by the king as landlord was transferred to his colonist settlers, thereby becoming the epitome of Church freedom for the Transylvanian Saxons and, consequently, a component of their confessional identity.

The objective of this paper is to demonstrate how regulations and bylaws of the Church mirror the essence of clergyman elections. However, prior to conducting a thorough examination of the regulations, it would be worthwhile to draw upon the best-documented historical elections that are available for study. In 1302, the representatives of the Sibiu Seat successfully persuaded Walbrunus, the dean of the Sibiu Chapter, to ratify the election of Petrus, the son of Danyel from Casolt. Initially, the dean had withheld his consent, citing the absence of a requisite condition: Petrus's young age, which fell short of the stipulated age requirement outlined by the "canonical sanctions."¹⁴ A local regulation for the age of the priest was not necessary since Walbrunus's reference to the Church's canonical law pertains to the worldwide institution. A notable aspect of this document is that the seat representatives mentioned the election of the parish priest by the *populi et plebizani*, who elected their priest *tamquam patroni*. This practice, as outlined in the document, was understood to be in accordance with the parishioners' status as *subpatroni* of the king.

The most significant election from the Middle Ages that has garnered the attention of historians is the one from Slimnic of 1394.¹⁵ The report presents the testimonies of the witnesses for two priests who challenged the election results. The document under consideration offers a plethora of procedural elements, including the option to vote by acclamation and the elevation of the winning candidate as a symbol of the conclusion of the vote. However, the aspect that is particularly intriguing from the perspective of this analysis is the reference of a single witness, who referred to himself as follows: *Laicus cum sit, quid est canonice eligere, exprimere non potuit*.¹⁶ This sentence indicates that elections were conducted in accordance with customary law. There is no evidence to suggest that this was not the prevailing practice until the Reformation, when the need arose for regulations and bylaws to elucidate the schism with the Roman Church.

This paper proposes an examination of all the regulations of the Saxon churches in Transylvania from the Reformation until the end of the pre-constitutional era with respect to their stipulations on the election of clergymen. The objective of this study is to interpret the texts in their historical, canonical, and doctrinal contexts and to compare them with each other. This approach aims to elucidate the *Sitz im Leben* of a Church in constant evolution by examining its relationship with the secular authorities and the challenges of time.

Regulations

The oldest Church ordinance for the town and district of Braşov is the work of Johann Honterus from 1543, *Reformatio der kyrchen der statt Kronnen und des ganczen Bwrczelandts*; it comprises two chapters on ministry. The first chapter (on vocation) posits that the Church requires ordained ministers; however, the primary concern lies in the dissemination of accurate doctrine and the maintenance of exemplary conduct (*das er sey gutter leer und gutter sytten*).¹⁷ The second chapter (on the office of ministers)

focuses on the divine service and the teaching of the youth.¹⁸ The Church ordinance for all Saxon Churches of 1547 (*Kirchenordnung aller Deutschen in Sybembürgen*) commences with the appointment of ministers and stipulates the expeditious election of the new minister following the death of his predecessor. The urgency is motivated with the need for strict oversight of churches, rectories and parochial property (*auff das die kirch nit wüst verlassen oder vom pfarrhoff etwas entfrembdt werde.*)¹⁹

The Sibiu synod of 1565 promulgated one article (no. XII) on ministry. It distinguishes between two categories of clergymen: *pastores et ministri*. The only clergymen who were elected were the pastors, thereby becoming the successors of the *plebani* from the pre-Reformation times.²⁰ The pre-requisites for a suitable pastor, at the core of the regulation, were as follows: the person had to be of sound judgment, pious, erudite, able to teach, of the appropriate age and virility, and born from a lawful marriage.

*... nati ex honestis parentibus et legitimo matrimonio, non spurii, quoniam proles plerunque naturam patrum induit, uti dicitur: Natus adulterio semper adulter erit.*²¹

The year 1572 was significant for the Saxon Church in Transylvania. Prince Stephen Báthory (1571–1576) seized the opportunity presented by a gathering of the clergy to elect the successor of the deceased superintendent Mathias Hebler (1556–1571) and urged the adoption of the Augsburg Confession. Thus, the prince compelled the Saxon Church, which was loosely oriented towards the Wittenberg theology (its fundamental principle being the real presence of Christ's body and blood in the elements of the Lord's Supper) to adopt the core confession of Lutheranism.²² The then elected superintendent Lucas Unglerus (1572–1600) was compelled to placate the Saxon clergy by adopting a formula that could be endorsed by both groups within the Church. The first faction inclined toward Philipp Melancthon's position on the subject, which implied first and foremost the real presence (with the adjective *verus* and the adverb *vere*), rejecting Martin Luther's version of the ubiquity (from *ubiquitas*, a teaching on how the heavenly body of the resurrected Christ can be present in the elements) and emphasizing God's mysterious way to present us His son in the elements.²³ The second faction embraced Luther's ubiquity together with his Christology.

In June 1572, Unglerus presented his solution in the "Form of pious consensus" (*Formula Pii Consensus*), namely, that Christ can be present where He wants and is able (*qui et velit et possit ubique esse praesens*) to do so.²⁴ The objective of this writing was not merely to establish a consensus on the Lord's Supper but it was conceived as a comprehensive confession of faith. The *Formula* comprises an article (XVIII) that addresses the subject of church ministry and the repercussions of divine revelation. After emphasizing the need for an ordained ministry, Unglerus added:

*Those will be given in election by the public rite of ordination before the congregation, who are called and designated for the ecclesiastical ministry and are tested, examined, and instituted in a certain order and manner; finally publicly commended to the Church, and through the laying of hands and public prayers, are dedicated to the ministry of the Church for God's blessing, so that they may rightly teach the doctrine of the gospel, administer the sacraments, and be faithful co-workers of God in the edification of the Church of Christ.*²⁵

The *Formula Pii Consensus* was the last of the confessions of faith, and subsequent regulations regarded especially Church discipline. In this sense, several chapters (colleges of clergymen with prerogatives in matrimonial, disciplinary, and moral issues) issued self-regulatory statutes (the major chapters of Mediaș, Sibiu, and Brașov had developed them since the Middle Ages).²⁶ The statutes of the Laslea chapter, from 1572, govern the selection of the dean (the cleric who has served for the longest duration and is entrusted with the leadership of the chapter) along with his prerogatives and financial compensation. These regulations also encompass the procedural framework for judicial proceedings, the imposition of penalties, the conventions of the members, and the comprehensive procedure for the appointment (*vocatio*) of pastors to vacant parishes. In chapter XII, the statutes stipulate that the election process should be overseen by the *politici*, who serve as the secular representatives of the communities.²⁷ The primary concern of the statutes address the scenario in which electors postpone the election, resulting in the absence of an authorized recipient for the tithe.

The Statutes of the Saschiz Chapter, dating from 1573, caution parishes against electing a pastor who did not adhere to the confession of faith (*confession sive fides*) sanctioned by the decrees of the Synod.²⁸ These regulations highlight the conduct, orthodoxy, and diligence of appointed pastors.

*The pastors of the churches must diligently watch so that they and their fellow ministers lead an honorable life, pleasing to God, not a scandalous one; [a life] in accordance with ecclesiastical doctrine or discipline, as contained in the Word of God and the articles of pious synods, so that their light may shine before men and glorify the Father who is in heaven, nor should they, by a disordered life, tear down and destroy what they built with their words.*²⁹

The earliest extant regulatory document explicitly referring to the election of pastors is the “Form of Presentation of Saxon Pastors in Transylvania” (*Forma praesentationis pastorum Saxonicarum ecclesiarum in Transsylvania*) from 1582.³⁰ The congregation was obligated to take an oath of obedience to the elected pastor and to grant him all the privileges his predecessors had. Subsequently, the designated spokesman (*orator*) of the town or village declared and appointed him as legitimate pastor of the congregation. The authority to invest the new minister was bestowed upon the Saxon Nation by the Hungarian kings in charters and privileges from the time of the immigration:

*diplomata universitati Saxonum Transsylvaniae ante annos 400 et privilegia super electione, vocatione et praesentatione sacerdotum parrochorum seu pastorum ecclesiarum a piis Hungariae regibus data, concessa et attributa ac deinde annis subsequentibus confirmata et corroborata.*³¹

This paragraph of the statutes focused only on the inauguration or presentation of pastors; consequently, it did not regulate candidacy or election procedures.

The first regulation on the election of pastors are the “Articles for a just and fair election of pastors properly adapted and necessary, about which neither the members of the congregations nor the ecclesiastical and political authorities should rightfully complain” (*Articuli ad iustam et aequam pastoris electionem de quibus merito nec coloni communitatum*

nec ecclesiasticus politicusque magistratus conqueri debeant accomodati et necessarii) of 1615.³² The regulation is concise, comprising a mere five articles. The first article posited that candidates possess a robust understanding of theology and moral integrity. The second stipulated that the populace, in its simplicity, lacked the capacity to comprehend theological matters, hence, the responsibility fell upon the political representatives (town councils and city magistrates) and chapter members to provide guidance, akin to the manner in which parents offer counsel to their offspring. The third article stipulated that the authorities reserve the right to nominate candidates for the election. The election of a candidate who had not been previously nominated by the magistrate and chapter was considered null and void. The authorities had to nominate a minimum of three candidates, who could be pastors or deacons; however, according to the fourth article, they must have been in divine service for a minimum of one year. It is imperative to note that in the absence of this condition, the election could not be confirmed or validated. The final article stipulated that third parties, that is, individuals not associated with the magistrates, were prohibited from interfering with the election process. This interference may take the form of offering gifts or making promises, issuing threats, or negotiating agreements that sought to secure goods or benefits from Church property. This regulation is written in German and was intended for chapters and congregations. The English translation can be found in the Appendix. By comparing the Latin text³³ with the German one, I made the following observations: 1. The title is different. The Latin version places significant emphasis on the resolution of disputes between the electing bodies and the authorities. The German version of the title endeavors to persuade the reader of the notion that the articles in question were instituted by the Apostles. The primary concern is not judicial but rather disciplinary. Those who elect a pastor were obliged to comply with the articles, as the pastor's authority derived from the apostles of Jesus Christ. 2. In the initial article, the Latin text employs the terms *doctrina theologiae* and *morum integritate*. Conversely, the German text endeavors to persuade the electors of the paramount necessity that the Church have clergymen in accordance with the commandment of Apostle Paul, even employing a paraphrase from the New Testament. According to the document, the candidate's familiarity with the office is a prerequisite for consideration. The Latin text employs a specialized vocabulary, while the German text focuses on the obedience of the electors. 3. The second article makes a significant distinction in its formulation. In Latin, the election was contingent on the counsel of the authorities; by contrast, in German, the electors were obligated to seek the counsel of the authorities. The act of giving and taking is a reciprocal process, where one party's contribution is met with the other's equivalent. It is evident that the target demographic of the Latin text differed from that of the German text. The final section establishes the role of the authorities and introduces a secondary apostolic precept concerning the selection of pastors. 4. The third article exhibits a high degree of similarity in both versions, with a marginal distinction: in the German version, *coloni* is replaced by *Gemein*, and the idea of peasants having insufficient judgment is absent. 5. Article four is similar in both versions. 6. The final article in the German version employs a paraenetic style and engages in a discourse on Christ's Office and the teachings of the Apostles. The final section, characterized by its doxological nature, is absent from the Latin version. It is noteworthy that the Latin term *episcopatum bonorum* has been translated into German as

Pfarrhöffe. The articles may assert that the local pastor possesses the same rights over the rectory as a bishop over his cathedra.

To summarize, two versions of the text are available: one in Latin intended for political magistrates and clergymen and another in vernacular for congregation members. This is a response to the most pressing issues in the organization of elections in seventeenth-century Transylvania. It is a right that must be regulated by the authorities in their own interests, defined here as the Church and its assets, which its ministers must oversee. In order to achieve this objective, it was imperative that each constituent element of the community—namely, the congregation, the chapter, the magistrate, and the clergymen—assumed responsibility and fulfilled their designated role.

The year 1615 is of particular significance to the Church of the Transylvania Saxons. The May Synod in Mediaș was the last assembly to address doctrinal matters; however, it initiated a trajectory that would culminate in a marked shift from Reformed positions.³⁴ In an era characterized by the prevailing influence of Calvinistic princes in Transylvania, the reluctance to engage in debates that could potentially grant the princes increased influence over the Saxon churches is understandable. A parallel evolution can be observed in the case of the Unitarians, who adopted their *Disciplina Ecclesiastica* in 1626.³⁵ Despite the absence of confessionalization in Transylvania, the phenomenon of confessional consolidation and delimitation remains a salient point of discussion. This concept pertains to the establishment of regulations for both clergy and parishioners.

The last revision prior to the Church Constitution Reform of 1861 of the election regulation for Lutheran and Reformed pastors belonging to the Biertan Superintendency occurred in 1819 and was subsequently revised in 1837. It is important to note that this regulatory framework is markedly different from those that were in place in previous centuries. This regulatory norm, referred to as the Norm for candidacy and election (*Candidations- und Wahlnorm*), effectively became the standard for the nomination and election of pastors.³⁶ The initial chapter, which is the longest, is devoted to the candidacy (*Candidations Normativ*, comprising a total of 11 paragraphs). According to the first paragraph, the responsibility for the candidacy lies with the chief officials in Church matters. This body comprised representatives of both secular and ecclesiastical authorities. The seculars constitute the highest-ranking Lutheran officials within the Seats or Districts. The ecclesiastical authorities consisted of the Dean of the Chapter, the Senior (the pastor with the longest tenure at the chapter), and a high-ranking pastor. The novel regulation introduces a ranking system that compares parishes and candidates to their preconditions. According to the second paragraph, the parishes that have been assigned the highest rankings are those located in cities that have a gymnasium. This is due to the fact that the leading pastor is also the inspector of the gymnasium.

The pastor's ability to oversee the school (*gymnasium*), in conjunction with the rector, was paramount when electing the first minister of a prominent Saxon city. This oversight encompassed the supervision of teaching, examinations, and school discipline. The second criterion is that of justness (*Gerechtigkeit*), which can be understood as the selection of the most suitable candidate for the highest position, or the right candidate for the right parish. This process entailed the systematic evaluation and ranking of all existing candidates and potential future contenders. In Section 3, a comprehensive list of criteria is provided,

delineating the attributes that were required for the identification of suitable candidates. These criteria encompass a multifaceted array of competencies, including but not limited to aptitude, erudition, demonstrated responsibility, professional standing, and ethical principles. The ranking for the candidacy was determined by a multifaceted evaluation process, encompassing the following criteria: the rank within the chapters, the rank within the gymnasiums and town parishes (for teachers and deacons), and the rank within the primary or grammar schools. In the final instance, candidates could be educators without academic studies.³⁷ The hierarchical structure of the divine hierarchy was determined by the chapters to which they belonged, and where applicable, by the gymnasiums and schools where they were employed.

An examination for fresh university graduates was mandated by the High Consistory, followed by the ranking of candidates. After each graduation, the candidate would be assigned a new ranking. The fundamental concept was that candidates should accumulate experience in a variety of roles, including auxiliary teacher (*collaborator*), girls' teacher (*informator puellarum*), and full teacher (*lector*). The most distinguished teacher was appointed to the role of rector or head schoolmaster. The designation of 'deacon' could be extended to both lectors and rectors. The subsequent and highest ranking was that of pastor. Conversely, an exceptional ranking of one candidate could facilitate a direct transition from the role of lector to that of pastor. The most recent occurrence was more prevalent among candidates who had undergone university studies. This exception was established due to the prevalence of chapters lacking sufficient academic ministers as candidates for the most senior positions within the highest-ranking vacant parishes.

It was imperative that every elected minister (deacon or pastor) demonstrated a minimum of three years of service within the congregation that elected them. Another innovation was the circle of promotion (*Promotionskreis*). Candidates must hail from a single Church district. The transfer of candidates between districts was a process that occurred exclusively for those who had demonstrated exceptional qualifications. These individuals were typically solicited by parishes that were recognized for their superior performance (high ranking). The number of candidates was set to six. It is evident that these represented innovations in comparison to the previous regulations. As stated in the final paragraph of the initial chapter, officials from the three chapters containing Reformed congregations were obligated to participate in the electoral process of Reformed clergy. In order to be considered for candidacy, applicants must also receive a recommendation from one of the Reformed superintendents. The normative regulation stipulated the preferential employment of teachers from Reformed colleges.

The second chapter contains a single paragraph (§ 12) that addresses the congregation in the possession of noble landlords from the counties. The responsibility for organizing and overseeing the election fell to the Lutheran superintendent and the chapter to which the congregation belonged, given that the landlords were not Lutheran. The third chapter places particular emphasis on the procedural aspects (§ 13–15). The dean was responsible for drafting the list of candidates in strict confidentiality, and the chief officials had to affix their signatures and seals to the document. The election was to be held within three days following the validation of the list of candidates. The names of the candidates were to be disseminated to the heads of families in the congregation the evening prior to the election. The election commenced after the sermon delivered by the deacon. One of the

churchwardens was tasked with reading aloud the names of the candidates. In the event that there was a need for clarification, the churchwarden had to recite the names of the candidates at least three times.

The election was conceived as a ritualistic process. The chief officers were seated at the table in the choir with the list. The electors proceeded sequentially, beginning with the youngest, from one side of the choir. Each elector informed the chief officer of the preferred candidate's name. Thereafter, the electors proceeded to the opposite side of the choir and returned to their seats. The officer wrote a dash after the name of the candidate. After the completion of the election process the officials tabulated the dashes and announced the name of the candidate who had received the greatest number of dashes (see Figure 1). If two or more candidates obtained the same number of dashes, the one with the higher ranking was designated winner. The winner was allotted 24 hours to accept the appointment. In the event that the first candidate was not appointed, the second candidate of the same rank was appointed instead. In the absence of a candidate of equivalent rank, a sixth new candidate was nominated, and a new election had to be organized.

The final chapter (§ 16–21) is dedicated to the subject of complaints. If a grievance lodged by a losing candidate was deemed to have merit by the High Consistory, it was incumbent upon the institution to proceed with a new election. In § 19 the term “simony”³⁸ is employed to denote the most common accusation of a losing candidate against the winner. This term is generic for all kinds of interventions on behalf of a candidate, including bribery, gifts, promises, threats to the electors, defamation of the opposing candidates, and campaigning by proxies. In the event that the allegations brought forth were deemed unsubstantiated by the presented evidence, the individual who initiated the accusation was barred from further participation in any additional pastoral elections. In this scenario, the election was declared null and void, necessitating its subsequent repetition.

The regulation of 1819 is, by all accounts, a marked improvement over the previous one from 1615. It reflects the principles of the Habsburg bureaucracy, as represented by the divines. These divines were elected primarily for their theological knowledge, good morals, and diligence in holding office. The implementation of a ranking system is intended to address two fundamental objectives. Firstly, it is expected to facilitate the allocation of pastors to parishes in a manner that aligns with their specific needs and competencies. Secondly, it is designed to act as a deterrent to corruption within the system. This regulation must not be regarded exclusively as the result of an adapted state bureaucracy; it is also a response to the problems that have arisen over the past two centuries regarding the election of pastors.

An analysis of records from an election held in 1711 provides a valuable opportunity to discern the changes that have transpired since 1615. Two days after the death of a priest, the parish was obliged to send its representatives to the chapter or to the royal and seat judges to receive the list of nominated candidates from these bodies. A substantial modification is the augmentation of the number of nominees from three or four to six. The dean nominated two individuals, the senior pastor nominated two individuals, the royal judge nominated two individuals, and the seat judge nominated one individual. The parity between the two authorities is maintained; however, the presence of “deputies” who also make nominations serve to mitigate the likelihood of corruption. The dean's approval was necessary for the inclusion on both lists. The dean subsequently communicated the

precise date of the election to the congregation. The venue for the election was invariably the church. The election was overseen by a senior pastor in the presence of a senator presiding over the proceedings. The family fathers were granted the right to vote. In the event of a tie, the outcome was determined by a drawing of lots. The result of the election was initially conveyed to the dean, and subsequently, to the elected candidate, who was presented with the insignia (church key). It was only after this that he was granted permission to visit the parish. For 15 days, it was his prerogative to refuse the election and return the insignia. In the event of a late refusal, the newly elected pastor was fined 200 fl.³⁹ These are the first precise intervals for confirming the election result, visually represented by the custom of accepting or refusing the key to the church of the parish the candidate was elected to.

The transition towards the regulation of 1819 was chiefly influenced by the knowledge acquired from the numerous instances of attempted or successful manipulation of candidacy and procedure through bribery or other forms of interference. A study of the elections of the seventeenth century in the Antsilvan Chapter (primarily the Seats of Miercurea, Sebeș, Orăștie, and a few nobiliary possessions) revealed that the most frequent annulations of elections occurred due to the interference of secular authorities or procedural errors. In a multitude of instances, the errors in question were a consequence of the interference on the part of secular authorities. A thorough examination of the *Fundus Regius* revealed that magistrates, as well as seat and royal judges, tried to impose their preferred candidates on elector bodies within various villages.⁴⁰ In the context of nobiliary possession, the landlords who acknowledged their role as patrons of the churches within the possessions were not willing to refrain from meddling in the election of the pastors. In a particular situation from 1684, the Reformed landlord from Ungurei employed physical force to persuade his serfs to elect a candidate who had promised him financial compensation.⁴¹

These cases reflect, first and foremost, the struggle of the Ecclesiastical University to maintain the parity system in candidacy and elections. They also demonstrate the presence of patronage rights in both territories. Richard Schuller's observations on the involvement of Catholic magistrates in validating Lutheran candidacies corroborate this statement. The absence of parity in the electoral process can lead to the intervention and manipulation of election results by the authority wielding more effective power and influence over the electors.⁴² Despite the one-sidedness of the events depicted in the records held in chapters and synods, which also include exaggerated accounts of interference by the secular authorities, these records nevertheless offer a valuable perspective on the imbalance in the exercise of authority on the election of pastors.

Regarding simony, the ecclesiastical authorities exhibited a high degree of intransigence, given the greater complexity involved in its substantiation compared to the allegations of candidacy or procedural manipulation. The case from Călnic of 1591/2 offers a compelling illustration of the operational dynamics of simony within small communities. Candidates, through proxies, made promises regarding the allocation of specific portions of the tithe or other benefits.⁴³ This form of bribery is challenging to detect due to its covert nature. Subsequent to this one revealed case, numerous others were brought to light. Accordingly, during the synod of 9 to 13 June 1676, the superintendent directed the deans to undertake investigations into all allegations of bribery and cautioned the 'simoniac brethren' that they would face removal from office if found guilty.⁴⁴

According to § 10 of the regulation of 1819, candidates whose behavior could potentially arouse suspicion of simony were designated with a lower rank. In § 19, the high consistory formally recommends that the investigation of simony be pursued before the newly elected has been presented or inaugurated in the new parish. These stipulations are considerably more precise and demonstrate that lessons from the past have been taken to heart.

The development of this regulatory framework was initiated by the Transylvanian Gubernium in the early nineteenth century as part of a broader modernization process within the Church.⁴⁵ The state endeavored to disassociate the Church from the Saxon University by enacting regulatory legislation for both institutions. One of the recently implemented regulations stipulated the annual election of pastors, a measure that proved to be both impractical and unpopular, consequently necessitating its repeal.⁴⁶ The right to candidacy and election was temporarily granted exclusively to secular committees.⁴⁷ Given the futility of resistance, as evidenced by the state's reinstatement of the Church's right to elect the pastors, the High Consistory showed a strong inclination to preserve the status quo by proposing the maintenance of many practices from the old customary law.

Conclusions

The regulation of pastoral elections in the Saxon Church in Transylvania reflects the history of this institution. This kind of election was nothing new for the authorities and the parishes when the magistrate of Braşov and later the Saxon University introduced the Reformation and made it mandatory. This explains why we do not have any special regulations for this procedure. It was governed by unwritten customs. A key element from the earliest times was the participation of the secular authorities and the confirmation by the deans as representatives of the regional ecclesiastical authority. Another ancient and specifically Saxon element was the custom of elevating the winner to the altar. Because the relationship with the state (political magistrates, Saxon University) did not change, in the case of the Saxons the Reformation produced Church ordinances that were more interested in the formal acceptance of the purified and ordered service, doctrine and office.⁴⁸ The moral and pedagogical considerations were more crucial than the rules, inasmuch as they did not even define the concept of "good doctrine." Looking at the historical and theological context, it can be identified in the space between Reformed Catholicism and early Lutheranism according to Melancthon's teachings.

In 1572, with the adoption of the Augsburg Confession, the election of pastors received more attention. Now the emphasis is on having an orderly ministry for preaching the Word and administering the sacraments. The Pii Consensus formula provides a complete set of rules for congregations needing an ordained ministry, from election to approval by the authorities, to the act of ordination itself. In this case, early Lutheran doctrine and conformity to the will of the monarch (legitimation) prevail over custom and freedom.

The Form of Presentation of 1582 highlighted the importance of the connection to the Hungarian kings and lords for the identity of the Transylvanian Saxons and their Church. It goes back to the time of colonization and establishes the freedom to choose, present and ordain pastors. The emphasis was put on the privileges of the Church, but in its organized structure under the Lutheran Superintendency in Biertan. It is very interesting that,

as early as 1582, the document recognized the status of Saxons as invited guests in the medieval kingdom of Hungary, contrary to the concurring theories that the Saxons were descendants of the Dacians.

After the creation of confessional denominations in Transylvania was finalized and Transylvanian princes began to favor Calvinism, the Lutherans and Unitarians stopped their internal doctrinal disputes and regulated instead their internal discipline. This is the background of the first election regulations of 1615. For this reason, the doctrine had to be purely Lutheran, but the main emphasis was on having ministers who rely equally on both authorities and who, as well as their congregations, contribute to the consolidation of the Church in difficult times.

The last and most comprehensive election regulation of 1819 did not even mention the doctrine; in paragraph 3, the conditions for being nominated as a candidate were “talent, knowledge, proven diligence, and existing rank in connection with an irreproachable way of life.”⁴⁹ The influence of the Enlightenment and the Viennese bureaucracy is salient, as is the Church’s eagerness to adopt a comprehensive regulation that addressed all questions of candidacy and election. It was a good tool in the hands of church and state authorities to suppress corruption and nepotism, but its effectiveness had to be proven in time. It remained in force until 1860.

The regulations on Saxon pastors, from the Reformation to the end of the pre-constitutional era, reflect the evolution of the Church from a privileged institution with a strong clergy, to a Church as an extension of the secular estate, and then to a Church struggling for autonomy, as it understood itself to be at the core of Saxon national identity in the early nineteenth century.

Appendix

ARTICLE THUS regulated for the lawful and fair election of a new pastor according to the blessed Apostles’ practice, concluded by spiritual and secular authorities in the year 1615

1. Above all, it is most necessary that the person whom one wishes to elect, according to the Christian Church, which requires a pastor, should be well-qualified and appointed with sufficient knowledge of pure doctrine and sufficient practice of good conduct, as commanded by the Apostle, who says to appoint teachers who know how to rightly hand out the Word of God and also know how to give milk to those who need milk and solid food to those who require solid food, and who are not novices.

2. Since simple laypeople cannot properly judge such matters, Christian congregations should seek counsel from the Chapter and the secular authorities, who are their fathers, the former in spiritual matters, the latter in external administration, as they have the best experience. This is the way Saint Paul commanded Titus to follow, that he should appoint teachers for the congregation.⁵⁰

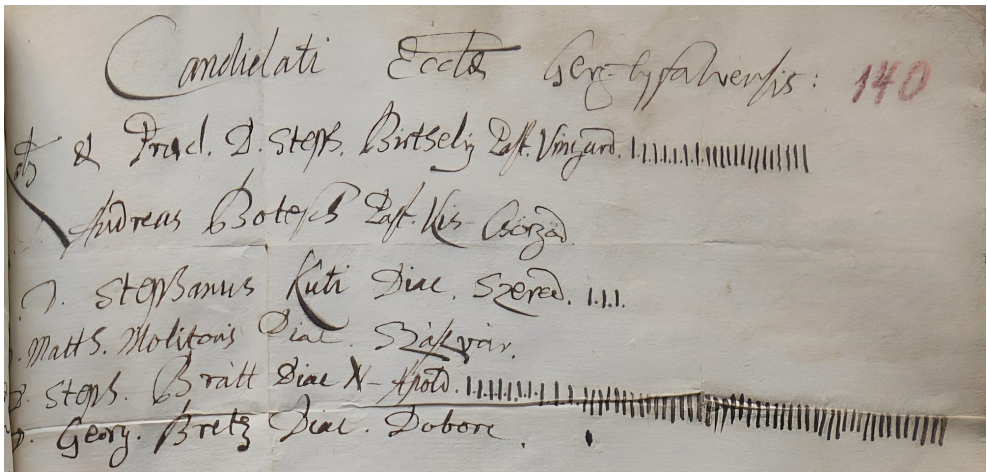
3. Although the election [of a pastor] should remain free for the needy churches, the spiritual and secular authorities shall designate three or four suitable persons from whom

the congregation may choose one according to their desire. However, if the designated [candidates] are bypassed and another is called, such an election shall not be valid, as it violates the Fourth Commandment⁵¹ and greatly harms the Christian Church, in which all things should be done decently and in order, indeed, it goes against all fairness.

4. Moreover, fairness dictates that among the men proposed to the congregations by both authorities, those should primarily be included who have long been in service as preachers or pastors, or who have served for at least a year, for only then does one know who the man truly is—once he has been heard for a time and his conduct in office has been observed. If this is disregarded, the election shall be deemed null and void.

5. Care must be taken with all diligence that no perverse or illegitimate elections and appointments occur or are permitted, contrary to the teaching of Christ and the Apostles. Improper elections, from which God will withdraw His blessing and favor, are of the following kinds: When gifts are given or received, when promises are made or accepted that run counter to the authority and privileges of pastors or pertain to the alienation or squandering of parish property, goods, or rights. Finally, when the congregation is coerced through pressure in elections and not allowed the free choice of the previously designated candidates. For in such cases, it must be assumed that the aim is not God's glory, nor the salvation of the auditory, nor the common good, but rather human favor, personal gain, reward, servitude, temporal honor, and possessions. From this, hirelings arise instead of shepherds, and much scandal follows.⁵²

FIG. 1. "VOTING LETTER" FROM UNGUREI (1684)



SOURCE: Central Archives of the Evangelical Church A. C. in Romania (Sibiu), Fund: Sebeș District Consistory, DA-209-14,140.

Notes

1. Georg Daniel Teutsch, *Zur Geschichte der Pfarrerswahlen in der evangelischen Landeskirche in Siebenbürgen* (Sibiu: Steinhausen, 1862), 4.
2. Ibid., 5.
3. Georg Daniel Teutsch, *Urkundenbuch der evangelischen Landeskirche A. B. in Siebenbürgen*, vol. 1 (Sibiu: Steinhausen, 1862, 161–178.
4. Géza Hegyi, “A plébánia fogalma a 14. századi Erdélyben [The concept of the parish in 14th century Transylvania],” *Erdélyi Múzeum* LXXX (2018): 20.
5. András Bándi, “Die Pfarrerswahlen im Unterwälder Kapitel im 17. Jahrhundert” [The Election of Pastors in the Antesilvanum Chapter in the 17th Century], *Forschungen zur Volks- und Landeskunde* 66 (2023): 81.
6. Stephan Ladislaus Endlicher, *Rerum Hungaricarum monumenta Arpadiana* (Sangalli: Scheitlin & Zollikofer, 1849), 422.
7. Teutsch, *Zur Geschichte*, 6. In another paper, this author implied that the guests imposed this ancient Germanic right on the king as a condition for accepting to settle in Hungary. Georg Daniel Teutsch, *Das Zehmtrecht der Evangelischen Landeskirche A. B. in Siebenbürgen. Eine rechtsgeschichtliche Abhandlung* [The Right to the Tithe of the Evangelical Church A. C. in Transylvania: A Legal-Historical Treatise], 12.
8. Dietrich Kurze, “Zur historischen Einordnung der kirchlichen Bestimmungen des Andreanums,” in *Zur Rechts- und Siedlungsgeschichte der Siebenbürger Sachsen*, ed. by Paul Philippi (Cologne: Böhlau, 1971), (Siebenbürgisches Archiv, 3. Folge, Bd. 8), 140: “Auch nach dem 11. Jahrhundert ist die gemeindliche Pfarrerswahl die Ausnahme und nicht die Regel. Abgesehen vielleicht von Friesland, dessen eher an Skandinavien erinnernde Ordnungen ein recht kräftiges genossenschaftliches Kirchenwesen in sich schlossen, sind Pfarrerswahlrechte in den deutschen Landschaften des 12. und 13. Jahrhunderts wegen ihrer Seltenheit nur mühsam aufzuspüren, und – das ist entscheidend – wo sie zu finden sind, sind sie durchweg neu erworben.”
9. Ibid., 145.
10. Ibid., 146–148.
11. Ibid., 149–152.
12. Ibid., 155–157.
13. András Kubinyi, “Plébánosválasztások és egyházközségi önkormányzat a középkori Magyarországon” [Clergymen elections and parish self-governance in medieval Hungary], *Aetas* 6, 2 (1991): 32–4.
14. Franz Zimmermann and Carl Werner eds., *Urkundenbuch zur Geschichte der Deutschen in Siebenbürgen*, I., vol. 1 (Sibiu: Michaelis, 1892), 224–225; Teutsch, *Zur Geschichte* I, 13.
15. Franz Zimmermann, Carl Werner and Georg Müller eds. *Urkundenbuch zur Geschichte der Deutschen in Siebenbürgen*, vol. III (Sibiu: Michaelis, 1902), 84–95.
16. Ibid., 85.
17. Martin Armgart and Katrin Meese (eds.), *Die evangelischen Kirchenordnungen des XVI. Jahrhunderts*, 24. Band: Das Fürstentum Siebenbürgen – das Rechtsgebiet und die Kirche der Siebenbürger Sachsen [The Protestant Church Ordinances of the 16th Century, Volume 24: The Principality of Transylvania—The Legal Territory and the Church of the Transylvanian Saxons] (abbreviated as: EKO 24), (Tübingen: Mohr Siebeck, 2012), 198.

18. Ibid., 198–200.
19. Ibid., 228.
20. Ibid., 294.
21. Ibid.
22. Ulrich A. Wien, Crossing Borders—Impact of Reformation in Transylvania since the 1520s: Diversity of Faith and Religious Freedom in the Ottoman Zone of Influence (Göttingen: Vandenhoeck & Ruprecht, 2022) (Refo Academic Studies 86), 204.
23. Wilhelm H. Neuser, Die Abendmahlslehre Melancthons in ihrer geschichtlichen Entwicklung (1519–1530) [The teaching of Melancthon in its historical evolution (1519–1530)], (Neukirchener Verlag: Neukirchen-Vluyn, 1968), 450–452.
24. EKO 24, 347.
25. Ibid., 351: *Accedit in electione ritus ordinationis publicus coram ecclesia, quo ad ministerium ecclesiasticum vocati et designati certo ordine et more probantur, examinantur et instituuntur; publicae tandem ecclesiae commendantur ac per manus impositionem Dei benedictionem publicis precibus ministerio ecclesiae dedicantur, ut recte doctrinam evangelii doceant, administrent sacramenta et sint fideles Dei cooperarii in aedificationem ecclesiae Christi.*
26. Friedrich Teutsch, Geschichte der evangelischen Kirche in Siebenbürgen [History of the Evangelical Church in Transylvania] I, (Krafft: Hermannstadt/Sibiu, 1921), 109.
27. EKO 24, 363.
28. Ibid., 374.
29. As part of the Statutes of the Chapters in Rupea and Șeica, Ibid., 399: *Pastores ecclesiarum diligenter invigilent, ut ipsi et comministri eorum honestam vitam, Deo placentem, non scandalosam, secundum ecclesiasticam doctrinam sive disciplinam, in verbo Dei et articulis piarum synodorum comprehensam ducant, ut luceat lux eorum coram hominibus et glorificetur Pater, qui est in coelis, neve quod verbo extruant, vita inordinata diruant et destruant.*
30. Ibid., 462.
31. Ibid.
32. Ibid., 511.
33. According to a later mention, the translation into Latin was made in the first half of the 17th century. József Benkő, Transsilvania sive magnus Transsilvaniae principatus olim Dacia mediterranea dictus, orbi nondum satis cognitus, 2nd vol. Claudiopolitanae 1778, 2nd ed. Vindobonae 1834, 436.
34. Wien, Crossing Borders, 268.
35. Gizella Keserű, The Late Confessionalization of the Transylvanian Unitarian Church and the Polish Brethren, in Kazimierz Bem and Bruce Gordon (eds.) Antitrinitarianism and Unitarianism in the Early Modern World, (Cham: Palgrave Macmillan, 2024), 145–150.
36. Full title: *Candidations- und Wahl-Norm für die Pfarrerswahlen in den Gemeinden der Augsburgischen Confessions Verwandten in Siebenbürgen, und der dem Superintendenten dieser Gemeinden unterstehenden Reformirten Kirchen* (Candidacy and Election Rules for pastoral elections in the Congregations of the Augsburg Confession in Transylvania and the Reformed Churches under the Superintendent of these Congregations). Handbuch für die evangelische Landeskirche Augsburgischen Bekenntnisses im Großfürstenthum Siebenbürgen. Eine Sammlung von Gesetzen und Aktenstücken [Handbook for the Evangelical Church of the Augsburg Confession in the Grand Principality of Transylvania. A collection of laws and documents], (Vienna: Evangelische Landeskirche, 1857), 139–151.

37. The Transylvanian Saxon Church had a long tradition of employing teachers who didn't study in a formal institution, but instead 'learned to teach' as apprentices to experienced teachers.
38. Simony (from Late Latin *simonia*, named after Simon Magus in Acts 8: 18–24) refers to the buying or selling of sacred things, particularly ecclesiastical offices, sacraments, or spiritual benefits.
39. Richard Schuller, *Der evangelisch-sächsische Pfarrer in seiner kulturgeschichtlichen Bedeutung* [The evangelical Saxon Pastor and his cultural and historical significance], (Schäßburg: Markusdruckerei, 1930), 265–272.
40. Bándi, *Pfarrerwahlen*, 79–81.
41. *Ibid.*, 81–84.
42. Schuller, *Pfarrer*, 272–274.
43. Bándi, *Pfarrerwahlen*, 75.
44. Ulrich A. Wien and Martin Armgard, *Die Synodalverhandlungen der evangelischen Superintendentur Birtalhalm 1601–1752, Band I*, [Synodal Article of the Evangelical Superintendency in Biertan, 1601–1752, volume 1], (Sibiu/Hermannstadt: Honterus, 2019), 304.
45. Ulrich A. Wien and Karl W. Schwarz, *Die Kirchenordnungen der Evangelischen Kirche A. B. in Siebenbürgen (1807–1997)* [The Ordinances of Evangelical Church A. C. in Transylvania], (Cologne: Böhlau Verlag, 2005), (Schriften zur Landeskunde Siebenbürgens 30) 19–21.
46. Friedrich Teutsch, *Geschichte der evangelischen Kirche in Siebenbürgen, Band II: 1700–1917* [History of the Evangelical Church in Transylvania, volume 2, 1700–1917], (Hermannstadt: Krafft, 1922) 274–275.
47. *Ibid.*, 281–282.
48. Wien, *Crossing Borders*, 56.
49. *Handbuch*, 141.
50. 'For this cause left I thee in Crete, that thou shouldest set in order the things that are wanting, and ordain elders in every city, as I had appointed thee.' Titus 1,5, The King James Bible: <https://www.kingjamesbibleonline.org/Titus-Chapter-1/> (Accessed on 9th June 2025)
51. According to the Lutheran tradition: 'Honour thy father and thy mother: that thy days may be long upon the land which the LORD thy God giveth thee.' The King James Bible: <https://www.kingjamesbibleonline.org/Exodus-Chapter-20/> (Accessed on 9 June 2025)
52. Arhivele Naționale ale României – Sibiu, *Capitulul evanghelic C.A. Bistrița Nr. 2*, *Signatur*: SB-F-00008-711(1)-2, 7-8. A slightly different version of the German text was edited in Wien and Armgard (eds.), *Synodalverhandlungen*, 64–65. I decided to translate the articles from the copybook of the Bistrița Chapter (end of the 18th century) because they reflect their use in the congregations.

Abstract

Regulatory Articles and Regulations for the Election of Saxon Clergymen in the Early Modern Period (1543–1819)

The paper examines the regulations governing the election of Saxon pastors in Transylvania, with an emphasis on the relationship between secular and ecclesiastical authorities in the modern era. From a doctrinal and moral point of view, the regulations were intended to help parishes and authorities alike to manage a process that was at the core of Saxon identity: freedom, even in ecclesiastical matters. In accordance with the historical periods, the regulations reflect the needs of the Church: from finding its confessional profile, to consolidating its ranks and internal discipline to withstand political pressure from absolutist monarchs, to implementing an efficient bureaucracy to guarantee fair elections and the best available candidate for each category of congregation. The appendix contains the first explicit regulation on the matter, from a register used to supervise the elections. An illustration has also been added at the end of this paper to introduce the reader to how the election process was managed by the officials.

Keywords: church history, history of Lutheranism, history of Transylvania, Transylvanian Saxons, simony, Lutheran ministry.

