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The Civic Seminary: The Sources of Modern Public Education in the Lutheran Reformation of Germany

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Abstract

This Article documents how and why the sixteenth-century Lutheran Reformation helped to build the modern public education system of the West. Rejecting the medieval tradition of church education primarily for and by the clergy, Martin Luther argued that all Christians need to be educated to be able to read the Bible on their own, to participate fully in the life of the church, state, and society, and to prepare for their distinct vocations. Lutheran Germany and Scandinavia thus set up public schools as "civic seminaries," in Philip Melanchthon's apt phrase, designed to offer general spiritual and civic education for all. In early modern Lutheran lands, the state replaced the church as the chief educator of the community, and free basic education with standard curricula was made compulsory for all children, boys and girls alike. The Article offers case studies of new German city and territorial laws on education on the books and in action, and it reflects on the enduring significance of this early experiment in education even in our day.

Keywords: Lutheran Reformation; Martin Luther; Philip Melanchthon; Johannes Brenz; Education; Public Schools; Germany; Curriculum; Girl Schools; Brunswick; Württemberg

Introduction

"Reformation denial" has become the new fashion among Western historians today. A generation ago, the sixteenth century Protestant Reformation was almost universally regarded as a formative era in the development of Western ideas and institutions. Today, it is regularly described as an historians' fiction and historical failure. Martin Luther, John Calvin, Thomas Cranmer, and other sixteenth century figures certainly called for reforms of all sorts, recent interpretations allow. But they inspired no real reformation. Their ideas had little impact on the beliefs and behavior of common people. Their policies perpetuated elitism and chauvinism more than they

cultivated equality and liberty. Their reforms tended to obstruct nascent movements for democracy and market economy and to inspire new excesses in the patriarchies of family, church, and state.

The new two volume *Handbook of European History 1400-1600*, prepared by forty leading historians, is part and product of this new historiographic fashion. In their introduction, the Handbook editors treat "the Reformation" as an ideological category of "nineteenth century Protestant historical belief," which served more to defend the self-identity of modern mainline Protestants than to define a cardinal turning point in Western history. Recent historiography, the editors argue, has brought "changes of sensibility" that have now "robbed" the term "Reformation" of any utility and veracity. Particularly, "the rise of economic and social history tended to carve the boundary between modern and older Europe ever more deeply into the era between 1750 and 1815." Moreover, "the ebbing prestige of individualism and Christianity in European high culture undermined the [Reformation] concept's explanatory power."

The editors report that the period from 1400 to 1600 must now be viewed not as a revolutionary era in its own right but only as a preparation for the great Enlightenment revolutions of the eighteenth century. This was a transitional era, featuring "a gradual, fluctuating, highly contextualized blending of 'late medieval' with 'early modern'. . . ." Its "three principal trends" are (1) "the late medieval depression of economy and population and the fifteenth-century recovery"; (2) "the rupture of Christendom . . . and its supersession by the Europe of the national states"; and (3) "the founding of the first European seaborne empires in the wider world. . . ." "Depression and recovery, Christendom and the states, Europe and the empires -- these are three profoundly important changes specific to this era of late medieval-to-early modern transition."

From the perspective of German history, this thesis is neither cogent nor cognizant of legal developments. The concept of "reformation" was not a theological invention of Luther and his later Protestant followers. It was a legal convention of the jurists of the early fifteenth century, who called for the wholesale reformation of the doctrines, structures, and methods of public, private, and criminal law. The legal reformation movement, which these jurists inaugurated, first inspired the 1438 "Reformation of Emperor Sigismund," followed by nearly two centuries of increasingly radical and effective "legal reformations" in the cities and territories of Germany. The movement brought with it sweeping changes in the methods and styles of legal science and philosophy -- new statutes and codes, new forms of legal rhetoric, pedagogy, and systematics, new divisions between and within public and private law, and many other changes associated with "the rise of legal humanism" and "the reception of Roman law." The legal reformation also introduced massive revisions to sixteenth century German criminal laws and procedures, administrative structures and processes, constitutional powers and rights. To be sure, this legal reformation retained ample adherence and coherence with earlier traditions of canon law, civil law, and customary law. And to be sure, the eighteenth and nineteenth century Enlightenment-

based revolutions introduced new changes in German law. But the sixteenth century was, by comparison, an equally fertile and revolutionary era.

It was the theological reformation inaugurated by Martin Luther in 1517 that helped to render this legal reformation so pervasive and resilient. And, in turn, it was the legal reformation begun in the previous century that helped to render the theological reformation so instantaneously effective and revolutionary. These legal and theological reformation movements remained mutually inspiring and integrating after the early 1520s. Many of the leading jurists of sixteenth century Germany were Lutheran converts, who were quick to translate the new theological ideas of the day into new legal forms. For example, Lutheran theologians replaced the traditional sacramental understanding of marriage with a new social concept of marriage and family life. On that basis, Lutheran jurists developed a new civil law of marriage, featuring requirements of parental consent, church consecration, and peer presence for the validity of marriage, and the modern law of divorce on grounds of adultery, desertion, abuse, and frigidity. Lutheran theologians introduced a radical new theology of the uses of the moral law, rooted in the Bible, particularly the Ten Commandments. On that basis, Lutheran jurists transformed traditional natural law theory, introduced sweeping changes in the civil laws of sumptuousness and public morality, and developed an integrated theory of the retributive, deterrent, and rehabilitative functions of criminal law and punishment. Lutheran theologians introduced the concept of the magistrate as the *Landesvater*, called by God to enforce both tables of the Decalogue in the community. On that basis, Lutheran jurists introduced many of the legal forms and forums of the modern welfare state, with state-run churches, schools, charities, workhouses, hospitals, and the like. Viewed through the binocular of law and religion, therefore, the "German reformation" is hardly the ideological concept or idle category that recent historiography suggests.

This Article takes up one small part of the story -- the reformation of the law and theology of education in sixteenth century Germany. Prior to the Reformation, the Roman Catholic Church had dominated German education, governing its institutions with refined canon law rules and structures. The reformation of this canon law of education began more than a century before Luther, as strong German cities and princes introduced new laws and forms of civil education to rival those of the Catholic Church. It was the reformation of the Catholic theology of education, however, that provided the catalyst for a more profound and pervasive reformation. Martin Luther called for educational reform already in his revolutionary manifesto of 1520, *An Appeal to the Ruling Class of German Nationality as to the Amelioration of the State of Christendom*. By the end of the century, a rich collection of evangelical sermons, pamphlets, and monographs on education lay at hand together with more than 100 new evangelical school ordinances.

The Protestant reformers' early preoccupation with pedagogical reform was driven by both theological and practical concerns. The new evangelical theology assumed at least a minimal level of education in the community. The doctrines of *sola Scriptura* and lay participation in the vernacular liturgy assumed literacy and popular

facility with Bibles, catechisms, and liturgical documents. The doctrines of the priesthood of all believers and the calling of all persons to a God-given vocation depended on the ready access of everyone to the educational program that suited their particular calling and character. The doctrine of the civil, theological, and educational uses of law in the earthly kingdom presumed widespread understanding of both the moral laws of conscience and the civil laws of the state. Germany's traditional pedagogical beliefs and structures, the reformers believed, could not readily accommodate this new theology.

Moreover, swift educational reform was critical to resolving some of the most pressing practical problems to beset the Lutheran Reformation in its early years. Evangelical church leaders desperately needed right-minded pastors and teachers to staff the new evangelical churches and charities. Evangelical magistrates needed civil jurists and councillors to replace the many canonists who had traditionally staffed the civil bureaucracy. The rapid destruction of cathedrals, cloisters, and chantries in the early years of the Reformation left Germany without its principal organs of lower education. The rapid dissolution of traditional forms of tithing and penitential gifts deprived German students of critical sources of funding. The rapid disappearance of available ecclesiastical positions rendered many parents hesitant to send their children to the schools that were left. Questions of education, therefore, demanded the reformers' immediate attention.

The reformers' resolution of these questions helped to render the Lutheran Reformation a quintessentially educational movement. The German Lutheran Reformation was born in the university -- in Luther's lectures on the Psalms and St. Paul, in his prerogative as a professor to challenge the church to reform itself, in his acts of burning the canon law and confessional books before his Wittenberg faculty. The Lutheran Reformation found its leaders among the learned theologians and jurists of the northern German universities, whose rectors and senators steadfastly protected them, despite threats of excommunication, interdict, and financial hardship.

The Reformation laid the foundation for a comprehensive system of public education in Germany, under the law and governance of the civil magistrate. The new educational system featured hundreds of new Latin schools, boy schools, and girl schools, which offered mandatory instruction in the traditional liberal arts and the new Protestant faith. It also featured a massive outpouring of popular tracts and public lectures designed to teach commoners of all walks of life all that was needed for body and soul. The new printing press poured out pamphlets and tracts on commerce, geography, history, law, medicine, economy, husbandry, family life, and other civil subjects, together with sundry Bibles, catechisms, prayerbooks, and other guides for daily Christian living. In the apt phrase of Luther's great colleague Philip Melancthon, "the teacher of Germany," this new German educational system was a "civic seminary" designed to inculcate both right religion and broad erudition in the populace.

Part I of this Article recounts briefly the Catholic theology and canon law of education that dominated Germany prior to the Reformation. Part II analyzes the new

evangelical theology of education rooted in the Lutheran theory of the two kingdoms. It also distills several core pedagogical principles taught by the reformers -- that the state must bear principal responsibility for education, that all citizens must have access to educational opportunities, that compulsory formal schooling of both boys and girls must begin at an early age, that children must be divided into successive classes that combine religious and civic instruction. Part III analyzes the legal appropriation of these theological teachings o/n education in German cities and schools, with case studies of the influential new educational laws of the city of Brunswick in 1528 and the duchy of Württemberg in 1559. The Conclusion reflects briefly on the significance of this Reformation heritage for modern theories and laws of public education in America.

I. The Catholic Tradition of Education in Germany

In the centuries before the Lutheran Reformation, the Roman Catholic Church had dominated German education. The Church regarded "teaching" as a special apostolic calling of its clergy, alongside preaching and sacramental administration. Christ's last words to his apostles had been: "Go ye therefore, and teach all nations, baptizing them in the name of the Father, and of the Son, and of the Holy Ghost: teaching them to observe all that I have commanded you: and lo, I am with you always, even unto the end of the world." This calling to teach, the Church believed, had passed, through apostolic succession, to the pope and his prelates. It obligated them both to guard the "faith" set forth in the Bible and to elaborate its meaning for daily life. The Bible would thereby be transmitted faithfully to each new generation, and the meaning of the Bible elaborated through a living Christian tradition.

The Church discharged its teaching authority through multiple media. The Bible was preserved through the transcriptions of monks and papal scribes, and later through the publications of authorized printers. The religious tradition was elaborated through sundry papal decretals and encyclicals, conciliar decrees and judgments, diocesan instructions and injunctions, and all manner of official rites, prayers, canons, creeds, catechisms, and theological books that had won widespread approbation within the magisterium. Despite the diversity of these media, the Church's teachings, particularly on vital spiritual and moral matters, were to remain uniform, universal, and unassailable by the laity -- a claim which papal censors and inquisitors protected, with increasing alacrity after the thirteenth century.

Formal schooling was one important means by which the Church exercised its broad teaching authority in Christendom. School teaching, like all other forms of teaching offered by the Church, was fundamentally religious in character, designed to teach the precepts and practices of the Christian faith for all walks of life. The Church had established its first schools in Germany already in the later seventh century. By

1500, a vast network of church schools was in place governed by general canon law principles and the tailored rules of local bishops and synods.

Cathedral, monastic, and parish schools delivered much of the formal lower education in Germany. These schools offered both humanistic and religious instruction, principally to budding spiritual and secular clergy. The youngest students were taught to read, write, and sing. Intermediate students were versed in the trivium (grammar, rhetoric, and dialectics) and the quadrivium (arithmetic, geometry, music, and astronomy), using primarily Greek and Roman texts. Advanced students were trained in biblical and theological studies in preparation for their clerical vocations. Clerical school masters (scholastici), steeped in scholastic theology and educational philosophy, guided children through these programs, under the supervision and employ of bishops and monastic superiors. Many of the larger cathedral and monastic schools were supported by substantial endowments that helped to defray the costs of teachers, texts, and tuition. Though the bulk of students in these schools were of noble or magisterial stock, precocious youngsters of all classes found their way into the classroom as well, through the recommendations and support of parishes, orphanages, and monasteries.

The Church also provided a number of less formal means of lower education. The largest monasteries and cathedrals periodically held "external" or "college" schools for training choir members, acolytes, and clerks in the rudiments of reading and music. Ecclesiastical chantries and guilds were regularly commissioned by benefactors to provide education for the youth. Cloisters provided both domestic and humanistic training for some of the young girls in the community. Parish priests provided rudimentary reading and writing skills to their catechumens and general moral and religious instruction to their congregants. Several fifteenth century decrees issued by German synods and councils enjoined clerics to use their pulpits and confessionals to educate their flocks in the teachings of the Gospel, Decalogue, and catechism.

A dozen German universities, established between 1348 and 1506, provided advanced training in theology, medicine, law, and the arts. Though these universities were independent corporations formally outside of the church magisterium, they generally remained under strong ecclesiastical influence. The church issued the charters that established the universities and the licenses that allowed their professors to teach. Clerics and monks comprised the majority of the teaching staff. Monasteries provided fraternities and foundations to house and support students, particularly foreigners. Parish priests and cathedral canons served as university chaplains. General councils and local synods passed regulations to control the curriculum, teaching staff, and student body of the universities. Church courts adjudicated the majority of disputes between and among students, professors, and the episcopacy.

Despite its vast institutions and influence, however, the Church held no monopoly on German education. By 1500, dozens of independent private boarding or day schools, run by one or more lay teachers paid through private fees, could be found in the cities. Large craft and mercantile guilds maintained their own schools, both to

train apprentices and to educate members of their families. The Brethren of the Common Life, a lay religious movement originating in the Lowlands, offered a refined education in humane letters and the classics that attracted a substantial number of German students.

By 1500, a number of German cities (particularly those in the Hanseatic League) had established, over clerical objection, their own systems of city schools (Ratschulen) -- Latin schools, vernacular reading and writing schools, and a handful of girls schools -- that rivalled the church schools for students and sponsors. These city schools, staffed by municipal clerks and syndics, and supported by local tax dollars and private donations, were designed primarily to train new generations of civil bureaucrats, businessmen, and administrators. Although the vernacular boys schools and girls schools could not match the curriculum or prestige of their church rivals, the Latin schools could, offering a robust training in the seven liberal arts, followed by practical, vocational instruction. In older, well-endowed bishoprics, such as Cologne, Worms, and Mainz, the Church was able to increase the number of monastic and cathedral schools to keep the rival city schools in check. (In 1500, for example, Cologne alone maintained 11 cathedral schools and 15 monastic schools.) Where the bishop wielded less influence, however, as in N \ddot{u} rnberg, Hamburg, and L \ddot{u} beck, city schools predominated.

Likewise, several of the German universities -- though chartered and accredited by the church -- were supported by large princely endowments, and structured to produce not only clerics and theologians, but also councillors, judges, ambassadors, lawyers, and other civil servants to serve in the territorial estates. The universities in Wittenberg, T \ddot{u} bingen, Ingolstat, and Frankfurt an der Oder, in fact, allowed students to matriculate at minimal cost if they would agree to serve in the prince's retinue upon graduation. These early encroachments on the Church's magisterium were important signposts along the way to the Protestant reformers' successful creation of a new system of secular education in Germany.

II. The Lutheran Reformation of Education

In his early writings, Luther attacked the Roman Catholic pedagogical tradition with unbridled vehemence. The lower schools were, in his experience and judgment, "a hell and purgatory in which we were tormented with [Latin] cases and tenses, and yet learned less than nothing despite all the flogging, trembling, anguish, and misery." The curriculum offered only a spare diet of Latin grammar and Greek verse and consisted principally of rote memorization of the church calendar, Decalogue, Creed, Lord's Prayer, and selected hymns and confessional rhymes. A graduate of these schools "remained a poor, illiterate man all of his days."

The universities, too, were in Luther's view "dens of murderers," "temples of Moloch," and "synagogues of corruption." Even the best universities in Germany had become edifices of prurience and "loose living." Their administrators often converted their endowments to personal use. Their teachers lived opulent, ostentatious lifestyles

and flouted their responsibilities with impunity. Their faculties offered too little instruction in religion and morality and betrayed too great an appetite for rationalism and scholasticism. "[T]he blind, heathen teacher Aristotle rules far more than Christ" in the universities, Luther charged. His Physics, Metaphysics, and Ethics distort the Gospel and "oppose divine grace and all Christian virtues." Therefore, "[t]he universities, too, need a good, thorough reformation." For "what have men been learning till now . . . except to become asses, blockheads, and numbskulls?"

Luther was hardly alone in these criticisms. Since the 1480s, eminent German humanists such as Rudolf Agricola, Johannes Reuchlin, Jakob Wimpfeling, and many others had railed against the church schools and universities for their barbarization of the pure Latin, Greek, and Hebrew languages, their distortions of classical and patristic texts, their manipulation of all students and studies to the service and aggrandizement of the Church. Early converts to the Lutheran cause offered similar sentiments. The young Martin Bucer was appalled by the "astonishing absence" of Bibles and catechisms in the vernacular and Latin schools of Strasbourg, and urged teachers and preachers alike to help return true religious instruction to the cornerstone of their pedagogy. The Wittenberg jurist Johann Apel complained bitterly that "among the thirty jurists [he encountered] not one of them could write a proper Latin brief," far less "teach a proper course."

Philip Melanchthon called the Latin schools of his day "swamps of depravity" specializing in "property, pride, and pretense," and run by "barbarians who have vulgarly and by means of force and fear arrogated to themselves titles and rewards and retained men by means of malicious devices." Like Luther, he regarded the universities as "synagogues of Satan," bent on perpetuating "papal hegemony" and "the theological hallucinations of those who have offered us the subtleties of Aristotle instead of the teachings of Christ." Nowadays, Melanchthon wrote, no one can learn the arts and theology without becoming steeped in the arid scholastic philosophy favored by Rome. No one can learn the law without being drilled incessantly in the "tyrannical canon law." "But an ambitious young man is trapped," for no one can ascend to any sort of distinguished public office without a university education. The testimony of these contemporaneous critics lent credence to Luther's call for reform.

A. Evangelical Principles of Public Education

Luther and his followers grounded their educational reforms in the pivotal doctrine of the two kingdoms. According to conventional Lutheran lore, God has ordained two kingdoms or realms in which humanity is destined to live, the earthly or political kingdom and the heavenly or spiritual kingdom. The earthly kingdom is the realm of creation, of natural and civic life, where a person functions primarily by reason, law, and passion. The heavenly kingdom is the realm of redemption, of spiritual and eternal life, where a person functions primarily by faith, hope, and charity. These two kingdoms embrace parallel temporal and spiritual forms of justice and morality, truth and knowledge, order and law, but they remain separate and distinct.

The earthly kingdom is fallen, and distorted by sin. The heavenly kingdom is saved, and renewed by grace -- and foreshadows the perfect kingdom of Christ to come. A Christian is a citizen of both kingdoms at once, and invariably comes under the structures and strictures of each.

On the one hand, the reformers regarded education as essential to the maintenance of the heavenly kingdom -- "second only to the church in importance," as Luther once put it. Education is essential to the constant preservation of the Gospel. The ancient languages of Hebrew, Greek, and Latin, "are the scabbard in which the sword of the spirit is contained," and they must be transmitted faithfully to each generation. The ancient arts of rhetoric, logic, and dialectics are essential to the proper preaching and rational disputation of Scripture. It was the erosion of these ancient languages and arts that had led to the downfall of the Roman Catholic Church. It was their resurrection in Luther's day that had helped to "expose and destroy this kingdom of Antichrist." Education is equally essential to the spiritual flourishing of each Christian believer. Each person, as an individual accountable to God, must be educated enough to read the Bible daily, to master its contents, and to make choices rooted in its teachings. Each believer, as a member of the priesthood of believers, must be taught the habits of Christian discipline and discipleship and the skills necessary to pursue the distinctive vocation to which God has called him or her. Scripture thus repeatedly enjoins persons to educate themselves and their children, so that God and the Gospel will be well served.

The reformers likewise considered education to be essential to the maintenance of the earthly kingdom. Indeed, says Luther, "[w]ere there neither soul, nor heaven, nor hell, it would still be necessary to have schools for the sake of things here below." For education enhances the common good. A community's "best and greatest welfare, safety, and strength" lies not in wealth of arms and allies, but "rather in its having many able, learned, wise, honorable, and well-educated citizens." Contrary to conventional German folklore that the educated are daft and useless ("die Gelehrten, die Verkehrten"), the reformers insisted that educated citizens are essential to the success of the community. They are better able to apprehend and appropriate the moral and civil law in their own lives. They tend to be more sober in judgment, temperate in character, ethical in their dealings. They tend to run better businesses. They have the cultural and linguistic learning necessary to deal effectively with foreign merchants and governments. They generate great wealth and foster charity and good will for the community. As Melancthon put it, "better letters bring better morals; better morals bring better communities." Therefore "simple necessity has forced men, even among the heathen, to maintain pedagogues and schoolmasters if their nation was to be brought to a high standard."

A system of education also serves the three great estates of family, church, and state that form the pillars of the earthly kingdom. It teaches parents and children alike the basic skills of domestic economy and husbandry, and the meaning and measure of being a true Christian child, mother, wife, father, and husband. It prepares theologians, pastors, teachers, sextons, and others who will effectively carry on the

work of the visible church. It prepares jurists, councillors, clerks, and other members of a new civil bureaucracy to replace the clerical bureaucracy on which the state had traditionally relied. The reformers laid particular stress on the need for religious and civic leadership. "We theologians and jurists must remain or everything else will go down to destruction with us," Luther declared. "When the theologians disappear, God's word also disappears, and nothing but heathens remain, indeed, nothing but devils. When the jurists disappear, then the law disappears, and peace with it; and nothing but robbery, murder, crime, and violence remain, indeed, nothing but wild beasts."

On the strength of these arguments, the reformers set forth a number of principles of education that eventually won widespread acceptance in the budding evangelical communities of Germany and beyond.

First, the local civil magistrate bears principal responsibility for formal schooling. To be sure, parents must continue to rear and instruct their children in a Christian manner, to teach them the prayers and the catechisms, to offer them examples of love and discipline. Local churches must continue daily to teach their members the Scriptures, the liturgies, and the prayers. Guilds and mercantile leagues must continue to cultivate apprentices in their crafts and commercial arts. But the civil magistrates -- emperors, princes, dukes, city councillors -- are "the fathers of the community," and "the supreme guardians of the youth," and they bear primary institutional responsibility for formal education. They must establish and maintain schools, just as readily as they build castles, raise armies, and promulgate laws. If civil magistrates already have state schools in place, they must retain and enhance them. If they have church schools within their jurisdictions, they must confiscate them and convert them to state institutions.

The reformers' consignment of school education to the province of the state did not absolve the church from all teaching responsibility or deprive education of its religious character. The church, in their view, is still required to teach children the Bible, catechisms, hymns, psalms, liturgies, and prayers -- not just on Sunday, but also, in Johannes Bugenhagen's words, "before and after each school day." Church leaders are still required to instruct magistrates on the commandments of God's Word and to "urge magistrates and parents to rule wisely and to send their children to school. . . ."

But the church's teaching authority is too limited in scope and content to render it the primary custodian of the schools. The church's teaching is directed primarily to its own parishioners, not the entire citizenry. It dwells primarily with the spiritual matters of the heavenly kingdom, not the temporal matters of the earthly kingdom. To saddle the church with jurisdiction over all schooling, therefore, would compromise its divine message and mission. Only the state magistrate, as "father of the entire community," has sufficiently universal authority to govern the schools. The state magistrate must preserve the religious mission and ministry of the school. For the magistrate is God's vice-regent in the world, called to appropriate and to cultivate

God's word and will throughout the earthly kingdom. "God has created human society so that some might teach others about religion," Melanchthon writes. "Since princes are the custodians of human society, it belongs to them to bring it about, to the extent they are capable, that which God has rightly required."

Second, civil magistrates must provide parents and children alike with various opportunities to educate themselves. Public libraries should be available in each community to foster self-education and preservation of knowledge. Schoolmasters and professors should hold periodic public lectures on matters of medicine, commerce, agriculture, geography, and law. Magistrates should educate their citizens on the requirements of moral and civil laws -- by posting the laws in public places, disseminating them through pamphlets and handbooks, declaring them from the pulpit and the town hall.

Third, civil magistrates must make at least a rudimentary formal education compulsory for all children. The reformers reached this principle reluctantly, for it stood in considerable tension with their cherished doctrines of Christian freedom and family responsibility. Their reluctance fell away, however, when they began to discover the dramatic drop in student enrollment in the mid-1520s. German city schools were complaining bitterly of the dearth of available, let alone able, students, and a number of them simply closed their doors in frustration. The number of private tutors and private boarding schools was dropping precipitously. German universities were losing students in record numbers. The University of Cologne went from 370 students in 1516 to 54 in 1524. Luther's alma mater at Erfurt plummeted from 311 students in 1520 to 14 in 1527. The University of Vienna matriculated 661 students in 1519, only 12 in 1532. The University of Rostock had 300 students in 1500, none at all in 1529. Even the University of Wittenberg, for all its reformist zeal, dipped from 245 students in 1521 to only 73 in 1527. "[T]he common people appear to be quite indifferent to the matter of maintaining the schools," Luther noted with alarm. "I see them withdrawing their children from instruction and training them to the making of a living and to caring for their bellies. . . . [N]early all the municipal authorities let the schools go to ruin as though they had absolution from all responsibilities."

In retrospect, it can be seen that a number of factors contributed to this dramatic decline in schools and students -- two generations of humanistic attacks on traditional German education; the dissolution of the monastic and chantry endowments that had traditionally supported students; the foot-dragging of civil authorities to convert confiscated ecclesiastical properties into public schools; the social unsettlement born of the knights' uprising, the peasants' revolt, and their aftermath; the rash of plagues and poor crops in the middle of the 1520s; the fresh rise of popular skepticism about learning altogether, among other factors. Whatever the actual reasons, Luther's contemporaries put the blame squarely on him and his followers. In Erasmus's famous quip, "Wherever Lutheranism prevails, there learning and literature disappears."

The reformers, therefore, began to insist on compulsory school attendance. Since the paterfamilias did not seem to appreciate the value and validity of education

of his children, the paterpoliticus would have to intervene -- for the sake of the children and the community. "[I]t is the duty of the temporal authority to compel its subjects to keep their children in school, especially the promising ones," Luther declared. "For it is truly the duty of government to maintain the offices and estates . . . so that there will always be preachers, jurists, pastors, writers, physicians, schoolmasters, and the like, for we cannot do without them. If the government can compel such of its subjects as are fit for military service to carry pike and musket, man the ramparts, and do other kinds of work in time of war, how much more can it and should it compel its subjects to keep their children in school."

Fourth, children must begin their schooling at the earliest age possible. To restore Christendom, Luther wrote, "we must make a new beginning with children." Likewise Justus Menius wrote in an educational book for which Luther wrote a preface: "Men who are to serve their country must be raised to it from earliest childhood; in no other way can an impression be made on them."The reformers predicated this recommendation directly on their theology of sin. According to Bugenhagen, "baptized children live in the grace of God and know nothing of good and evil. Yet they still are born with a sinful nature. . . . The moment they begin to become rational, then the devil appears also to teach them all manner of mischief. This is the moment to seize them."For proper religious instruction, from an early age, will help to inoculate them against these temptations. Luther concurred in these views, and stressed the importance of the school community in helping to deter sin. "[Y]oung people should be permitted to hear and see and experience everything, in order that they can be held to honor and discipline. Nothing is gained by monkish coercion [and isolation]. It is well that young people are permitted to associate with others, but they must be earnestly brought up to propriety and virtue, and kept away from vices."

Fifth, schools must be readily available and accessible to all children.Both boys and girls should have their own schools, within a reasonable distance of their homes.Both rich and poor should be allowed to attend them. Public and private money should be gathered to support an endowment for poor students -- either confiscated from the large monastic holdings and endowments, or saved from household money that had traditionally been spent on indulgences, masses, vigils, pilgrimages, and sundry other forms of compulsory religious giving.

Sixth, schools must serve as "civic seminaries,"inculcating both right religion and broad erudition in their students."[T]he foremost reading for everybody, both in the universities and in the schools, should be the Holy Scripture," Luther declared in 1520, sounding his great theme of sola Scriptura.Indeed, "I would advise no one to send his child where the Holy Scriptures are not supreme."Melanchthon, too, impressed repeatedly on his readers that "all the knowledge in the world of history, geography, arithmetic, the calender, languages, and medicine . . . is useless and meaningless without the prior knowledge of God . . . taught in the Bible." But, despite their strong adherence to the theme of sola Scriptura, the evangelical reformers regarded biblical instruction alone as insufficient for any curriculum. Education, after all, was as much a matter of the earthly kingdom as the heavenly kingdom; it depended upon the texts of

both reason and revelation to be successful. The reformers thus outlined new curricula for private tutoring, vernacular schools, Latin schools, and the universities alike, curricula that balanced the twin commands of pietas and eruditio.

For private tutorial instruction, which often was the only formal instruction available in the countryside, Melanchthon took the lead, developing a Handbook for How Children Must be Taught to Read and Write (1524), A Catechism for Youngsters (1532/1558), and, for more advanced students, a text on Common Topics in Theology (1521/1559). The youngest students were to learn the alphabet and grammar, using various learning techniques that Melanchthon had included in his earlier textbooks on Latin and Greek grammar. Students were then to be taught to memorize and to understand sundry religious texts -- the Lord's Prayer, the Ave Maria, the ecumenical creeds, Psalm 66, the Ten Commandments, the Beatitudes, and various chapters from the Gospels and St. Paul. Advanced students were to be schooled in the seven liberal arts, supplemented by a careful instruction in such theological topics as sin, grace, law, love, the sacraments, and several others. Upon completing their tutorials, the best of students were to be sent to the universities for advanced training.

For the Latin schools, Melanchthon, together with Luther and Bugenhagen, devised a more carefully stratified curriculum. Students were to be divided into groups and allowed to excel in accordance with their abilities and interests. A first level of students was to be instructed in the alphabet, various prayers and creeds, and in the Latin grammar of Donatus and the verses of Cato. A second level of students was to receive further grammatical instruction from various classical and humanist authors, religious instruction from the Psalms and the Gospels, the Lord's prayer, the Decalogue, and the Creed, and moral instruction from the verses of Terrence, Plautus, Erasmus, and most importantly Aesop's Fables (which Luther translated into German). A third, advanced group of students was to be steeped in the works of Ovid, Cicero, and Virgil, and then learn dialectics, rhetoric, and poetics. All three groups of students, the reformers said, must be trained in Latin as their primary language, taught to memorize important religious and humane passages, constantly instructed in music and hymnology, and periodically schooled in physical education, mathematics, science, and history, as time allowed. All three groups were to be spared the assignment of too many useless books. Careful reading and understanding of a few critical texts was far more useful than superficial reading in a large library. Later Protestant humanists, such as Johannes Sturm and Michael Neander, developed an even more refined Latin school curriculum, dividing lower school students into up to ten classes, each with its own combinations of religious and humanistic texts and exercises.

Most students, the reformers believed, will be unable and unexpected to complete the entire Latin school curriculum. A few children are better suited, by reason of handicap or temperament, to forgo formal schooling altogether. Many students will, upon acquisition of certain basic skills, wish to pursue further vocational training in their homes, guilds, or the vernacular schools. Only the most highly qualified students should be encouraged and supported to complete this program and

to pursue university studies in preparation for a life of ecclesiastical or civil service. A student need not be ashamed about, or discouraged from, departing the Latin academy in medias res. "[I]t is not necessary that all boys become pastors, preachers, and schoolmasters," doctors, magistrates, and lawyers. Every person has a place in God's kingdom, and each vocation dutifully pursued is equally noble and worthy in God's sight.

For the German vernacular boys schools and girls schools, Johannes Bugenhagen offered the most refined and sustained recommendations. Unlike the Latin schools, the vernacular schools were to offer a less differentiated and more flexible curriculum. Students were to be taught the rudiments of reading, writing, and arithmetic using whatever texts were at hand. They were to memorize the Decalogue, the Lord's Prayer, and the Apostles' Creed, and to read Psalms, sing hymns, and learn biblical history. But, once this rudimentary training was completed, the students were to learn the practical skills of agriculture, commerce, household duties and the like that would equip them to pursue honest vocations in the local community. Instruction was to be principally in German, following the local dialect, though students with special aptitude or interest, might also be trained in Greek, Latin, and Hebrew.

In his later years, Luther stressed the importance of the catechism in the religious training of students in the Latin and vernacular schools -- even hinting, in a few passages, that catechetical instruction might be more important than untutored Bible reading. Luther increased his emphasis on the catechism to combat the growing spiritual laxness of his followers and the growing spiritual license of the antinomians. He came away from the 1527 and 1528 church visitations in electoral Saxony stunned by "the deplorable, miserable condition I discovered. . . . The common people, especially in the villages, have no knowledge whatever of Christian doctrine, and alas, many pastors are altogether incapable and incompetent to teach. . . . and yet, now that the Gospel has come, they have nicely learned to abuse all liberty like experts." Exasperated by the distorted doctrines he encountered in sermons and letters, Luther wrote: "Nowadays everyone thinks he is a master of Scripture, and every Tom, Dick, and Harry imagines that he understands the Bible and knows it inside out." As an antidote, Luther offered his famous Short and Large Catechisms. Both catechisms set out the texts of the Decalogue, Apostles' Creed, and Lord's Prayer, together with explanations; the Large Catechism offers more fulsome explanations of each text, together with disquisitions on baptism and the eucharist.

Contrary to what several recent commentators have argued, Luther did not craft his catechisms either to canonize immutably his theological formulations or to shelter students from a broad biblical and humanistic training. Luther's catechisms were not canonical Protestant confessions or creeds. They were simple, pithy, ecumenical statements of the rudiments of the Christian faith, painted in predominantly pastoral and practical tones. Luther offered them, as he put it, to replace the "many confusing kinds of texts and forms of the Decalogue, the Lord's Prayer, the Creed, and the sacraments" to which students were being exposed. He urged teachers either to adopt his catechisms or to "choose whatever form [of instruction] you please, and stick

to it," so that students will not be confused. Only for those teachers and pastors "who cannot do better" and who are "so unskilled that [they] have absolutely no knowledge" did he insist on close adherence to his formulations.

Luther suggested many times that a teacher might also wish to turn for guidance to any number of other catechisms and religious handbooks that antedated his -- that of the Catholic theologian Jean Gerson, those of fellow theologians like Melancthon, Bucer, or Brenz, or even those of Lutheran jurists like Christoph Hegendorf. Luther was not nearly so covetous of his catechetical formulations as some recent writers have insisted. Moreover, neither Luther's catechisms nor those of any of his coreligionists were intended to overshadow the curriculum of either the Latin schools or the vernacular schools. They were designed simply to enhance the Bible reading that the student would hear daily at home and at church and to enlighten the sundry other humane texts in the curriculum.

The reformers' pedagogical principles were calculated both to resonate with German experience and to break the Roman Catholic Church's traditional dominance of education. On the one hand, the reformers retained a good deal of Germany's pedagogical tradition. The system of state-run public education built squarely on the existence and experience of the Ratschulen and vernacular schools in the large cities. The tripartite division of the classes paralleled the structure of the monastic and cathedral schools. The system of state-run charities to support poor students built on the practice of princes, guilds, and monasteries to maintain educational endowments. The curricula of the lower schools kept religion at their core, and retained the seven liberal arts as well as a number of texts prescribed by the canon law. The Protestant universities retained their traditional charters, faculty divisions, and degree programs.

On the other hand, the reformers cast these traditional pedagogical practices into their own distinctive ensemble, rooted in the two kingdoms theory. In their view, the Christian magistrate was to replace the church cleric as the chief protector and cultivator of the public school and university. The civil law was to replace the canon law as the chief law governing education. The school was to replace the home and the church as the chief organ of education. The Bible was to replace the scholastic text as the chief handbook of the curriculum. The general callings of all Christians were to replace the special calling of the clergy as the *raison d'être* of education. In the reformers' view, education was to remain fundamentally religious in character, but subject to broader political control and directed to broader civic ends.

These startling new principles of education did not win easy popular acceptance in the young evangelical communities of Germany. Luther, in particular, spent a good deal of time defending them, both in private letters and in his oft-reprinted sermons *To The Councilmen of all Cities in Germany That They Establish and Maintain Christian Schools* (1524) and *A Sermon on Keeping Children in School* (1530). Luther laced his advocacy with both cajolery and threats. On the one hand, Luther, the pastor, sought to entice reticent parents and students to see the value and validity of education. "Just look, emperors and kings must have chancellors and clerks, counselors, jurists, and

scholars. . . . All the counts, lords, cities, and castles must have syndics, city clerks, and other scholars. There is not a nobleman who does not need a clerk. And to speak also about men of ordinary education, there are also the miners, merchants, and businessmen." "Think, too," Luther continues, "how many parishes, pulpits, schools, and sarcistanships there are. Most of them are sufficiently provided for [by endowments], and vacancies are occurring every day." If students do not enroll in schools, "I would like to know where we are going to get pastors, schoolmasters, and sarcistans three years from now."

If his readers were still not convinced, Luther held forth "about the pure pleasure a man gets from having studied, even though he never holds an office of any kind, how at home by himself he can read all kinds of things, talk and associate with educated people, and travel and do business in foreign lands." On the other hand, Luther, the prophet, charged would be dissenters from these principles with blasphemy and treason. "If God has given you a child who has the ability and the talent for his office, and you do not train him . . . you are doing all in your power to oppose worldly authority . . . [and] you are depriving God of an angel, a servant, and king and prince in his kingdom; a savior and comforter of men in matters that pertain to body and soul, property and honor; a captain and a knight to fight against the devil. Thus you are making a place for the devil and advancing his kingdom so that he brings more souls into sin, death, and hell every day and keeps them there."

B. The New Civil Law of Public Education.

The German magistrates proved considerably more receptive than the German masses to the reformers' pedagogical principles. Traditional Roman Catholic principles had given the magistrates little responsibility for education, and little control over the sizeable church schools and endowments within their domains. Most civil encroachments on the church's magisterium were viewed as sins, punishable by the interdict and the ban. The new Protestant principles, by contrast, declared the magistrates to be the chief custodians of education called by God to seize the failing church schools and their endowments and to shepherd them toward their divine mandates. Both conscientious and covetous magistrates found inspiration in such teachings, and they quickly cast the reformers' pedagogical principles into civil law. They issued a torrent of new school laws in the first two generations of the German Revolution -- some as free-standing school ordinances (Schulordnungen), most as provisions subsumed within the broader church ordinances (Kirchenordnungen) and public policy ordinances (Polizeiordnungen) issued by urban or territorial rulers.

The first evangelical school laws appeared in 1523 in the towns of Zwickau and Leisnig, and in 1524 in Magdeburg, Annaberg, Freiburg, and Meissen. By 1530, at least eight other cities had promulgated such laws, including the influential centers of Nürnberg (1526), Brunswick (1528), Hamburg (1529), Frankfurt am Main (1530), and Göttingen (1530). In subsequent decades, this city school legislation thickened, both in pages and in volumes, as existing laws were amended, and other cities promulgated

their first laws on the subject. By 1559, some 50 city school laws, drafted under evangelical inspiration, were on the books.

While many of the city councils could call on prototypes for this legislation reaching back to the mid-thirteenth century, the territorial and ducal councils began largely *tabula rasa*. Yet such legislation also began to appear rather quickly. Already in 1526, Landgrave Philip the Magnanimous of Hesse prepared, under Melanchthon's instruction and inspiration, an ambitious plan for a new school system in Hesse, comprised of lower Latin boys schools, an interim *Pädagogium* for university-bound students, and new evangelical university in Marburg. Though Philip (at Luther's urging), delayed official promulgation of this plan, it worked a considerable influence on practices in Hesse and surrounding territories, and ultimately was promulgated in truncated form in 1537, and in expanded form in 1566. Saxony issued Melanchthon's rudimentary school plan in 1528, followed by more comprehensive legislation in 1533. Pomerania issued a territorial school law in 1535, followed by Brandenburg in 1540, Schleswig-Holstein in 1542, Braunschweig-Wolfenbüttel in 1543, and Württemberg in 1559.

The reformers did not leave the promulgation of these new school laws to the vagaries of the political process. Many of the leading theological lights of the Reformation participated actively both in drafting and defending these laws. Luther helped to draft the new school laws of Leisnig (1523) and Wittenberg (1533), and also influenced the school ordinance of Göttingen (1530), for which he wrote a preface and Herzberg (1538). Melanchthon's ideas dominated the new city school laws of Nürnberg (1526), Wittenberg (1533), Herzberg (1538), Cologne (1543), and Mecklenburg (1552) and also lay at the heart of the early Saxon school laws (1528 and 1533). Melanchthon also worked a considerable influence on school reforms in Tübingen, Frankfurt an der Oder, Leipzig, Rostock, Heidelberg, Marburg, and Jena. Johannes Brenz helped to draft the early school ordinances of Schwäbisch-Hall (1526) and Brandenburg-Nürnberg (1533), and was the principal draftsman of the school ordinances of Württemberg (1556-1559). Martin Bucer had a strong hand in drafting the school laws of Strasbourg (1524) and Ulm (1531) and also influenced the school provisions in the new laws of Augsburg (1537), Kassel (1539), and Cologne (1543).

The most fertile legislative pen among the early reformers was that of the Wittenberg theologian and town pastor Johannes Bugenhagen, who had been a Latin schoolmaster before converting to the Lutheran cause. Bugenhagen drafted the city school laws of Brunswick (1528 and 1543), Hamburg (1529), Lübeck (1531), Bremen (1534), and Hildesheim (1544). He also had a strong hand in drafting the school laws for the territories of Pomerania (1535), Schleswig-Holstein (1542), Brunswick-Wolfenbüttel (1543), and the kingdoms of Denmark and Norway (1537). Through correspondence and consultation, he also worked his ideas into the school laws of several other cities and territories in Germany and abroad, including Ostfriesland (1529), Mindener (1530), Göttingen (1530), Herforder (1532 and 1534), Soester (1533), Wittenberg (1533), Brandenburg-Nürnberg (1540), and Osnabrück (1543).

The reformers made ample use of scissors and paste in crafting this legislation. They regularly duplicated their own formulations and those of their closest co-religionists in drafting new laws. They corresponded with each other about the school laws, and frequently circulated draft laws among their inner circle for comment and critique. They referred to and paraphrased liberally the educational writings of the leading reformers, particularly those of Luther and Melancthon. This close collaboration led to considerable uniformity among the school ordinances, and considerable legal appropriation of the reformers' cardinal pedagogical ideas.

The Lutheran Reformation had its most direct and dramatic influence on lower education in Germany. Viewed as a whole, the new school ordinances created a two-track system of lower schools. First, Latin and vernacular city schools (Ratschulen) -- either inherited from pre-Reformation times or established in place of the cathedral or monastic schools -- formed the core of the new school system. As in pre-Reformation times, these schools were established and maintained principally by the local city councils and supervised by city clerks, superintendents, and on occasion local judges vested with principal pedagogical authority. Also as in pre-Reformation times, the city Latin schools attracted the greatest tax support and best teachers, and provided the richest curriculum in religion and the liberal arts. The vernacular boys schools and girls schools -- also called reading and writing schools (Lese- und Schreibschulen) or sacristan schools (K \ddot{u} stenschulen) -- generally enjoyed less attractive quarters, less regular tax disbursements, less qualified teachers, and were ultimately designed for rudimentary literacy and vocational training for local children.

Second, alongside these city schools, new territorial or princely schools (Landeschulen or F \ddot{u} rstenschulen) were established -- both to train budding bureaucrats to serve in the princely retinue and to prepare gifted students for ongoing work in the universities. These territorial schools were "an innovation belonging to the age of the Reformation," and a critical means of extending the services and consolidating the power of the local prince or duke. The territorial schools were designed to complement, rather than compete with, the existing city schools; indeed many princes and dukes made periodic disbursements to the city schools to ensure that would continue to cooperate in the region's educational system.

In the typical case, the territorial schools were established by the initiative (and where necessary with the funding) of the territorial council, regulated by territorial legislation, and supervised by itinerant superintendents commissioned by the territorial council. Frequently these territorial schools provided the only forms of elementary and secondary education in the countryside. In the cities, they often served as "interim boarding schools" (P \ddot{a} dagogia) to which poor, but gifted Latin school and vernacular school students were sent to prepare them for university life. Alongside these Latin and vernacular schools, a large number of private tutorial schools continued to flourish in the cities -- despite the best efforts of the city councils to stamp them out.

1. Urban Public Schools: The Example of Brunswick. The 1528 school law drafted by Johannes Bugenhagen for the city of Brunswick provides a typical and

influential example of the new urban legislation. The law demonstrates neatly both the reformers' penchant for amalgamating their fresh principles with traditional institutional forms and the local magistrates' proclivity for seeking to regulate their new schools in minutest detail.

The preamble to the school law offers a crisp distillation of the reformers' pedagogical principles, peppered throughout with biblical citations and homiletic appeals. "It is an equitable and Christian right," the preamble begins, "that children are baptized into God's grace," "that they are taught to distinguish right and wrong," and that they "receive the fruits of the Spirit and the knowledge of Christ." It is the reciprocal duty of parents and magistrates to provide such education. Some teaching must occur in the home and in the church. But the most important education must take place in the school. Parents must send their children to school, even though it may be more lucrative to keep them at home and even though it may appear dangerous to expose them to new ideas and to uncertain career plans. The preamble ends with a resounding rendition of the reformers' belief in the religious and civic utility of education:

Before all else, therefore, it is considered necessary . . . to establish good schools and to employ honorable, well-grounded, scholarly masters and assistants to the honor of God the Almighty for the welfare of the youth and the satisfaction of the entire city. In these schools, the poor, ignorant youth may be properly trained, learn the Ten Commandments, the Creed, the Lord's Prayer, and the Christian sacraments with as much explanation as is suitable for children. They may also learn to sing the psalms in Latin, and to read passages every day from the Latin Scriptures. In addition, they may study the humanities from which one learns to understand such matters. And not merely that, but also that in time there may come good schoolmasters, good preachers, good jurists, good physicians, God-fearing, decent, honorable, well-grounded, obedient, sociable, scholarly, peaceable, sober but happy citizens, who henceforth may train their children in the best way, and so on the children's children. This God requires of us.

The ordinance makes extensive provision for Latin boys schools, devoting seven of its ten articles to their governance. Two Latin schools are to be permanently established for the city, each housed in a former cathedral school and each staffed, at minimum, with a rector, chorister, and assistant. The law sets out in copious detail the responsibility, authority, moral standards, skills, salary, and room and board provisions of each school official, and the division of responsibility among them. It lays down the procedures to be followed by the city council to adjudicate any disputes among school officials, students, and members of the community (particularly parents of schoolchildren). It prescribes a curriculum, which is, in the statute's words, "more or less as Philip Melanchthon has described it."

The Brunswick law repeats Melanchthon's plans for a tripartite division of classes and regimen of textbooks with little deviation, though it encourages officials to supplement Melanchthon's exclusive diet of Latin, with some offerings in Greek,

Hebrew, and German. The law orders that tuition be collected by the school assistants as parents have means. Aristocratic parents must pay double tuition. Most parents must pay single tuition. Some parents may commute their tuition payment by offering room and board to another student. Others may seek, with the city council's help, "some pious, rich folks who will make scholarly donations to bright, poor boys." "Those who are so poor that they can pay nothing, and yet would willingly bless their children [with education] may go to the general treasurer in the precinct [who] will keep a record of such children and bring them to the schoolmaster [for free education]." When students reach the ages of twelve and sixteen, the schoolmaster must judge whether they should either continue to pursue higher education or take up "an honorable or satisfactory vocation" with the skills they have learned. Only a very small number of students should be encouraged to continue university studies after their sixteenth year and so "be dedicated to the Godly service of other people in spiritual affairs as well as the temporal affairs of government."

The Brunswick law also provides, more cryptically, for vernacular boys schools and girls schools. Only officially licensed vernacular schools are permitted in the city; unofficial private tutors and private schools (*Winkelschulen*) are strictly prohibited. The law authorizes an unspecified number of boys schools designed primarily "to teach something good from the Word of God about the Decalogue, the Creed, Lord's Prayer, the two sacraments . . . and Christian songs." Two German schoolmasters are appointed by the city council, given a basic salary, and authorized to collect fees from their students. Nothing is said about curriculum, facilities, schoolmaster responsibilities, and the like for these schools.

The vernacular girls schools receive considerably lengthier statutory treatment. Four girls schools are established for the city. Schoolmistresses "grounded in the Gospel and of good repute" are to be appointed as "Christian servants of the entire city," devoted to teaching the young girls. The city council must pay them a basic salary, which they may supplement with fees collected from students who have the means to pay. The law waxes at some length on the limited mission and curriculum of the girls schools. Girls are to attend them "one or at most two hours per day" for "a year or at most two years." The young girls "need to learn only to read, and to hear some exposition of the Decalogue, the Creed, and the Lord's Prayer, and [the sacraments]. They also ought to learn to recite some passages from the New Testament concerning the Creed, the love and patience of the cross, and some sacred history . . . and Christian songs." With such training, young girls will be capable of becoming "useful, skillful, happy, friendly, God-fearing, not superstitious or stubborn, housewives who can control their servants and train their children."

The Brunswick law assigns to the church and its clergy discrete roles to play in the educational process. Churches are to open their doors each morning and evening without fail so that the children can go through a regimen of reading Scripture, singing Christian psalms and hymns, and offering vespers and matins under the direction of the choristers or the pastor. This method of daily devotional exercises, the statute states, will "render the children accustomed to going to the Holy Scriptures as if to a

play."Clergy who serve as school superintendents are to give mid-week lessons on the Holy Scripture in the school or in the public square -- such lessons to be in Latin to distinguish them from sermons which are delivered in German during worship services. Churches are required to provide various forms of material aid to students, to hire students and graduates of the local schools as acolytes and choir members, and to furnish accommodations to newly-wed school assistants who have need. The "most distinguished pastor" of the community, together with five members of the city council and the city treasurer, is required to make semi-annual inspection visits to each of the city schools to ensure they are adhering to their charges "in every particular."

The Brunswick law also makes some provision for broader public participation in the educational process. Public libraries are to be established, at city expense, near each of the schools in the city. The libraries are to house the writings of the great Church Fathers, Ambrose, Augustine, Jerome, and other doctors who have written on the Scripture and be open to all members of the community. The law authorizes the construction of a public lecture hall (lectorium), and the regular delivery of public lectures on sundry topics. Two jurists are to be hired by the city to deliver lectures thrice weekly on the Institutes and the Code, and for "whatever other purpose the city council and the deacon deems proper." One or more medical doctors are to give thrice weekly lectures on matters of hygiene, diet, care for the poor and the sick, and also to participate in care for the sick and hospitalized in the community. School rectors, superintendents, and their brightest students are to give daily biblical expositions that are designed "not so much for the instruction of their students but for the [spiritual] enhancement of their listeners." Through these and other means, the entire community would be imbued with religious and civic learning.

Bugenhagen's 1528 statute for Brunswick was quickly held up in evangelical circles as a model. Both Luther and Melancthon praised it heartily for its skillful appropriation and reification of evangelical pedagogical learning and saw to its wide dissemination throughout Germany and Scandinavia. The next two generations of city councilmen and their advisors made ready use of its structure and language in crafting their own legislation. It was a common feature of the city school laws passed before 1559 to begin with a recitation of evangelical pedagogical principles, often laced with the favorite theological themes of local religious leaders. The city school ordinances typically then made detailed provision for the structure, teaching, curriculum, and maintenance of the Latin schools, the establishment of vernacular boys schools and girls schools, and often featuring staggered tuition rates and/or various forms of aid for poor students, public libraries, and public lectures on law, medicine, theology, and the arts.

Local magistrates, of course, offered their own variations on the Brunswick school law -- driven in part by pragmatics, in part by their own principles. Though such variations range broadly over time and across jurisdictions, a few loose trends are evident. First, many of the larger cities began to insist on increasing professionalization of their Latin schools. Minimal educational requirements for teachers and superintendents became more stringent, moral and lifestyle standards

more rigorous. The city school laws after the 1540s insist regularly that only university-trained theologians be employed as rectors and superintendents, and that well-trained jurists and judges participate in the inspection of the schools. Officially sanctioned textbooks became increasingly the norm. City councils began to insist on more routinized teaching and evaluation techniques and more refined differentiations among classes of students. Johannes Sturm's ten-class lower school in Strasbourg was a brilliant exception to the usual division of classes into four or five groups.

Second, the disparities between the Latin schools, on the one hand, and the vernacular boys schools and girls schools, on the other, became increasingly acute. In many cities and towns, funding for the facilities, materials, and teachers of the vernacular schools dropped off appreciably. Statutory attention also waned. The 1543 revision of the Brunswick school law, for example, quite unlike its 1528 prototype, makes no provision for the funding or maintenance of the vernacular schools, even though the six vernacular schools in place in the city were floundering badly. As a consequence, the vernacular schools in several cities simply closed down; several others became little more than grand apprentice programs, run voluntarily by well-meaning, but untrained tailors, shoemakers, carpenters, and church custodians.

Third, over time, the city councils made heavier use of the churches as their administrative agencies of education. In the larger cities, pastors were expected to lecture and offer counselling in the local schools. Consistories were expected to help in soliciting school funds, securing student housing, and supervising schoolteachers and superintendents. Church buildings were to be available for use by the school masters, in the (rather common) case of overflow at the schools. Choristers, paid by the church, were expected to participate in the musical instruction of the schools.

In the smaller towns, where formal schooling was harder to establish, the magistrates leaned even more heavily on the church. The church sanctuary on Sunday became the school house during the week. The parsonage became the rooming house for poor, gifted students. Local pastors and sextons were to hold periodic instruction in Scripture, the catechism, singing, and sundry humanistic texts, "so that the youth were not entirely neglected." The pattern of church-state relations that emerged in the governance of family, social welfare, and public morality in the sixteenth century repeats itself here: First the state usurped entirely the church's traditional jurisdiction over education, only to delegate a portion of such jurisdiction back to the church when the civil bureaucracy encountered its limitations.

2. Territorial Public Schools: The Example of Württemberg. While Johannes Bugenhagen's 1528 school law for the city of Brunswick provided a model of the new urban legislation, Johannes Brenz's 1559 school law for the duchy of Württemberg (1559) provided a model of the new territorial legislation. Like Bugenhagen, Brenz incorporates into this law a preambulatory apologia for state education, followed by detailed provision for various lower schools, and the responsibilities of church, state, and community to them. Unlike Bugenhagen, however, Brenz proceeds far more formally and self-assuredly -- armed with the

expertise harvested from the first two generations of pedagogical reform. Gone from the Württemberg school law are the intermittent Biblical quotations and homiletic appeals that marked the Brunswick law and its progeny. Gone, too, are the plaintive entreaties to magistrates and citizens to cooperate in this tender new enterprise. In nearly 100 pages of densely written text, the Württemberg school ordinance firmly commands and finely routinizes the school system of the duchy.

The preamble to the ordinance focuses directly on the utility of education for the three estates of the earthly kingdom. "[U]pright, wise, learned, skillful, and God-fearing men belong to the holy preaching office, to the secular magistracy and administrative offices, and to domestic life," the preamble begins. "[S]chools are the proper means ordained and commanded by God, wherein such people may be educated." "[O]ur forefathers [devoted] a considerable portion of their temporal goods to monasteries and foundations to the support of schools and studies." In our day, we devote our resources to public schools, and command that they "be put into effect throughout the principality without fail and with all industry and serious attention."

The ordinance tolerates no deprivation of education for any child and no diversity in the methods and media of instruction. School attendance is compulsory. The statute insists that "special care be taken that in each and every community, . . . from the foremost cities to the hamlets in our principality," schools are available and accessible to the children. The form of instruction should be identical everywhere, for "diversity in teaching methods and textbook authors is . . . more of a hindrance than a help" in pedagogy. The statute thus provides a "uniform and universal" educational program with "distinct divisions [of the schools] into classes," and detailed instructions for "textbook authors, hours, recitations, and the like by which our officials must regulate everything." School officials shall "by no means change anything to suit themselves," the statute warns. "Each school shall accord with each other."

No exact uniformity in education was forthcoming. The Württemberg school law provides for four forms of lower education -- (1) Latin schools, (2) cloister schools, (3) vernacular schools, and (4) territorial boarding schools -- that intermixed traditional and newly established institutions.

Latin boys schools (Partikularschulen) provided the foundation for the new school system. Existing Latin schools in the cities were to be maintained, alongside new Latin schools established in every village and town. Ideally, each Latin school was to be divided into five classes through which students could advance at their own pace. In reality, the smaller villages often could offer only the first two or three classes (and were thus often called Trivialschulen). The most able "graduates" could then pursue training in the school of a larger neighboring city, or in the five-class interim boarding school. The ordinance sets out a detailed, uniform curriculum and calendar for each of the five classes. The curriculum blends religious and humanistic instruction in (by now familiar) evangelical patterns. Many of the texts that Melancthon had prescribed in his 1528 Instructions are assigned, together with Melancthon's own textbooks on grammar, rhetoric, and dialectics, his exegesis of Proverbs and Latin

catechism, and a host of other books. Each class was to begin and end its day with prayer and song, with devotions and a brief meditation to be offered at lunchtime. Each hour of the day was designated for the teaching of a discrete subject, with exact specifications for how the subject was to be taught. Teachers were strictly prohibited from departing from this regimen.

The ordinance dwells at some length on the morality and discipline of the Latin school boys. While the youth are "still gentle and amenable," the statute reads, they must be inculcated with the "Godly morality that Scripture imparts." The statute distills this biblical morality into a seven-part statute respecting the students' attendance, dress, work habits, and the like. Families and churches must aid the school in disciplining the youth. Schoolmasters must keep parents and pastors apprised of their disciplinary patterns, particularly with more delinquent youths. Parents must visit the schools regularly to see the behavior of their children and confirm the schoolmasters' discipline when it is meted out. Pastors must offer special counsel to delinquent and incorrigible youths, and use their sermons and lectures to inculcate and illustrate Christian morality for parents and students alike.

Latin schoolmasters and their assistants must be "learned, God-fearing, industrious, and indefatigable." Who better to measure their credentials than the local church councils led by the head pastor. Candidates for teaching positions were to be carefully screened concerning their education, family background, moral scruples, and above all their religious convictions. They had to be conversant with both the basic Lutheran dogma of the Augsburg Confession, and the particular local formulations of that doctrine set down in the official confession and catechism of the duchy. Promising candidates were escorted by local consistory officials to Tübingen, where they offered a lecture and disputation before the theology faculty at the university. Those who passed this test returned to the local community, and as a final step to their induction, read aloud before representatives of the city council and consistory court the full text of the Württemberg school ordinance. After they were inducted into their offices, they were subject to monthly inspections and quarterly examinations by the local pastor and three "learned men" of the community.

While the Latin schools in Württemberg provided general education for a substantial fee, the "cloister schools" (Klosterschulen) usually provided theological education for free. The cloister schools, among Brenz's most provocative innovations, were boarding schools housed in former cloisters throughout the duchy that had been appropriated by the duchy. They were designed for the "sole purpose of . . . training young men to become teachers and preachers in the church." Their doors were to be open only to able adolescent boys, of good Christian stock, presented to the superintendent by a local pastor or noble. Some of these boys could be plucked from the Latin schools, but generally they were to be boys of precocious ability but of too humble a means to attend the Latin schools. The cloister schools were to charge these students little, if any, tuition on condition that their parents or guardians sign an elaborate admission contract consenting to the ministerial training they would receive.

For all the anti-monasticism of the early reformers, the Württemberg law prescribed a veritable monastic experience in these cloister schools. The boys were to be housed together, away from their families, and under the watchful eye of a superintendent and/or schoolmaster. Their time was to be spent on a regimen of daily chores, devotional exercises, and reading, writing, and speaking. The school law sets forth in painstaking detail a carefully graduated curriculum. Alongside the conventional training in the liberal arts, the students were to receive special, in-depth training in Scripture, church history, formal theology, homiletics, liturgy, hymnology, and the like. The law sets out elaborate lists of moral imperatives to be mastered and by which the boys were to be measured. It also assigns long passages of Scripture, the catechism, prayers, and liturgical rites to be memorized and recited faithfully. After four or five years of such training, all students were equipped, at minimum, to hold minor ecclesiastical appointments throughout the duchy -- as sextons, assistants, catechism instructors, and the like. Others could be assigned a pastoral tutor, and slowly groomed for a pastoral office or higher ecclesiastical administration. The best students were to compete for stipends to pursue advanced theological training in Tübingen, whose graduates were equipped for full-fledged pastorates, schoolmaster positions, and, for the very best, professorial positions in the theology faculties.

The Württemberg law makes brief provision for the German vernacular schools, with little departure from conventional norms. Separate boys schools and girls schools were to be established so that all youth "may be well instructed and trained in the fear of God, right doctrine, and good conduct." Basic literacy training was critical -- to teach student proper mastery of the alphabet, good grammar, legible penmanship, and proper pronunciation of the local dialect. Such training was critical so that the students could master not only the Scripture, but especially the catechism and confession prescribed by the Württemberg church ordinance.

Two "interim boarding schools" (Pädagogia), newly established in Stuttgart and Tübingen, served multiple pedagogical needs. They provided advanced training for students whose local Latin schools did not offer all five classes of instruction. They offered pre-university training and screening for Latin school and some cloister school graduates whose university credentials were somewhat suspect. They also eventually came to serve as an elite training ground for young students (particularly of distinguished families) who aspired to high bureaucratic positions in the duke's retinue.

Brenz's 1559 Württemberg school ordinance established a model of an integrated school system of sixteenth century Germany, and the pristine institutional appropriation of the reformers' educational ideals. The traditional varieties of independent church schools, city schools, and private schools were integrated into a common public school system subject to the central rule of a Christian magistrate. The great varieties of curricula and teaching methods previously offered were reduced to common forms and foci that balanced religious and humanistic instruction. The traditional disparities in educational opportunities were relieved by the opening of schools to all children, boys and girls, rich and poor, rural and urban alike. The traditional deprecation of learning in the lay estates gave way to new opportunities for

training in literacy and literature for all citizens. In place was an educational system that was predicated on the highest evangelical principles of pedagogy, and positioned to perpetuate evangelical learning and leadership for generations to come.

The law on the books, of course, is not always the law in action. The many close studies of the actual working of the new educational system -- in Württemberg and in several other cities and territories in sixteenth century Germany -- suggests that the new territorial and city laws provided an ideal form that could not be fully realized. Tax records reveal a perpetual bickering over endowment disbursements, school teachers salaries, school maintenance costs, and the like. School and church visitation records suggest ongoing problems with delinquent and ignorant teachers, self-dealing inspectors and pastors, student delinquency, parental interference in the schools, and the like. Court records are filled with disputes between and among school teachers, parents, and civil magistrates over everything from payments in arrears to prostitution rings. Census records give evidence of continued illiteracy among substantial portions of the population.

This evidence, drawn from local studies, properly softens some of the overly-bright assessments of the evangelical reformers' educational reforms offered earlier in this century. It does not, however, suggest that the evangelical reformers' revolutionary new system of education was a failure, as some recent writers have argued. The evidence of alleged failure is drawn principally from records that are barometers of discontent and dissent, naturally disposed to reflect strongly negative impressions. It reflects the conventional problems of every educational system in action -- including our own. Such evidence must be balanced against the incontrovertible fact that the Lutheran Reformation permanently transformed German education into a system that was considerably more public, more egalitarian, more pluralistic, and more humanistic than any that came before, that the populace was rendered more literate, learned, and advanced than it was before. The basic law and structure of education born of the Lutheran Reformation remained at the cornerstone of German education for more than three centuries thereafter.

Summary and Conclusions

Prior to the sixteenth century, the Roman Catholic Church had established a refined system of religious education for Western Christendom. Cathedrals, monasteries, chantries, guilds, and large parishes offered the principal forms of lower education, governed by general and local canon law rules of the Church. Young students were trained in the trivium and quadrivium, and taught the creeds, catechisms, and confessional books. Gifted graduates were sent on to church-licensed universities for advanced training in the core faculties of law, theology, and medicine. The foundation of this Church-based educational system lay in Christ's Great Commission to his apostles and their successors "to teach all nations" the meaning and measure of the Christian faith. The vast majority of students were trained for clerical and other forms of service in the Church.

The Lutheran Reformation transformed this pan-European system of church-based education into local and national systems of state-based education. Luther, Melancthon, Bugenhagen, Brenz, and other leading Protestant reformers castigated the Church both for its professional monopolization of education and for its distortions of religious and humanistic learning. They introduced, in its place, a "secular" system of public education that featured both (1) "laicization" ("Verbürgerlichung") -- the levelling of traditional social distinctions between clergy and laity in defining the goods and goals of education; and (2) "temporalization" ("Verweltlichung") -- the predominant use of civil officials and civic concerns to organize and operate the schools.

In the reformers' view, the state magistrate, as "father of the community," was primarily responsible for the education of the community. Education was to be mandatory for boys and girls alike, fiscally and physically accessible to all, and marked by both formal classroom instruction and civic education through community libraries, lectures, and other media. The curriculum was to combine biblical and evangelical values with humanistic and vocational training. Students were to be stratified into different classes, according to age and ability, and slowly selected for any number of secular and religious vocations.

The theological reformers of the sixteenth century built on the work of the legal reformers of the fifteenth century. The system of state-run public education that they established built squarely on the Latin and vernacular schools already established in larger cities. The system of state-run charities and guilds to support poor students built on the prior practice of princes, guilds, and monasteries to maintain educational endowments. The curricula of the lower schools kept religion at their core, and retained the seven liberal arts as well as a number of texts prescribed by the Catholic canon law.

The reformers, however, cast these traditional pedagogical principles and practices into their own distinctive ensemble, grounded in Luther's two kingdoms theory. Over time, the Christian magistrate replaced the Church cleric as the chief protector and cultivator of the public school and university. The state's civil law replaced the church's canon law as the chief law governing education. The Bible replaced the scholastic text as the chief handbook of the curriculum. German replaced Latin as the universal tongue of the educated classes in Germany. The general callings of all Christians replaced the special calling of the clergy as the *raison d'être* of education. Education remained fundamentally religious in character. But it was now subject to broader political control and directed to broader civic ends. This system of public education, established for Lutheran Germany and Scandinavia, eventually found close parallels in the Anglican communities of Great Britain, and the Calvinist communities of Britain and the Continent.

Despite their differences, both the Protestant and the Roman Catholic traditions of education assumed the presence of a religious establishment -- one established set of religious beliefs and values to be transmitted in the classroom, one preferred cadre of ecclesiastical structures and officials to help administer the schools. After decades

of bitter fighting, both traditions also came to see that the co-existence of two or more religious communities within the community required some form of accommodation of the educational needs of religious non-conformists. The Religious Peace of Augsburg (1555) confirmed the power of the prince to establish his own preferred form of Lutheran or Catholic faith in his polity, under the principle of *cuius regio, eius religio*. But it also guaranteed to non-conformist Lutherans or Catholics the right to offer private religious education in the home, and the right of students to emigrate freely to a more confessionally congenial territory for their education. After several more decades of religious warfare, the Peace of Westphalia (1648) extended this same principle of accommodation to Calvinist communities, and over time to the growing plurality of faiths in Germany. Despite the radical shifts in German constitutional law in the nineteenth and twentieth centuries, this combination of religious establishment and religious accommodation in education persists to this day: many German public schools continue to teach a gentle form of evangelical Christianity, granting parents the right to excuse their children from such religious instruction on a case-by-case and school-by-school basis.

This Reformation model of public education has left a lasting imprint not only on Germany but also on America. The Reformation model -- in distinctive Lutheran, Calvinist, and Anglican forms -- was duplicated, with varying levels of alacrity and achievement, in American colonies all along the Atlantic seaboard. The Reformation principles of state-run and state-subsidized schools, of mandatory education of boys and girls, of stratified grades and curricula, of separate humanistic and vocational tracks of learning have all persisted in American public school education to this day. The post-Reformation principle of accommodating various forms of parochial education alongside one publicly-established school has likewise persisted to this day -- as evidenced in the plethora of Catholic, Protestant, Jewish, Muslim, and other religiously-based schools.

The great challenge of the American public school movement in the later eighteenth and nineteenth centuries was not to create the basic structures or functions of the public school. There were ample prototypes already at hand, rooted in the educational ideas and institutions of the Protestant Reformation. The great challenge was to establish a new common vision and a value system to replace the established Protestant faiths that had previously guided the public schools. Well before the formal disestablishment of religion in all states after 1833, the architecture for this new common vision was falling into place.

The leading architects of American public education -- Thomas Jefferson, Benjamin Rush, Noah Webster, Horace Mann, and many others -- found this new value system in the secular theology of the American Enlightenment. For all of their intellectual diversity, exponents of the Enlightenment were united in their adherence to the secular trinity of individualism, rationalism, and nationalism. The individual was no longer to be viewed primarily as a sinner seeking eternal salvation or a saint exercising a Godly vocation. According to Enlightenment theology, each individual was created equal in virtue and dignity, vested with inherent rights of life, liberty, and property, and

capable of pursuing his or her own means and measures of happiness. Reason was no longer the handmaiden of revelation, rational disputation no longer subordinate to catechetical declaration. The rational process, conducted privately by each individual and collectively in the open marketplace of ideas, was considered a sufficient source of private morality and public law. The nation-state was no longer identified with the national church, nor the magistrate treated as the vice-regent of God or the father of the community. The nation-state was to be glorified in its own right, its constitutions and democratic processes to be celebrated as the new sacred texts and rites of the American people.

These cardinal doctrines of Enlightenment secular theology provided the rudiments of the new established faith of the American public schools. Initially, educational leaders viewed these sentiments as a form of civil religion that appropriated the basic truths of sectarian religions, but integrated them in a civil code that transcended sectarian differences. Indeed, when cast less dogmatically as they usually were, these Enlightenment sentiments were viewed as largely consistent with the basic teachings of American Protestantism. It was in part this intellectual congeniality between Protestantism and the Enlightenment, together with the sheer political power born of their majoritarianism, that allowed Protestants to co-opt many of the public schools of the later nineteenth and early twentieth centuries to their own intellectual and political ends.

It is well known that this de facto Protestant establishment of American public education has not persisted in the twentieth century. A consistent separationist reading of the establishment clause of the First Amendment over the past half century has gradually chipped away from the public school the educational texts and rituals, personnel and programs of Protestantism and other faith traditions. This had led many Protestants and other religious groups to retreat to their own religious schools, often muttering about the inequities of having to pay both public education taxes and private school tuition. It has, in turn, left many public schools to survive on the truncated secular theology of the Enlightenment alone. It is not at all clear that this truncated secular theology alone can long sustain the public school in America. It is also not clear, given the growing pluralism of America, that public schools can simply return to a prior age where they were public in governance and funding but Protestant in mission and makeup.

It seems inevitable that American public education "as we know it" will have to end, and a radical new paradigm for education slowly constructed. The Western tradition has faced this challenge before. Catholics in the thirteenth century, Protestants in the sixteenth century, Enlightenmentarians in the nineteenth century all met this challenge by drawing simultaneously on traditional and contemporary ideas, legal and theological institutions, democratic and aristocratic processes. These historical methods of education and its reform have much to teach us still today.

Notes

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. R. Schulze, "Reformation (Rechtsquelle)," in *Handwörterbuch zur deutschen Rechtsgeschichte* (Berlin, 1990), 468.

. Heinrich Koller (hrsg.), *Reformation Kaiser Siegmunds* (Stuttgart, Anton Hiersemann 1964), with discussion in Lothar Graf zu Dohna, *Reformatio Sigismundi: Beiträge zum Verständnis einer Reformschrift des fünfzehnten Jahrhunderts* (Vandenhoeck & Ruprecht, 1960).

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. See below note 56 for sources.

. See below note 123-125 for sources.

. See below notes 95-117 and accompanying text.

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. Witte and Arthur, "The Three Uses" (cited note 12), *passim*.

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. See generally Mark U. Edwards, *Printing, Propaganda, and Martin Luther* (University of California Press, 1994); Carmen Luke, *Pedagogy, Printing, and Protestantism: The Discourse in Childhood* (State University of New York Press, 1989); Robert Scribner, *For the Sake of Simple Folk: Popular Propaganda for the German Reformation* (Cambridge University Press, 1981).

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. Matthew 28:18-20 (King James Version) (emphasis added).

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. See William S. Learned, *The Oberlehrer: A Study of the Social and Professional Evolution of the German Schoolmaster* (Harvard University Press, 1914).

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. Janssen, *History* (cited note 30), at vol. 1, 34ff.; *Catechism of the Council* (cited note 28), xiii-xx.

. See generally Theodor Muther, *Aus dem Universitäts- und Gelehrtenleben im Zeitalter der Reformation* (Erlangen, 1866).

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. Luther, LW (cited note 15), at vol. 44, 200.

. Ibid.

. Ibid., vol. 44, 201

. Ibid., vol. 44, 115, 200. See also Luther's letter to his former teacher, Trutvetter, on May 9, 1518: "I believe that it is simply impossible to reform the church, if the canons, the decretals, scholastic theology, philosophy, logic, as they are now taught, are not eliminated from the ground up and other studies established." Quoted by Spitz, "The Importance" (cited note 23), at 52.

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. See *ibid.*, 43-72; Amy Nelson Burnett, "Church Discipline and Moral Reformation in the Thought of Martin Bucer," *22 Sixteenth Century Journal* 439, 440-445 (1991); William J. Wright, "The Impact of the Reformation on Hessian Education," *44 Church History* 182, 186ff. (1975). On Bucer's later efforts at educational reform, see Robert Stupperich (hrsg.), *Martin Bucers Deutsche Schriften* (Götersloher Verlag Mohr, 1960), vol. 7, 509ff. and discussion in Wilhelm Diehl, "Martin Bucers Bedeutung für das kirchliche Leben in Hessen," *22 Schriften des Vereins für Reformationsgeschichte* 39 (1904).

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21, 83, translated in Wilhelm Pauck, ed., *Melanchthon and Bucer* (Westminster Press, 1969), 19.

. "Adversus Rhadinum pro Lutero oration" (1521), in Melanchthon, CR (cited note 25), at vol. 1, 286, 342-343. See also letters in *ibid.*, vol. 11, 108, 617.

. Among the writings of Martin Luther on education, see especially *An die Radherrn aller Stedte deutsches lands: das sie Christliche schulen auffrichten und halten sollen* [To the Councilmen of All Cities in Germany that they Establish and Maintain Christian Schools] (1524), Luther, WA (cited note 15), at vol. 15, 27; Luther, LW (cited note 15), at vol. 45, 341; *Eine Predigt, das man Kinder zur Schulen halten solle* [A Sermon on Keeping Children in School] (1530), WA, vol. 30/2, 517; LW, vol. 46, 207. Excerpts of these and other writings by Luther on education are translated and collected in Frederick Eby, ed., *Early Protestant Educators: The Educational Writings of Martin Luther, John Calvin, and Other Leaders of Protestant Thought* (McGraw-Hill Book Co., Inc., 1931), 9-176. Among Philip Melanchthon's writings on the subject, see *De artibus liberalibus oratio* [An Oration on the Liberal Arts] (1517), in Melanchthon, MW (cited note 25), at vol. 3, 17; *De corrigendis adolescentiae studiis* [On the Improvement of Lower Education] (1518), *ibid.*, vol. 3, 29; *In laudem novae scholae* [In Praise of the New Schools] (1526), *ibid.*, vol. 3, 63; *De restituendis scholis* [The Restoration of Schools] (1540), *ibid.*, vol. 3, 105. These and a number of other writings are included in H.-A. Stempel, *Melanchthons pädagogischen Wirken* (Bielefeld, 1979). The educational writings of such other leading reformers as Johannes Brenz, Johannes Bugenhagen, Martin Bucer, and Andreas Osiander, are scattered throughout letters and sermons, and referenced below. A number of didactic catechisms and confessional statements on education are included in Ernst-Wilhelm Kohls, *Evangelische Katechismen der Reformationszeit vor und neben Martin Luthers kleinem Katechismus* (Göttersloher Verlagshaus Mohn, 1971).

. For discussion and sources of the two kingdoms theory, see Berman and Witte, "Transformation" (cited note 9), at 1585-1595. On Melanchthon's use of the two kingdoms theory to support his theory of education, see Müller, "Melanchthon" (cited note 25), at 99. On Johannes Bugenhagen's formulations of this theory, see Eike Wolgast, "Bugenhagen in den politischen Krisen seiner Zeit," in Hans-Gunter Leder (hrsg.), *Johannes Bugenhagen: Gestalt und Wirkung* (Evangelische Verlagsanstalt, 1984), 100ff.

. Luther, LW (cited note 15), at vol. 41, at 176.

. *Ibid.*, vol. 45, 360.

. *Ibid.*, vol. 44, 201. For Melanchthon's views, see esp. Melanchthon, MW (cited note 25), at vol. 3, 41, 111. For similar sentiments by humanists sympathetic to the evangelical cause, see especially the work of Johannes Sturm (1507-1589), a coworker (of sorts) with Martin Bucer in Strassburg, and crafter of the famous ten-class lower school in Strassburg, that won widespread acclaim in Germany, Switzerland,

and France. According to Sturm: "Knowledge and purity and elegance of diction, should become the aim of scholarship and teaching, and both teachers and students should assiduously bend their efforts to this end." For a good sampling of his writings, see Joannis Sturmii de institutione scholastica opuscula selecta, in Reinhold Vormbaum (hrsg.), *Die Evangelischen Schulordnungen des sechszehnten Jahrhunderts* (C. Bertelsmann, 1860), vol. 1, 653-745. See also Walter Sohm, *Die Schule Johann Sturms und die Kirche Strassburgs in ihrem gegenseitigen Verhältniss, 1530-1581* (R. Oldenbourg, 1912).

. Luther, LW (cited note 15), at vol. 45, 359-361.

. Ibid., vol. 45, 353.

. Quoted by Cole, *History* (cited note 43), at 193.

. Luther, LW (cited note 15), at vol. 45, 356. Melanchthon makes a comparable argument: "No art, no work, no fruit . . . is as valuable as learning. For without laws and judgements, and without religion, the state cannot be held together, nor the human community be assembled and governed. People would wander wildly and kill each other." Melanchthon, MW (cited note 25), at vol. 3, 65.

. For Luther's critical appraisal of this popular phrase, see Ernst Thiele (hrsg.), *Luthers Sprichwörterersammlungen* (H. Böhlaus Nachfolger, 1900), 33-34 and commentary in Heiko A. Oberman, "Die Gelehrten die Verkehrten: Popular Response to Learned Culture in the Renaissance and Reformation," in id., *The Impact of the Reformation* (Wm. B. Eerdmans Publishing Co., 1994), 201-224.

. Luther, somewhat obliquely, ties the school's education to the third (educational) use of the law. See Luther, LW (cited note 15), at vol. 45, 356: "[S]imple necessity has forced men, even among the heathen, to maintain pedagogues and schoolmasters if their nation was to be brought to a high standard. Hence, the word 'schoolmaster' is used by Paul in Galatians [3:24] as a word taken from the common usage and practice of mankind, where he says, 'The law was our schoolmaster'." Melanchthon makes this connection between school education and the third use of the law explicit in his *Catechesis Peurilis* (1532/1558), in Melanchthon, CR (cited note 25), at vol. 23, 103, 176-177. See discussion in Müller, "Melanchthon" (cited note 25), at 103. On the three uses of the law doctrine, see Witte and Arthur, "The Three Uses" (cited note 12), at 434-440.

. Luther, LW (cited note 15), at vol. 46, 243.

. Ibid., vol. 46, 234; see also ibid., vol. 45, 355-56.

. Melanchthon, CR (cited note 25), at vol. 1 70-73. See discussion in Müller, "Melanchthon" (cited note 25), at 96-98.

. Luther, LW (cited note 15), at vol. 45, 356. See the comparable language of the Brunswick School Law (1528), quoted below note 139 and accompanying text.

. See, e.g., Martin Luther, Von den Consiliis und Kirchen [On Councils and Churches] (1539), in Luther WA (cited note 15), at vol. 50, 509, Luther, LW (cited note 15), at vol. 41, 176-77:

[T]he schools must be second in importance only to the church, for in them young preachers and pastors are trained, and from them emerge those who replace the ones who die. Next, then, to the school comes the burgher's house, for it supplies the pupils; then the city hall and the castle, which must protect the schools so that they may train children to become pastors, and so that these, in turn, may create churches and children of God. . . . The first government is that of the home, from which the people come; the second is that of the city, meaning the country, the people, princes, and ords, which we call the secular government. These embrace everything -- children, property, money, animals, etc. The home must produce, whereas the city must guard, protect, and defend. Then follows the third, God's own home and city, that is, the church, which must obtain people from the home and protection and defense from the city [i.e., the state]. These are the three hierarchies ordained by God, and we need no more . . . why should we have the blasphemous, bogus law or government of the pope over and above these three high divine governments, these three divine, natural, and temporal laws of God? It presumes to be everything, yet is in reality nothing. It leads us astrays and tears us from these blessed dvine estages and laws.

See also F.M. Schiele, "Luther und das Luthertum in ihrer Bedeutung f□r die Geschichte der Schule und der Erziehung," 31 Preussische Jahrbuch 383 (1908); F. Falk, "Luthers Schrift an die Ratsherren der deutschen St.,dte und ihre geschichtliche Wirkung auf die deutschen Schule," 19 Luther-Jahrbuch 55, 67-71 (1937) who stress that for Luther education is critical to the ordo economicus, ordo ecclesiasticus, and ordo politicus. For Melanchthon's comparable views, see Melanchthon, CR (cited note 25), at vol. 11, 107, 127, 214, 445, 617 and vol. 26, 90 and discussion in Rolf B. Huschke, Melanchthons Lehre vom Ordo politicus (G. Mohn, 1968), 61ff.

. Luther, LW (cited note 15), at vol. 40, 314, vol. 46, 236-245.

. Ibid., vol. 46, 251-252.

. See, e.g., Short Preface of Dr. Martin Luther [to The Large Catechism] (1529), reprinted in Triglott Concordia: The Symbolic Books of the Ev. Lutheran Church: German-Latin-English (Concordia Publishing House, 1921), 575: "[I]t is the duty of every father of a family to question and examine his children and servants at least once a week and to ascertain what they know of it, or are learning, and, if they do not know, to keep them faithfully at it." [hereafter TC]. See discussion in Gustav M. Bruce, Luther as an Educator (Greenwood Press, 1979), 213-219. See also Melanchthon's

views in Melanchthon, MW (cited note 25), at vol. 3, 70; Bucer's views in Bucer, *Deutsche Schriften* (cited note 51), at vol. 7, 509ff. and quotations from Johannes Bugenhagen in Julius Robert Rost, *Die pädagogische Bedeutung Bugenhagens* (Inaugural Diss., Leipzig: Druck von M. Hoffmann, 1890), 14-16.

. See 1526 Letter of Luther to Elector John of Saxony, in Preserved Smith and Charles M. Jacobs, trans. and eds., *Luther's Correspondence and Other Contemporary Letters* (The Lutheran Publication Society, 1918), vol. 2, 384.

. Luther, LW (cited note 15), at vol. 45, 175-176, vol. 46, 256-257. More than a decade after issuing his incendiary Ninety-Five Thesis, Luther still entertained the notion of simply retaining the old monasteries as schools: "It would be a good thing if monasteries and religious foundations were kept for the purpose of teaching young people God's Word, the Scriptures, and Christian morals, so that we might train and prepare fine, capable men to become bishops, pastors, and other servants of the church, as well as competent, learned people for civil government, and fine, respectable, learned women capable of keeping house and rearing children in a Christian way." *Ibid.*, at vol. 37, 161, 364. Johannes Brenz long advocated simply converting the cloisters into Lutheran seminaries, an idea finally realized in his *Cloister Ordinance of Württemberg* (1556).

. See [Johannes Bugenhagen,] "Schulordnung aus der Braunschweig'schen Kirchenordnung" (1543), in Vormbaum, *Schulordnungen* (cited note 60), at vol. 1, 44, 46ff. and discussion in Rost, *Bugenhagen* (cited note 74), at 40-42. Bugenhagen was more insistent on church participation in religious instruction of children than some of the other reformers. Indeed, at one point, he charged that pastors who did not help in the establishment of schools and the teaching of Bible and religion were "soft and not worth much." Quoted by *ibid.*, at 13.

. Preface to the Small Catechism (1529), reprinted in TC (cited note 74), at 536-537.

. See, e.g., Melanchthon, MW (cited note 25), at vol. 3, 111: "[A]ll pious men ought to hope with their most ardent prayers that God prompts the minds of princes to reestablish and endow schools. . . . This gift God asks especially of princes. For God has created human society so that some might teach others about religion. . . . Since princes are the custodians of human society, it belongs to them to bring it about, to the extent they are capable, that which God has rightly required. For those who are placed as governors over assemblies of men are not only custodians of their lives, but also of law and discipline. And so God has entrusted human society to their name, to be as gifts of God to them, by protecting religion, justice, discipline, and peace among men, as vicars of God might do. I pray, therefore, that our Lord Jesus Christ, Son of God, might so govern and increase schools that he lead to salvation all those whom He loves and whom He bought back with love."

. *Ibid.*

. See [Martin Bucer,] Ulm Church Ordinance, provision "Von Schulen," quoted and discussed in Ernst-Wilhelm Kohls, "Martin Bucers Anteil und Anliegen bei der Abfassung der Ulmer Kirchenordnung im Jahre 1531," 15 Zeitschrift für evangelischen Kirchenrecht 333, 356 (1970). See further discussion in Ernst-Wilhelm Kohls, *Die Schule bei Martin Bucer in ihrem Verhältnis zu Kirche und Obrigkeit* (Quelle & Meyer, 1963), 33ff.

. Ibid. See Melancthon's treatment of the "pedagogical use of the law," in his *Epitome renovatae ecclesiae doctrinae* (1524), in Melancthon, CR (cited note), at vol. 1, 706-708, the various editions of his *Loci communes*, in *ibid.*, vol. 21, 127, 132, and his *Catechesis Puerilis* (1558), in *ibid.*, vol. 23, 176-177. See also discussion in Berman and Witte, "Transformation" (cited note 9), at 1624-1625, Kähler, Luther (cited note 10), at 104-105.

. See "Letter to George Spalatin (1524), in Melancthon, CR (cited note 25), at vol. 1, 697 and discussion in Müller, "Melancthon" (cited note 25), at 97-98; Hartfelder, Melancthon (cited note 23), at 491ff.

. Eby, *Development* (cited note 44), at 64.

. Martin Luther, Preface to Justus Menius, *Oeconomia christiana* (Hans Gruner, 1529), in WA, vol. 30/2, 62. See similar sentiments in Melancthon, MW (cited note 25), at vol. 3, 70-82 and in Wigand Lauze, *Leben und Thaten des Durchleutigsten Fürsten und Herren Philippi Magnanimi Landgrafen zu Hessen* (J.J. Bohne, 1841-1847), vol. 1, 141: "[I]n the territory [of Hesse] and the cities, classical studies are falling aside and becoming extinct; the schools are made into wastelands, and nobody wants to keep his children in school anymore. The essential arts, as well as the learned arts, have come to be greatly hated and despised by the learned man." See discussion in Wright, "The Impact" (cited note), at 185ff.

. Quoted by Eby, *Development* (cited note 44), at 64.

. Luther, LW (cited note 15), at vol. 46, 256-257. See also his 1526 letter to the Elector John of Saxony: "If there is a town or village which can do it, your grace has the power to compel it to support schools, preaching places, and parishes. If they are unwilling to do this or to consider it for their own salvation's sake, then your Grace is the supreme guardian of the youth and of all who need your guardianship, and ought to hold them to it by force, so that they must do it. It is just like compelling them by force to contribute and to work for the building of bridges and roads, or any other of the country's needs." Smith and Jacobs eds., *Luther's Correspondence* (cited note), at vol. 2: 384.

. Menius, *Oeconomia christiana* (cited above note), at Diii v, quoted by Gerald Strauss, *Luther's House of Learning: Indoctrination of the Young in the Lutheran Reformation* (Baltimore, MD, 1978), 35.

. [Johannes Bugenhagen,] Schulordnung aus der Braunschweigen Kirchenordnung (1528), in Vormbaum, Schulordnungen (cited note 60), at vol. 1, 8, 9.

. Quoted by Bruce, Luther (cited note 74), at 216.

. Luther, WA (cited note 15), at vol. 30/2, 545, vol. 30/2, 60-63. See also Philip Melanchthon, "Letter to the Mayor and Council of Halle," in Gustav Kawerau, Der Briefwechsel des Justus Jonas (O. Hendel, 1885), vol. 2, 158 (calling for education of "all persons, rich and poor, common and royal").

. In his 1520 manifesto, Luther had also encouraged the development of schools for girls. See Luther, LW (cited note 15), at vol. 44, 206 ("[W]ould to God that every town had a girls' school as well, where the girls would be taught the gospel for an hour every day either in German or in Latin.") and discussion in Susan C. Karant-Nunn, "The Reality of Early Lutheran Education: The Electoral District of Saxony -- A Case Study," 57 Luther-Jahrbuch 128-146 (1990). See also Rost, Bugenhagen (cited note 74), at 23-25 on Bugenhagen's strong advocacy for girls schools. The reformers' rationale for such girls schools might not be too satisfying to modern readers. Bugenhagen writes: "From such girls schools, we should be able to get many housewives who cling to God's Word and work, continue to reflect on Christ in whom they were baptized, and hold their families and children to Christ and with Christ." [Johannes Bugenhagen,] Schulordnung aus der Braunschweig'schen Kirchenordnung (1543), in Vormbaum, Schulordnungen (cited note 60), at vol. 1, 44, 51. See similar sentiments by Justus Menius, Preface to Luther's Catechism (1529), in Gustav L. Schmidt, Justus Menius, Der Reformator Thüringens (F.A. Perthes, 1867), vol. 2, 189-190

. Luther, LW (cited note 15), at vol. 45, 350-1, and vol. 46, 229, 25.

. Melanchthon, MW (cited note 25), at vol. 3, 63, 69.

. See Müller, "Melanchthon" (cited note 25), at 98-99. See also L. Zimmermann, Der hessische Territorialstaat im Jahrhundert der Reformation 384-386 (Mohr, 1933) (arguing that "the common good became the model for the religious and moral education, which church and state have to undertake. The state is a teacher of virtue, its policy is directed to facilitating progress, its ultimate goal is eternal blessedness. . . .").

. Luther, LW (cited note 15), at vol. 44, 205-206.

. Ibid., vol. 44, 207.

. Melanchthon CR (cited note 25), at vol. 5, 130.

. Philipp Melanchthon, Handtbuchlein wie man die Kinder zu der geschriff vnd lere halten soll (Michael Blum, 1524/1530).

. Melanchthon, *Catechesis Puerilis* (1520/40), reprinted in Melanchthon, CR (cited note 25), at vol. 23, 103, 117.

. Philip Melanchthon, *Loci communes theologici* (1521), (cited note 82). Though this work is usually regarded as the first Protestant work of systematic theology, Melanchthon's dedicatory epistle to Tilemann Plettner, the vice-rector of the University of Wittenberg, makes clear its pedagogical aim: "This study was prepared for the sole purpose of indicating as cogently as possible to my private students the issues at stake in Paul's theology. . . . [I]n this book, the principal topics of Christian teaching are pointed out so that youth may arrive at a twofold understanding: (1) what one must chiefly look for in Scripture; and (2) how corrupt are the theological hallucinations of those who have offered us the subtleties of Aristotle instead of the teachings of Christ." *Loci Communes*, (cited note 82), at 18-19. Melanchthon used many of the topics of his *Loci communes* to devise the ordination examination for advanced theology schools. See "Der ordinanden Examen, wie es in der kirchen zu Wittenberg gebraucht wird," in Melanchthon, CR (cited note 25), at vol. 23, xxxv.

. Philip Melanchthon, *Grammatica graeca integra* (c. 1514), in Melanchthon, CR (cited note 25), at vol. 20, 3; id., *Institutio puerilis literarum graecarum* (c. 1514), in *ibid.* at vol. 20, 181; id., *Grammatica latina* (1517), in *ibid.*, at vol. 20, 193. See also his summary *Elementa puerila* in *ibid.*, at vol. 20, 391.

. Section "Von Schulen," in *Unterricht der Visitatoren an die Pfarhsern im Kurfürstenthum zu Sachssen* (1528), reprinted in Aemilius L. Richter, *Die evangelischen Kirchenordnungen des sechzehnten Jahrhunderts*, repr. ed. (B. DeGraaf, 1967), vol. 1, 77, 99. This document was drafted by Melanchthon as a distillation of Luther's and his views on a proper educational program; Luther prepared a preface to the instructions. A similar structure appears in the 1528 Brunswick school ordinance drafted by Johannes Bugenhagen. In the Article "Von dem arbyde in den Scholen," Bugenhagen indicates: "With regard to the work and exercises in the school, generally it shall be as Philip Melanchthon has prescribed in the book with the title, 'Instructions to the Visitors in the Parishes, etc.'" Reprinted in Vormbaum, *Schulordnungen* (cited note 60), at vol. 1, 8, 14.

. See *Johannis Sturmii de insitutione scholastica opuscula selecta*, in *ibid.*, at vol. 1, 653-745. See also J.F. Collange, "Philippe Melanchthon et Jean Sturm, Humanistes et P,dagogues de la R,forme," 68 *Revue d'histoire et de philosophie religieuses* 5, 8-15 (1988).

. See Michael Neander, *Bedenken, wie ein Knabe zu leiten und zu unterweisen*, in Vormbaum, *Schulordnungen* (cited note 60), at 746-765.

. Luther, LW (cited note 15), at vol. 44, 206-207; see also his preface to *Unterricht der Visitatoren* (cited note 103).

. Luther, LW (cited note 15), at vol. 46, 231.

. See discussion in Rost, Bugenhagen (cited note 74), at 20-30 and sources cited therein. But cf. Strauss, Luther's House of Learning (cited note 1), at 21 who argues that Bugenhagen "was not much interested in popular instruction beyond 'something evangelical and a few Christian hymns'," citing in support Bugenhagen's 1529 Hamburg school ordinance, which Strauss says made "no arrangement for German schools." In reality, however, Bugenhagen was a champion of the vernacular schools, and included in his Hamburg school laws, as well as many others that he drafted, provisions for vernacular boys schools and girls schools. See *Der Erbaren Stadt Hamburg Christliche Ordeninge* (1529), art. 6 ("Van deudeschen Schryffschole") and art. 7 ("Van der Jungkfruwen Schole"), in Richter, *Kirchenordnungen* (cited note 103), at vol. 1, 127, 128.

. See, e.g., Luther, *Tischreden*, no. 6288.

. *Ibid.*, See also his later tract *Against the Antinomians* (1539), in Luther, *LW* (cited note 15), at vol. 47, 99.

. Preface to the *Small Catechism* (1529), in *TC* (cited note 74), at 532-533.

. Luther, *Tischreden*, no. 6008.

. See particularly Strauss, *Luther's House of Learning* (cited note), at 155ff.; Richard Gawthrop and Gerald Strauss, "Protestantism and Literacy in Early Modern Germany," *104 Past and Present* 31, 35ff. (1984).

. Preface to the *Small Catechism* (1529), in *TC* (cite note 74), at 532-533.

. See Jean Gerson, *Opusculum tripartitum de praeceptis decalogi, de confessione, et de arte moriendi* (1487), and discussion in Harold J. Grimm, "Luther's Catechisms as Textbooks," in Harold J. Grimm & Theodore Hoelty-Nickel, eds., *Luther and Culture* (Luther College Press, 1960), 119, 121. On the profusion of fifteenth century Catholic catechisms, and the reformers' eventual dependence on them, see Johannes Geffcken, *Der Bildercatechismus des fünfzehnten Jahrhunderts, und die catechistischen Hauptstücke in dieser Zeit bis auf Luther* (Leipzig, 1855); Georg Buchwald, *Die Entstehung der Katechismen Luthers und die Grundlage des grossen Katechismus* (G. Wigand, 1894); *Catechism of the Council of Trent* (cited note 28), at xvii-xx.

. See Melancthon, *Catechesis puerilis* (1532/1558) (cited note 100), and reprinted with those of his students Joachim Camerarius and Alexander Alesius in *Kat, ch, sis tou Christianismou* (Valentin Bapst, 1552). The latter text had wide use in the upper Latin school classes and in theology faculties of the German universities. On Bucer's three catechisms published before 1526, see Burnett, "Church Discipline" (cited note 51), at 441; August Ernst and Johann Adam, *Katechetische Geschichte des Elsasses bis zur Revolution* (F. Bull, 1897), 115ff. For Brenz's 1527 catechism, see Julius Hartmann, *Johann Brenz: nach gedruckten und ungedruckten Quellen* (F.

Perthes, 1840), vol. 1, 123-131; for his 1533 Catechism or Children's Sermons, see Ozment, Protestants (cited note 1), at 104-117.

. See the collection in Kohls, Evangelische Katechismen (cited note 56); see also Gustav Kawerau (hrsg.), Zwei „lteste Katechismen der lutherischen Reformation von P. Shultz und Chr. Hegendorf (Max Niemeyer, 1890), 3-17. The catechism of the evangelical jurist and theologian Christoph Hegendorf, a friend of Melanchthon and the Lutheran schoolmaster Hermann Tulichius, circulated broadly both in Germany under the title Die zehen Gepot der glaub, und das Vater unser, f□r die kinder ausgelegt (Wittenberg, 1527) (reprinted in Kawerau, above at 51-59), and in (expanded form) in England under the title, Domestycal or householde Sermons, for a godly householder, to his children und famyly (London, 1543). Though I have no evidence that Luther and Hegendorf collaborated directly in preparing their respective catechisms, their catechisms bear striking resemblances in organization and content.

. On the conservative character of the reformers' educational reforms, see esp. Otto Scheel, "Luther und die Schule seiner Zeit," Jahrbuch der Luthergesellschaft 141, 142ff. (1925).

. Luther, LW (cited note 15), at vol. 46, 243-244.

. Ibid., vol. 46, 234.

. Ibid., vol. 46, 243.

. Ibid., vol. 46, 229, 242.

. The best collections are in Vormbaum, Schulordnungen (cited note 60); Johann M. Reu, Quellen zur Geschichte des kirchlichen Unterrichts in der evangelischen Kirche Deutschlands zwischen 1530 und 1600 (C. Bertelsmann, 1911), vol. 1; Klaus Goebel, Luther in der Schule: Beitr.,ge zur Erziehungs- und Schulgeschichte: Padagogik und Theologie (Studienverlag N. Brockmeyer, 1985); G□nter Klink, Theo Dietrich & Job-Guenter Klink, Zur Geschichte der Volksschule (Verlag Julius Klinkhardt, 1964).

. The best collections are in Richter, Evangelischen Kirchenordnungen (cited note 108); Emil Sehling (hrsg.), Die evangelischen Kirchenordnungen des 16. Jahrhunderts (O.R. Reigland, 1902-1913), vols. 1-5, continued under the same title (J.C.B. Mohr, 1955-), vols. 6-16.

. The best collections are in Kunkel et al., Quellen (cited note 7), 2 vols. I have translated the term "polizei" (which today means literally "police") with the phrase "public policy," to reflect contemporary usage. "Polizei" had a two-fold meaning in circa 1500: (1) a condition of good order in the public realm; and (2) the legal provisions directed at producing that order. See *ibid.*, vol. 2/1, introduction; Adalbert Erler and Ekkehard Kaufmann (hrsg.), *Handw"rterbuch zur deutschen*

Rechtsgeschichte (Erich Schmidt Verlag, 1984), vol. 3, cols. 1800-03. These two meanings of the term were effectively conflated during the Lutheran Reformation to connote the notion of the state's public policy designed to foster the general welfare and common good (Gemeinnutz). See, for example, the classic political manual of the Lutheran jurist, Johann Oldendorp, *Von Rathschlagen, Wie man gute Policy und Ordnung in Stedten und Landen erhalten m"ge* [Of Political Matters: How to Maintain Good Policy and Order in Cities and Towns] (Excudebat Christophorus Reusnerus, 1597; fascimilie reprint Glash"tten im Taunus, 1971). See discussion in R.W. Scribner, "Police and the Territorial State in Sixteenth Century W"rttemberg," in E.I. Kouri and Tom Scott, eds., *Politics and Society in Reformation Europe* (MacMillan, 1987), 103ff.; and Zimmermann, *Territorialstaat* (cited note 95), 384ff.

. Unless otherwise noted, these ordinances are all collected in the volumes by Richter, Sehling, Neu, and Vormbaum cited notes 123-124.

. See Hartfelder, *Melanchthon* (cited note 23), at 429; Carl Engel, *Das Schulwesen in Strassburg vor der Grundung des protestantischen Gymnasium* (J.H.E. Heitz, 1886), 49ff.

. See above notes 37-41 and accompanying text.

. *Reformatio ecclesiarum Hassiae* (1526), chaps. xxix-xxii, in K.A. Credner, *Philipp des Grossm"tigen hessische Kirchenreformations-Ordnung aus schriftlichen Quellen herausgeben* (Giessen, 1852), 49 and also in Richter, *Evangelischen Kirchenordnungen* (cited note 108), at vol. 1, 56, 68-69.

. See Luther, *WA Br* (cited note), vol. 4, 157-158. Luther considered Philip's approach too sweeping and too legalistic to work. He urged that school reform begin in small local communities first, and only after a climate of educational reform had been cultivated should more comprehensive territorial legislation on schools be promulgated.

. Reprinted in *100 Jahrbuch f"r Philologie und P"dagogie* 529 (1869) and discussed in Hartfelder, *Melanchthon* (cited note 23), at 424.

. See *ibid.*, 491-538. Melanchthon was regularly consulted for his expertise on organization of schools, and was offered a number of high educational positions, which he declined. He did, however, place his best students as rectors of these schools -- for example, Michael Neander (1525-1595), who conducted the famous cloister school at Ilfeld in Th"ringia, for 45 years; and Valentin Trotzendorf (1490-1556), who for 23 years was rector of the school at Goldberg in Silesia. Melanchthon's son-in-law also led the 1540 reformation of the University of Frankfurt an der Oder. See also William H. Woodward, *Studies in Education During the Renaissance, 1400-1600* (Cambridge University Press, 1906), 211-243.

. The Cloister School Ordinance (1556) and the Great Church Order of Württemberg (1559), Art. 5 on schools, reprinted respectively in Hartmann, Johannes Brenz (cited note 116), at vol. 2, 305ff. and Vormbaum, Schulordnungen (cited note 60), at vol. 1, 68. See also discussion in James M. Estes, *Christian Magistrate and State Church: The Reforming Career of Johannes Brenz* (University of Toronto Press, 1982), 16ff.

. See Rost, Bugenhagen (cited note 74), at i-v; K. Jäger, "Die Bedeutung der älteren bugenhagenschen Kirchenordnung für die Entwicklung der deutschen Kirchen und Kultur," 1 *Theologische Studie und Kritik* 2 (1853); Carl Mühlmann, *Bedeutung der Bugenhagenschen Schulordnungen gegenüber Melanchthons Unterricht der Visitatoren an die Pfarrherren im Kurfürstentum Sachsen* (Diss. Leipzig/Wittenberg: P. Wunschmann, 1900); Kurd Schulz, "Bugenhagen als Schöpfer der Kirchenordnung," in Werner Rautenberg (hrsg.), *Johann Bugenhagen: Beiträge zu seinem 400. Todestag* (Evangelische Verlagsanstalt, 1958), 51; Anneliese Sprengler-Ruppenthal, "Bugenhagen und das kanonische Recht," 75 *Zeitschrift der Savigny-Stiftung* (Kan. Ab.) 375 (1989). For early assessments of the influence of Bugenhagen's school legislation, see Philip Melancthon, *Oratio de Rev. viri Dom. Ioannis Bugenagii Pomerani* (1558), in Melancthon, CR (cited note 25), at vol. 12, 295.

. For a preliminary list of the new lower schools founded under evangelical inspiration see Georg Mertz, *Das Schulwesen der deutschen Reformation im 16. Jahrhundert* (C. Winter, 1902), 192-204.

. See Ernst C. Helmreich, *Religious Education in German Schools: An Historical Approach* (Harvard University Press, 1959), 14-16.

. Friedrich Paulsen, *German Education Past and Present*, trans. T. Lorenz (Charles Scribner's Sons, 1912), 65.

. See, e.g., Strauss, *Luther's House of Learning*, (cited note 1), at 316 (showing how the Nürnberg city council fought unsuccessfully with the private tutorial schools throughout the sixteenth century, and ultimately in 1613, consolidated 48 such schools into a private guild); Helmreich, *Religious Education* (cited note 136), at 21 (stating that, in München alone, in 1560, some 16 illegal private tutorial schools competed for students with the three established Latin schools).

. The statute is printed in Vormbaum, *Schulordnungen* (cited note 60), at vol. 1, 8-18 and Richter, *Evangelischen Kirchenordnungen* (cited note 108), at vol. 1, 106-119.

. This final section "Vom singende unde lesende de Scholekynderen in der Kerken," appears in Frederich Koldewy, *Braunschweigische Schulordnungen*, *Monumenta Germaniae Paedagogica*, vol. 1, 27ff. but does not appear in the Vormbaum printing of the same statute.

. See Richter, *Evangelischen Kirchenordnungen* (cited note 108), at vol. 1, 106, 113, for article "Van der librye." See also *Schulordnung aud der hambergischen Kirchenordnung* (1529), art. 5, reprinted in Vormbaum, *Schulordnungen* (cited note 60), at vol. 1, 18, 25, which Bugenhagen had included in his penultimate draft of the Brunswick law, but slightly revised in the promulgated law.

. An article "Vam Lectorio," was included in the penultimate draft of the Brunswick school law, but dropped from the promulgated law. The same article appears, verbatim, in Bugenhagen's Hamberg School law, passed in 1529 and eventually became part of the practice in Brunswick. See [Johannes Bugenhagen,] *Kirchenordnung f□r Hamberg von 1529*, in Sehling, *Evangelischen Kirchenordnungen* (cited note 124), at vol. 5, 488, 499. For purposes of illustrating the range of typical provisions in these early city laws, we include discussion of this provision under the Brunswick law.

. See letters in Eike Wolgast (hrsg.), *D. Bugenhagens Briefwechsel* (Hildesheim, 1966), and broader discussion and sources in Luise Schorn-Sch□tte, "'Papocaesarismus' der Theologen? Vom Amt des evangelischen Pfarrers in der fr□hneuzeitlichen Stadtgesellschaft bei Bugenhagen," *79 Archiv f□r Reformationsgeschichte* 230 (1988).

. See, e.g, the *Christlicke Keken-Orderinge, im lande Brunschwig* (1543), in Richter, *Evangelischen Kirchenordnungen* (cited note 108), at vol. 1, 58-59.

. See, e.g., Helmreich, *Religious Education* (cited note 136), at 15-16; Ernst C. Helmreich, "Joint School and Church Positions in Germany," *79 Lutheran School Journal* 157 (1943).

. See Adalbert Weber, *Die Geschichte der Volksschulp, dagogik der Kleinkinderziehung* (J. Bachmeister, 1878), 59.

. Reprinted with some omissions in Vormbaum, *Schulordnungen* (cited note 60), at vol. 1, 68-165. For a complete edition, see August L. Reyscher, (hrsg.), *Vollst□ndige, historisch, und kritisch bearbeitete Sammlung der W□rttembergische Gesetze* (Cotta, 1828-51), vols. 8, 106ff., 11/1, 2ff.; 11/2, 24ff. The W□rttemberg school ordinance forms part of the larger W□rttemberg church ordinance, which Brenz and several others drafted. The statute incorporates large sections of the legislation promulgated by the duchy in the previous decade: Brenz's W□rttemberg Confession (1551), the liturgical Church Order (1553), the Marriage Court Ordinance (1553), the Welfare Ordinance (1552), and, most importantly, Brenz's Cloister Ordinance (1556). See generally Hans-Martin Maurer and Kuno Ulsh□fer, *Johannes Brenz und die Reformation in W□rttemberg: Ein Einf□hrung mit 112 Bilddokumenten* (Konrad Thiess Verlag, n.d.), 160-164; Ludwig Ziemssen, "Das w□rttembergische Partikularschulwesen 1534-1559," *Geschichte des humanistischen Schulwesens in W□rttemberg* (W. Kohlhammer, 1912), 468, 509ff.

. Estes, Johannes Brenz (cited note 133), at 16. Brenz first set out his idea for such cloister schools in a 1529 letter to Margrave George of Brandenburg-Ansbach. See Theodor Pressel, ed., *Anecdota Brentiana: Ungedruckte Briefe und Bedenken von Johannes Brenz* (Tübingen, 1868), 33.

. Marc Raeff, *The Well Ordered Police-State: Social and Institutional Changes Through Law in the Germanies and Russia, 1600-1800* (Yale University Press, 1983), 139.

. A similar comprehensive system, modelled in large part on the Württemberg school ordinance, was established by the church ordinance of Saxony (1580). See *Schulordnung aus der kurs-,chsischen Kircheordnung* (1580), reprinted in Vormbaum, *Schulordnungen* (cited note 60), at vol. 1, at 230; Sehling, *Evangelischen Kirchenordnungen* (cited note 124), at vol. 1, 359.

. See critical reviews of Strauss's *Luther's House of Learning* by Steven Ozment, 51 *Journal of Modern History* 837 (1979); Lewis Spitz, 85 *American Historical Review* 143 (1980); Mark U. Edwards, Jr., 21 *History of Education Quarterly* 471 (1981).

. See, e.g., Ludwig von Friedeburg, *Bildungsreform in Deutschland: Geschichte und gesellschaftlicher Widerspruch* (Suhrkamp, 1989); "Symposium on Education in the Renaissance and Reformation," 43 *Renaissance Quarterly* 1 (1990); Klaus Goebel (hrsg.), *Luther in der Schule* (Studienverlag N. Brockmeyer, 1985); Scott H. Hendrix, "Luther's Impact on the Sixteenth Century," 16 *Sixteenth Century Journal* 3 (1985); R.A. Houston, *Literacy in Early Modern Europe: Culture and Education, 1500-1800* (Longman, 1988); James Kittelson, "Successes and Failures of the German Reformation: The Report from Strasbourg," 73 *Archive for Reformation History* 153 (1982); Klaus Leder, *Kirche und Jugend in Nürnberg und seinem Landgebiet: 1400-1800* (Degener, 1973); Geoffrey Parker, "Success and Failure During the First Century of the Reformation," 136 *Past and Present* 43 (1992); William J. Wright, "Evaluating the Results of Sixteenth Century Educational Policy: Some Hessian Data," 18 *Sixteenth Century Journal* 411 (1987).

. See, e.g., F.V.N. Painter, *Luther on Education* (Concordia Publishing House, 1928), 168 (describing Luther's 1524 sermon on education as "the most important educational treatise ever written" and Luther "as the greatest not only of religious, but of educational reformers").

. Cf. Karl Holl, "Die kulturbedeutung der Reformation," in Karl Holl, *Gesammelte Aufsätze zur Kirchengeschichte*, 7th ed. (J.C.B. Mohr, 1948), vol. 1, 518; H.G. Haile, "Luther and Literacy," 91 *Publications of the Modern Language Association* 816, 817 (1976), ("From a secular viewpoint, surely the most far-reaching effect of Luther's activity was the radical increase in literacy from the 1520s on through the rest of the century."); id., *Luther: An Experiment in Biography* (Princeton University Press, 1980), 81-92.

. See, e.g., Thomas M. Lindzay, *Luther and the German Reformation* (T & T Clark, 1900), 238: "It is to Luther that Germany owes its splendid educational system in its roots and in its conception. For he was the the first to plead for a universal education -- for an education of the whole people, without regard to class or special life-work."

. See Liermann, *Handbuch* (cited note), at vol. 1, 124-125; Henry J. Cohn, "Church Property in the German Protestant Principalities," in E.I. Kouri and Tom Scott, eds., *Politics and Society in Reformation Europe: Essays for Sir Geoffrey Elton on his Sixty-Fifth Birthday* (Scribners, 1981), 158.

. Reprinted in Sidney Z. Ehler and John B. Morrall, eds., *Church and State Through the Centuries* (Newman Press, 1954), 164-173.

. Reprinted in *ibid.*, 189-193.

. See Martin Heckel, "The Impact of Religious Rules on Public Life in Germany," in Johan D. van der Vyver and John Witte, Jr., eds., *Religious Human Rights in Global Perspective: Legal Perspectives* (Martinus Nijhoff, 1996), 191-204. See also W. Cole Durham, Jr., "Perspectives on Religious Liberty: A Comparative Framework," in *ibid.*, 1-44, esp. 25-35.

. Among countless sources, see Bernard Bailyn, *Education in the Forming of American Society* (University of North Carolina Press, 1960); Robert Healy, *Jefferson on Religion and Public Education* (Yale University Press, 1962); Rockne M. McCarthy, James W. Skillen, and William A. Harper, *Disestablishment a Second Time: Genuine Pluralism for American Schools* (Wm. B. Eerdmans Publishing Co., 1982), 4-72; Edward H. Reisner, *Nationalism and Education Since 1789: A Social and Political History of Modern Education* (The McMillan Company, 1923); 323-560. For a good selection of sources, see James W. Noll and Sam P. Kelly, eds., *Foundations of Education in America: An Anthology of Major Thoughts and Significant Actions* (Harper & Row, 1970).

. See Martin E. Marty, "Foreword," to McCarthy, et al., *Disestablishment* (cited note __), x-xiv.

. See summary in John Witte, Jr., "The Essential Rights and Liberties of Religion in the American Constitutional Experiment," 71 *Notre Dame L Rev* 371, 421-430 (1996) and cases in Terry Eastland, ed., *Religious Liberty in the Supreme Court: The Cases that Define the Debate Over Church and State* (Wm. B. Eerdmans, 1993).