

Balthasar Hubmaier's Sword: A Circumstantial Development

by

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Author's Declaration

I hereby declare that I am the sole author of this thesis. This is a true copy of the thesis, including any required final revisions, as accepted by my examiners.

I understand that my thesis may be made available electronically to the public.

Abstract

The sixteenth century Bavarian Anabaptist, Balthasar Hubmaier (ca. 1480-1528), has had a disputed role in Anabaptist historiography ever since his martyrdom in March, 1528. On the one hand he is known as the most erudite and prolific writer of the early Anabaptists, and on the other he has been separated from the original Zurich Brethren by his rejection of two major principles, total separation from the world and absolute non-resistance, that were supposedly held unanimously by the Zurich Brethren. Today Hubmaier's reputation for militancy has been endorsed by most writers, but this militancy is not expressed in any of his writings except *On the Sword*, the last tract written before his death. Using the well-documented biography of Hubmaier by Bergsten and his own writings collected and translated by Pipkin and Yoder, the thesis explores the question of the extent to which Hubmaier was willing to advocate the use of lethal force by government or against government. It is found that only one source, Johann Faber, accused Hubmaier of inciting peasant revolt, and that witness would seem dubious by any modern standard. Arguments that Hubmaier was ostracized by the Zurich Brethren are found to be conjectural and dependent upon anachronism. Thus in the critical years 1524-26, Hubmaier was a veritable Swiss Brethren. *On the Sword* indicates a major change in Hubmaier's thinking, and the reasons for that change are explored.

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Dedication

I dedicate this thesis to my wife, Anna, MTS 2008, who led me into the Theological Studies program and encouraged me patiently as I waded through the details of thesis production.

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CHAPTER 1. INTRODUCTION

1.1 The Setting

The image of Balthasar Hubmaier, the Bavarian Anabaptist leader who lived from about 1480 to 1528, that emerges from recent studies of Anabaptist beginnings is that of one who would resort to violence in the defense of his cause, much like that of the Swiss Reformer Huldrych Zwingli and opposite to that of the Zurich Brethren, who became the first Anabaptists. This image has been around for a long time, but in recent times has been sustained by scholars like Horsch,¹ Bender,² Bergsten,³ and Stayer.⁴ On the basis of this image, Hubmaier is usually set aside from the Zurich Brethren and left behind in popular or even scholarly treatments of Mennonite origins. Whether or not the image is fair, the practical result is a widespread ignorance of some of the best pieces of early Anabaptist writing, such as his *Summa of the Entire Christian Life*, which deserves to be recognized as a classic for any age.

Most recently, Snyder has called attention to the sidelining of Hubmaier by Anabaptist monogenesis historians, notably Andrea Struebind in a book that purports to recount the story of Anabaptist origins without any mention of developments in Waldshut and other towns north of Zurich, presumably because they don't live up to the ideals expressed in the Zurich Brethren *Letter to Muentzer*.⁵ This he calls a glaring omission, and asserts, "Hubmaier has genuine credentials as heir to and participant in the baptizing group that had its origins in Zurich and that spread to neighboring Swiss and South

¹ Torsten Bergsten, *Balthasar Hubmaier, Anabaptist Theologian and Martyr*, trans. I.J. Barnes and W.R. Estep, ed. W.R. Estep (Valley Forge, PA: Judson Press, 1978), 43.

² *Ibid.*, 242.

³ *Ibid.*, 243.

⁴ James M. Stayer, *Anabaptists and the Sword*, New Edition (Lawrence, KS: Coronado Press, 1976), 336f.

⁵ C. Arnold Snyder, "The Birth and Evolution of Swiss Anabaptism (1520-1530)," *Mennonite Quarterly Review*, 80 (October, 2006), 557.

German territories in 1525.”⁶ Snyder may be far too generous if Hubmaier’s military image is justified. However, this thesis contends that that image grows out of questionable sources, primarily the writing of Johann Faber, his erstwhile friend and colleague who later became his prosecutor under King Ferdinand of Austria, and an uncritical application of the ideas presented in his last work, *On the Sword*, to his Waldshut career.

1.2 Plan of the Thesis

In this thesis we will trace the history of Hubmaier’s activities paying particular attention to his political involvements, the accusations made against him, and his position on violence as expressed in his writings, particularly in answer to those accusations. We find three distinct periods, which will be dealt with in three separate chapters, which reveal the development that eventually led him to take issue with the strict apolitical non-resistance of the Schleitheim Confession of 1527. The three periods consist of, first, all the relevant time in his life up to and including his exile in Schaffhausen; next, the year in Waldshut, essentially 1525, after his return from Schaffhausen; and finally his stay in Nikolsburg, where he published his final work, *On the Sword*. It will be shown that Hubmaier consistently accepted government’s duty to wield the sword against evil-doers throughout his career. Yet not until the third period did he actually direct Christians to wield the sword on behalf of a Christian leader. Before that, we argue, the division between what government demands and what God demands is left undrawn. The circumstances that prevailed during this third period are compared with those of his

⁶ Ibid., 558.

earlier life to suggest an explanation for his changed view of the Christian use of the Sword.

CHAPTER 2. THE PRE-ANABAPTIST YEARS

2.1 Against the Regensburg Jewish Community

Balthasar Hubmaier's difficulties with the Austrian government began while he was a zealous young Catholic priest in Regensburg. In 1517 he undertook support of the Regensburg council's effort to remove the Jews from the city. The issue for Hubmaier was the charging of interest by the Jewish community, a practice forbidden to Christians. In the gradually dwindling economy of Regensburg, the majority became poorer as the Jewish community became wealthier, so it was easy to rouse the people against the Jews as exploiters of their weakness. A report by the Benedictine monk Ostrofrankus in 1519 indicates that the Jews of the city were also reviled for their blasphemies against Christ and the Virgin,⁷ a matter to which Hubmaier as cathedral preacher, would also have reacted. Although Hubmaier's preaching found favor with the local council, it infuriated the Habsburg emperor, Maximilian, who held sovereignty over the city, because the Jews within his domain represented an important financial resource and were therefore in receipt of his favor and protection. An accusation came from the imperial secretary stationed in Regensburg in January, 1518, charging Hubmaier with preaching against the Jews and thus contravening an imperial demand.⁸ In July of the same year Hubmaier was sent to Augsburg to defend himself before the emperor Maximilian, and on July 24 an imperial envoy directed the city council to expel him from the city. Further negotiations in Augsburg by his supporters had the order rescinded with the promise that Hubmaier would refrain from violating imperial authority and the privileges of the Jews.⁹

⁷ Bergsten, 55.

⁸ Ibid., 57.

⁹ Ibid., 58.

Until January, 1519, all anti-Jewish activity seems to have taken place at the preaching level. However, in that month Maximilian died and was without an immediate successor. The temporary failure of support for the Jews opened the possibility for the townspeople to destroy the synagogue and force the Jews out of the city by the end of February.¹⁰ There must have been violence during this whole episode, because Ostrofrankus reports attacks on Hubmaier's own house.¹¹ However, it is significant that no deaths are reported, and we note that the actual destruction of Jewish property did not take place until Hubmaier's anti-Jewish preaching had already been put to an end. One can hardly accuse Hubmaier from our current vantage point of having preached actual violence in this case. Rather his goal seems to have consisted in persuading Christian judges, *i.e.* legal authority, to refrain from acting in cases of usury, simply to protect Christians from exploitation by Jewish lenders.¹²

For the purpose of this thesis the affair regarding the expulsion of Jews from Regensburg teaches us two things about Hubmaier. The first is that he was a very effective speaker (a "spell-binder" according to one contemporary¹³) on behalf of what he saw as a social justice ministry. In our day it is easy to overlook this point and simply relegate the affair to the rampant anti-semitism of late medieval Europe, but Bergsten relates the story of Hubmaier's intervention in a Jewish family squabble on the family's request and solely for the purpose of acquiring justice for the family, indicating that that family at least must have viewed him as more interested in justice than anti-semitism.¹⁴ It

¹⁰ Ibid., 59.

¹¹ Ibid., 56.

¹² Ibid., 57. A view less generous to Hubmaier is expressed by Allyson F. Creasman, "The Virgin Mary against the Jews: Anti-Jewish Polemic in the Pilgrimage to the Schoene Maria of Regensburg, 1519-25," *Sixteenth Century Journal* 33 (2002), 963-980.

¹³ Ibid., 61.

¹⁴ Ibid., 60.

is no stretch of one's imagination to compare his outrage with an unjust situation, even to the extent of identifying the source of the problem with a specific segment of the community, with that of modern activist priests and ministers who are widely admired. In any case, there is no mention of Jews in his gathered writings, all of which were completed after he left Catholicism and Regensburg behind him. The second lesson is that the Habsburg empire guarded its authority over the preaching within its borders jealously, and went to great lengths to suppress the message of any suspect preachers, especially one so eloquent in the righting of traditional wrongs as Balthasar Hubmaier.

2.2 The Move to Waldshut

Hubmaier left Regensburg and his highly successful pilgrimage ministry there and by November, 1521, was established as the locally chosen Vicar of Waldshut, a town of about 1000 inhabitants on the north bank of the Rhine in Austrian territory, just across the river from the Swiss Confederation. Johann Faber, formerly a fellow student of Hubmaier and later his fiercest critic, viewed his priestly activities from the diocese office in Constance and commended him for the first two years in Waldshut for behaving just as a Christian should.¹⁵ However, already in 1521 Hubmaier had begun exploring contacts with the humanist community, which led him to Lutheran writings, and a profound change in his theology began to take place. He returned to Regensburg late in 1522, where he was contracted to resume his mission to the pilgrims which he had previously initiated, but he evidently lacked enthusiasm for the work and preferred doing Sunday sermons on the book of Luke, *i.e.* evangelical preaching. On March 1, 1523, he left

¹⁵ Ibid., 70.

Regensburg, again in good standing, and returned to Waldshut, again as Vicar, but also as an evangelical preacher.¹⁶

Until his return to Waldshut in March, 1523, there were no complaints about Hubmaier from the Catholic church. However, by February, 1524, the Bishop of Constance, his direct superior, wrote a report accusing him of describing priests as “murderers of men’s souls and priests of Satan who preached falsehoods, the dreams of monks and fathers of the Church, withholding the gospel from men.” The occasion for this outburst was a sermon preached on April 19, 1523, soon after his return to Waldshut.¹⁷ By September, 1523, his former teacher and colleague, John Eck in Rome, implicated Hubmaier along with Huldrych Zwingli and others, as followers of the Lutheran heresy in a report to the pope.¹⁸

During 1523, Hubmaier visited and preached extensively in the Swiss Confederation, notably in St. Gallen, Appenzell, and Zurich, all towns in which the Swiss Reformation was well underway. Moreover, he established personal connections with Reformers in Basel and Schaffhausen, and attended the Second Disputation on images and worship reform in Zurich held October 26-28, 1523, in Zurich, where he made the personal acquaintance of Zwingli and other major Reformers, including Conrad Grebel and his colleagues who would eventually become the first Anabaptists. With all of this Swiss Reformation in his mind, he returned to Waldshut ready to attack the mass and the use of images in worship, in short, implementing the Swiss Reformation in Austrian dominated Waldshut.¹⁹

¹⁶ Ibid., 76.

¹⁷ Ibid., 77.

¹⁸ Ibid., 78.

¹⁹ Ibid., 86.

On December 5, 1523, Waldshut received a delegation of Austrian officials demanding that Hubmaier, the Vicar, be surrendered to them for questioning by the Bishop of Constance. Three charges were cited: first, he had joined the Lutheran sect thus violating an imperial mandate; second, he was preaching Holy Scripture in error; and third, he had falsely represented himself at the October disputation in Zurich as the delegate of four Habsburg cities. The Waldshut council and mayor replied to the regional government at Ensisheim that Hubmaier had already convinced them that the third charge was untrue, and their own observations had shown them that the second was also untrue. This reply was forwarded by Ensisheim to the Bishop, who assured them that he had sufficient evidence that the “mischievous, seductive behavior of the Lutheran sect” had penetrated Waldshut, confirming the first charge.²⁰ To be added to this was Ulrich von Habsburg’s report that both Hubmaier and Waldshut’s Mayor Hans Gutjahr had eaten meat during the New Year’s fasting period.²¹

Even before the Ensisheim office was able to finish compiling its report to Archduke Ferdinand recommending Hubmaier’s arrest, the Archduke issued orders on February 26, 1524, to his representative, Ulrich von Habsburg, to arrest Hubmaier and deliver him to the Bishop of Constance. There followed a standoff for six months as the people and government of Waldshut rallied around their popular Vicar, and refused to surrender him.

Although the Austrian concern about Hubmaier was stated primarily in religious terms, it is clear that there was a serious political side to their opposition. Waldshut had a mere fifty-six years earlier resisted a Swiss effort at annexation on the basis of its loyalty

²⁰ Ibid., 93.

²¹ Ibid., 96.

to Austria, but as recently as 1522 a good-will agreement had been signed by the people of Waldshut and the Swiss Confederation, probably on Swiss initiative.²² The letter of Ensisheim to the Archduke in the winter of 1523-24 indicated the concern that Hubmaier's Lutheran Reformation preaching and his many personal Swiss connections offered a foothold for Swiss influence over Waldshut and the probability of future annexation.²³ Thus was Hubmaier involved in the political struggle of Archduke Ferdinand to maintain control of the empire.

We can explore Hubmaier's motives in relation to the charges leveled so far. First of all, there seems to be no reason to doubt the Bishop's complaint that Hubmaier's preaching was that of Reformation, be it Lutheran or otherwise. In March, 1524, Hubmaier published *Eighteen Theses Concerning the Christian Life*, in which he expounded an essentially Zwinglian denunciation of Catholic practice.²⁴ But the Bishop's addition to the Ensisheim report to the Archduke adds the charge that "Hubmaier had declared in his sermons that people should not pay tithes, taxes, or rent." In their December rebuttal of the Austrian charges, the council and mayor of Waldshut stated that Hubmaier had often spoken "beautifully and soundly" about authority and the duty of civil obedience.²⁵ Thus they deny the Bishop's charge about taxes and argue instead that Hubmaier's only crime was to speak the clear word of God. We search in vain in the *Eighteen Theses* for a statement by Hubmaier's own hand that he was opposed to payments as the bishop claimed. Was the Bishop then making a false accusation?

²² Ibid., 90.

²³ Ibid., 94.

²⁴ H. Wayne Pipkin and John H. Yoder, ed. and trans. *Balthasar Hubmaier: Theologian of Anabaptism* (Scottsdale, PA: Herald Press, 1989), 30.

²⁵ Bergsten, 95.

We suggest that government reform was not Hubmaier's issue, but that church reform at almost any price most certainly was. What we find in the *Eighteen Theses* are two articles that have financial implications. Article 13 states, "The fellows of a congregation are obliged to maintain with appropriate food and clothing and to protect those who exposit to them the pure, clear, and unmixed Word of God. This destroys courtesans, pensioners, members of collegia, absentees, and babblers of lies and dreams." The last thesis, Article 18, states, "He who does not seek his bread in the sweat of his brow is banned and unworthy of the food he eats. Hereby are cursed all loafers, whoever they be."²⁶ Stayer states, "The majority of peasant revolts from the mid-fifteenth century to the Reformation had been against clerical landlords." He cites the datum that in the region between Ulm and Augsburg, for example, 45 per cent of the peasants had clerical landlords, while only 37 per cent had aristocratic landlords. Much of the land was held by monasteries, causing Erasmus to claim that the subsequent Peasants' War was a war on the monasteries.²⁷ Clearly the clerics castigated in Hubmaier's Articles 13 and 18 were these very same landowners who were seen by all as exploiters of the poor. Stayer also points out that the Swiss Reformation was upheld by many preachers, including Zwingli, who taught that, because the tithe was not a part of the divine law, the Church had no authority to exact it from parishioners under threat of excommunication, a teaching that was being interpreted by the peasants in the period of 1523-24 as giving them the right not to pay it.²⁸ It is small wonder that the Bishop would make these connections and infer that Hubmaier's articles and his Swiss Reformation connections must lead to the non-

²⁶ Pipkin and Yoder, 33f.

²⁷ James M. Stayer, *The German Peasants' War and Anabaptist Community of Goods* (Montreal: McGill-Queens University Press, 1991), 35.

²⁸ *Ibid.*, 36.

payment of tithes and rents by his followers. This would be an additional incentive to the Austrian officials to arrest Hubmaier, albeit a matter of guilt by association rather than by hard evidence. Since non-payment of taxes, interest, and tithes is a recurring charge against Hubmaier, we must read carefully his own denial as found in his *A Brief Apologia* of 1526, but that will be addressed later. For now it will suffice to note that the town's denial is contained in the December, 1523, submission of the Waldshut Council to the Ensisheim authorities.²⁹

In the light of what has been said one is compelled to ask how we declare Hubmaier's interest to be religious, that is church reform, rather than political, when the implications of his church reforms have such profound social implications. In no sense do we claim for him a quietist, apolitical stance. His *Eighteen Theses* assume that the Church must clean up its own house and government structures will follow as they must. Already implicit is the notion he later articulates in *On the Christian Baptism of Believers* of July, 1525, following Paul in I Corinthians 5:9-13, that whereas one can criticize a Christian's actions, God alone can judge what lies outside the believers' church.³⁰ Yet the timing of Hubmaier's choice of working in Waldshut rather than returning to Regensburg and his efforts to draw Waldshut's church life into alignment with the Swiss Reformation are a tribute to his political astuteness. Snyder applies the word "opportunist" to describe Conrad Grebel's position regarding government, and it would also seem to apply to Hubmaier in this instance.³¹

²⁹ Bergsten, 95.

³⁰ Pipkin and Yoder, 127.

³¹ Snyder, *MQR*, 558.

2.3 Standoff with Innsbruck

During the spring and summer of 1524 the Austrian government at Innsbruck applied continuing pressure on Waldshut to return from its path of church Reformation, first by dismissing Hubmaier from his post as Vicar, but the townspeople continued to steadfastly refuse. Both sides of the standoff argued on the basis of the Nurenburg Mandate of 1523, one provision of which stated, “the bishops and archbishops should appoint biblical scholars who would be responsible for supervising the preaching. If they find errors, they are to lead the offending preachers away from them with kindness and discernment, so that they do not give the impression of wishing to suppress the truth of the gospel. But those preachers who are unwilling to be corrected are to be punished accordingly by their bishop.”³² Waldshut argued that Hubmaier was indeed bringing them the clear word of God as prescribed in the Mandate, while Innsbruck and the Bishop argued that Hubmaier was a preacher who did not accept correction according to the same provision of the Mandate. Clearly this argument was about preaching and not about violent insurrection.

In a February letter, the Bishop of Constance further reported that there had been a desecration of some images in Waldshut, and although he did not claim Hubmaier’s direct participation in the desecration, he attributed the action to Hubmaier’s preaching. Again the charge is about preaching, and is consistent with Hubmaier’s presentation on images at the Second Zurich Disputation of October, 1523, at which, like Zwingli, he cautioned a slow approach to their removal from the churches “so that brotherly Christian peace may not be troubled.”³³

³² Bergsten, 92.

³³ Pipkin and Yoder, 26.

The publication of Hubmaier's *Eighteen Theses* in March, 1524, has already been referred to, but again we note that it advocates reform of the priesthood, not violent action against the clerics. Nevertheless, the introduction states explicitly that the document is an invitation to a traditional synod where these matters would be discussed in the light of Scripture.³⁴ A letter written by the Innsbruck government to the Waldshut Council on May 4 accused Hubmaier of having called a meeting of priests from Waldshut and its surroundings to discuss with them articles of belief "contrary to the holy faith and order."³⁵ No doubt Hubmaier thought his call for learned discussion was consistent with the Nurenburg Mandate. Here, too, Innsbruck was antagonized simply by Hubmaier's leadership of a growing Reformation on Austrian soil, not by any observations of his involvement in political insurrection.

In the face of increasing pressure from Innsbruck, the people of Waldshut were gathered together, presumably by their town council, on Pentecost, which occurred on May 15 in 1524, in order to decide how to respond. The suggestion was made to surrender Hubmaier to Archduke Ferdinand in order to make peace, but being a difficult decision to make, the vote was delayed until the following morning. On the day of the vote, the women of the town, "half-armed," marched on the meeting and demanded that Hubmaier be allowed to stay in Waldshut as pastor. As a result, Hubmaier stayed, but eight Catholic priests left town immediately, "because the mayor would not or could not promise them any protection, and did not know how to safeguard them in these days that were so charged with passion."³⁶ This incident most certainly bears suggestions of threatened violence. If Hubmaier had orchestrated these threats, Innsbruck would have

³⁴ Ibid., 32.

³⁵ Bergsten, 98.

³⁶ Ibid., 100.

been quick to point that out, but such a charge is not apparent in the records of this time, to our knowledge. Such orchestration is charged by Johann Faber³⁷ four years after the event, but we challenge his account later. We may surmise that these threats did not need any assistance from Hubmaier, that the townswomen acted spontaneously in a cause they believed in, and the priests left because, by the Mayor's admission, the townspeople might act spontaneously as well. Hubmaier, as political opportunist, could easily have left his fate in the hands of the Mayor and Council, who were, of course, legitimate authority.

2.4. Foreign Presence in Waldshut

Because of Hubmaier's pursuit of a Swiss styled Reformation in Waldshut, it was perhaps natural for the Waldshut council and mayor to seek an alliance with the Reformed cantons of the Confederation to help guard against impending Austrian use of military force. Ulrich von Habsburg reported that in May, 1524, Waldshut was negotiating to be annexed by the canton of Zurich.³⁸ Hubmaier's name is not mentioned in connection with these negotiations, although such mention would have reinforced the Austrian case. We may notice that Hubmaier's 1523 visit to Switzerland seems not to have included mayors, but only priests committed to Reformation. We infer that up to this time at least, Hubmaier was not a significant actor in the secular activity of Waldshut. Rather, Waldshut wanted his brand of Reform, and it would have naturally reached out for friends where there was some basic sympathy. Nevertheless, the Reform cantons were a minority voice in the Confederation, and at a conference held in Baden on August 16-21 it was agreed that Swiss authorities would forbid their people to support

³⁷Jonathan R. Seiling, "Johann Fabri's *Justification* Concerning the Execution of Balthasar Hubmaier," *Mennonite Quarterly Review*, 84 (January, 2010), 131.

³⁸ *Ibid.*, 107.

Waldshut in any tangible way, giving Austria the right to treat any Swiss found there as they would any citizens of Waldshut.³⁹ This gesture gave Austria the assurance that it could now enter Waldshut with force without drawing the Confederation in on the side of Waldshut. It could now make preparations to invade.

At the same time that pressure from Austria on the Waldshut Reformation was intensifying, the German Peasants' War was beginning. On June 23, 1524, the peasants of Stuehlingen rebelled against their master, Count von Lupfen. Waldshut became involved early in the altercation as one of the towns given the task of mediating between the two sides. Six months later Waldshut defended its action to the Austrian government by claiming that the negotiations urged peace and were carried out with the permission of the two imperial governors, von Habsburg and Gilgenburg.⁴⁰ There is no record of any role for Hubmaier in these negotiations, but we will see later that some involvement could explain an admission he makes in his *Brief Apologia*. In any case, negotiations failed, so that on July 31 Innsbruck reported that 600 peasants from Stuehlingen had already stationed themselves in Waldshut three days previously. The arrival of these peasants occurred during a truce, which was to end on August 24, St. Bartholomew's day. Hubmaier fled to Schaffhausen a Reform canton in the Confederation on August 29, when war was imminent. Indeed, Archduke Ferdinand authorized military action on August 30, but although plans were carefully laid out, neither Austria nor the noblemen of Stuehlingen could afford to carry them out. Now with 800 rebellious peasants in their town of only 1000 citizens, the people of Waldshut and the Stuehlingen peasants agreed to help and protect each other in case of need. By September 10 the Stuehlingen peasants

³⁹ Ibid., 196f.

⁴⁰ Ibid., 108.

signed a treaty with Count von Lupfen, thus ending their struggle and ending the alliance that had been forged with Waldshut.⁴¹

Bergsten points out that historians have taken different views on Hubmaier's involvement in the Stuehlingen affair. It does seem clear that it was his preaching that drew the wrath of Austria upon Waldshut, and that that common enemy drew Waldshut and the peasants together in spite of their different types of quarrel with Austria. However, even though Ferdinand and his contemporaries could now make a convenient connection between Hubmaier and the Stuehlingen uprising, it is difficult for this modern reader to use this as a claim that Hubmaier incited the rebellious peasants. Bergsten goes on to state that there is nothing in the peasant writings to indicate that they were inspired by Hubmaier and that nothing is known about Hubmaier's attitude toward the Waldshut-Stuehlingen alliance.⁴² He does note that Hubmaier could not have led the formation of that alliance because he was in Schaffhausen at the time. On the other hand, Bergsten also reminds us that the Bishop of Constance had previously accused Hubmaier of preaching against the payment of rents, tithes, and taxes, as we have already noted, and that Hubmaier later admitted to sympathy with the peasant cause, which we shall address later. Such sympathy could well have been expressed during the Stuehlingen affair as incitement to violence, but that seems to be pure conjecture. Would it not be just as likely that Hubmaier may have expressed his sympathy as part of Waldshut's mediation efforts at the beginning of the uprising in June and again while he was in Schaffhausen where the final settlement between von Lupfen and his peasants was brought into being? If that were so, pleading the case for the losing side would certainly not make him look good to

⁴¹ Ibid., 109.

⁴² Ibid., 110.

Ferdinand, but it would be consistent with his later counsels to submit to government and that government must be fair, all in keeping with his understanding of Scripture.

2.5 Waldshut without Hubmaier

Hubmaier left Waldshut for Schaffhausen on August 29, 1524, when Zurich had already committed to a non-intervention position with regard to Waldshut. His departure was intended to pacify the Austrian government, who had insisted that Waldshut surrender him to them, but since he was not given to them and since Waldshut was not prepared to abandon his “Lutheran” teachings, Austria maintained its pressure on Waldshut even in Hubmaier’s absence.

The first result of Hubmaier’s departure seems to have been a reaction in Waldshut town politics, for the Waldshut delegates to the meeting of the imperial Commission of Nobles in Radolfzell on September 12 agreed to defend their town against Switzerland and to end its friendship with Zurich. Bergsten sees this agreement along with the return of the exiled priests and the imprisonment of Hubmaier’s supporter, Mayor Gutjahr, as a temporary ascendance of the enemies of Reform in Waldshut.⁴³ By September 26, however, the Reformed party in Waldshut seems to have taken control again, with the re-introduction of Zurich good will in a September 16 offer to the Commission of Nobles in Engen to serve as a mediator between Waldshut and Austria. No doubt Zurich did not want to lose this courageous little town for the Reformation, with or without Hubmaier. In spite of Waldshut’s insistence that its problems with Archduke Ferdinand were entirely based on its preaching of the pure Word of God according to two Council documents of late September, Austria intensified its threat of

⁴³ Ibid., 112.

invasion. This left Waldshut searching for allies, and after several unsuccessful attempts elsewhere, it asked Zurich for more direct assistance. Bergsten points out that the rise of the Reformed party and the subsequent return to friendship with Zurich took place with no apparent involvement of Hubmaier himself.⁴⁴ It is important to add that Waldshut functioned rationally and cohesively without Hubmaier, which suggests that his importance to the town lay in his preaching, and not in his direction of the council's magisterial functions.

One of Zurich's first actions after the thaw in its relations with Waldshut was to send a personal letter, on September 27, to Count Rudolf von Sulz of Klettgau, assuring him that Austria's only real quarrel with Waldshut was about preaching the Word of God.⁴⁵ Although by this time Zurich may be a biased observer of the Waldshut war, the letter serves to corroborate from outside Waldshut the argument that Waldshut had been consistently presenting, and one which Hubmaier also later used in his personal defense.

On October 3 a group of Swiss military volunteers arrived in Waldshut under the command of Captain Klaus Keller von Buelach in response to the formal request written by Waldshut Councilman Junghans Schaller. Rudolf Clivanus, known as Collin, as reporter for the troop, reported that they were well-received, well-treated, and assured by Waldshut council that the threat was from "certain godless tyrants" who opposed the honor and justice of God.⁴⁶ It was Collin who sent the request, on behalf of the Zurich council delegates in Waldshut, to the later Anabaptist Heini Aberli of Zurich for "forty or fifty honest, well-armed Christian men" as reinforcements.⁴⁷ Hubmaier's later defense

⁴⁴ Ibid., 114.

⁴⁵ Ibid., 116.

⁴⁶ Ibid., 117.

⁴⁷ Ibid., 118.

that he could not have negotiated the presence of Swiss troops because he was in Schaffhausen at the time is verified by the historical record. Collin is designated a “special friend” in Hubmaier’s *Dialogue with Zwingli’s Baptism Book* in November 1525, and during his time in Waldshut surely a Hubmaier supporter. But Hubmaier was in Schaffhausen; the Swiss troops, Collin, and Aberli, whom Hubmaier probably also knew, were all from Zurich. It is hard to picture how Hubmaier could have had a direct hand in any of these events. Bergsten, furthermore, states that the “Swiss soldiers helped the Waldshut citizens fortify the town against the warlike preparations being undertaken by Ulrich von Habsburg,” according to the contemporary Reformed chronicler Kuessenberg.⁴⁸ Assistance with such fortifications is a charge later directed at Hubmaier, but again the charge seems to be unfounded.

With Zurich entering the conflict between Waldshut and Austria and the danger that this could draw in the whole Swiss Confederation against Austria, coupled with Austrian military demands and setbacks within and outside its borders, Austria suddenly released its grip on Waldshut on October 26, 1524, when it lost a battle with France. The following day Hubmaier returned to Waldshut from his two-month exile in Swiss Schaffhausen.⁴⁹

2.6 The Schaffhausen Writings

While Hubmaier was in exile in the Swiss city of Schaffhausen under the limited protection of the Benedictine Abbey of All Saints, Austria kept watch and requested his arrest by the Schaffhausen authorities. We might well suppose that his stay in the

⁴⁸ Ibid., 118.

⁴⁹ Ibid., 144.

monastery under surveillance would have precluded any direct participation in the events in Waldshut or any subversive communication with Waldshut's collaborators in Zurich. His situation is addressed by Hubmaier in his *Earnest Christian Appeal to Schaffhausen*, an appeal to Schaffhausen's reputation for fairness in order to obtain extended asylum there. Later he wrote and published in Schaffhausen *Theses Against Eck* and then *On Heretics and Those Who Burn Them* in late September. In this section we carefully examine these three works for evidence of Hubmaier's own understanding of the Sword at this critical time.

2.6.1 *An Earnest Christian Appeal to Schaffhausen*

The *Earnest Appeal* is a collection of three separate appeals to the Schaffhausen city council with a short introduction, written later than the three appeals. The introduction first of all acknowledges Schaffhausen's well-deserved reputation for fairness and urges the Council to remain true to its history or risk mockery. There is an implicit assumption that the Council recognizes itself as subject to divine law, as indicated by his exhortation that justice properly meted is God's will.⁵⁰ Hubmaier does not explicitly name charges against him, but he asserts that there are lies by his opponents that intend to discredit him. In order to seek justice the Council should allow him to face his accusers, whom he names as "the pastors of Apozell [Appenzell?], Vri, Schwitz, and Baden, and the preacher of Premgarten."⁵¹ His naming of the priests of the "most ardently Catholic towns and cantons" of the Confederation assures the Council that his accusers are not magistrates or military people, but anti-Reform clergy who would only

⁵⁰ Pipkin and Yoder, 38.

⁵¹ *Ibid.*, 38.

deny the truth of his preaching. When he is allowed to face these critics in theological debate, God will bring the truth and falsehood to light. If he, Hubmaier, is found to be wrong, then he recognizes the Council's right to sentence him accordingly, even to the extent of capital punishment.⁵²

In his first appeal Hubmaier declares his innocence, stating that he had been warned that the authorities were looking for him, and that he had been hiding through fear of the injustice of his enemies rather than from any sense of guilt. He also declares his submission to the magistracy by not avoiding the Schaffhausen Council's judgment by running away or hiding his belongings, but he does ask that he be given a fair trial in which he can present his own defense and gain his freedom if found innocent.⁵³ Here Hubmaier is appealing to government for his own safety, just as the Apostle Paul did in Acts 23.

The Second Appeal asks the Schaffhausen Council to send the first appeal on to the Confederation to assure them of his attitude of submission and his certainty of innocence, again like Paul, appealing to yet higher authority. He calls for open theological debate with his opponents in Lucern, Appenzell, Vri, or Baden to search the Scripture directly concerning the truth of his teachings. He then states, "If I am wrong, let me be punished. But if the priests are defeated, I ask now for God's sake that they may be led to recognize their error and not be punished."⁵⁴ Pipkin and Yoder refer to this as a "debate with unequal stakes." It represents two ways of dealing with religious truth, the traditional way, which burns people for holding heretical ideas, and a new way, which

⁵² Ibid., 39.

⁵³ Ibid., 40.

⁵⁴ Ibid., 41.

disallows coercive force in religious matters. This different approach to free thought is expanded upon in *On Heretics*, written at almost the same time, September, 1524.

A similar statement invoking a debate with unequal stakes is also attributed to Conrad Grebel. The only documentation we have for this is found in testimonies by Hans Mueller of Kempten and Jacob Falk of Gossau in a court case concerning Grebel's missionary activities in the district of Grueningen. Falk testified, "Conrad said that he would dispute with Zwingli unto [death by] fire. And if Zwingli defeated him, they should burn Conrad Grebel, and if Conrad Grebel defeated him, they should not burn Zwingli." The court report was written July 12, 1525, and both Mueller and Falk agree that they heard Grebel say these words at Hinwil.⁵⁵ Harder dates Grebel's sermon in Hinwil as July 2, 1525.⁵⁶ Hubmaier and Grebel had met at least three times between the writing of this Second Appeal and Grebel's sermon in Hinwil, and we can suppose that Grebel received the idea of the unequal stakes from Hubmaier. What raises this above the level of the petty is that Biesecker-Mast uses the concept of unequal stakes to support his opinion of Grebel as a pacifist in contrast to Hubmaier who was not. He says, "Grebel's offer for ... a debate with Zwingli, in which losing would mean execution for Grebel but not for Zwingli, can be seen as a non-resistant response to Zwingli's use of the sword to protect his view of the Gospel,"⁵⁷ and Biesecker-Mast concludes, "I remain convinced that Hubmaier's views on the sword contrasted with the emerging non-resistance of the Zurich circle."⁵⁸ Although Biesecker-Mast's recognition of differences is certainly true in 1527, the common language used here is one piece of evidence that an appeal to an

⁵⁵ Leland Harder, ed. *The Sources of Swiss Anabaptism* (Scottsdale, PA: Herald Press, 1985), 421.

⁵⁶ *Ibid.*, 730, fn. 29.

⁵⁷ Gerald Biesecker-Mast, "Response to Snyder," *Mennonite Quarterly Review*, 80 (October, 2006), 654.

⁵⁸ *Ibid.*, 651.

“unequal stakes” debate does not describe a substantive difference between Grebel and Hubmaier in the critical period of 1524-1525.

It is in this Second Appeal that Hubmaier writes on behalf of divine truth that it is immortal or “unkillable.” “Even if it may for a time be imprisoned, scourged, crowned, crucified, and laid into a grave, it would nevertheless arise again victorious on the third day and reign and triumph forever.”⁵⁹ This lays the basis of his attitude toward coercion in religious matters as expounded in *On Heretics*.

Hubmaier’s Third Appeal to the Schaffhausen Council is an urgent appeal for his case to be heard, but this time he asks for permission to send the appeal on his own to Radolfzell and to the Bishop of Constance. This requires, according to his own statement, a “city messenger with a weapon.”⁶⁰ Clearly Hubmaier has no qualms about using an armed government mail service. He lectures the reader on how judges are to judge, citing hearing both sides, treating both sides as equal under the law, not being intimidated by one side or the other, and letting Scripture be the final judge. He writes all these things to explain what he means by a proper hearing, and he is desperate for a fair hearing because he is being “denounced before the authorities as a seducer of the people, seditious, a Lutheran, a heretic, and similar epithets.”⁶¹ This is the occasion when he famously declares that he can be in error because he is human, but a heretic he cannot be because he begs for instruction. We observe that he does not mention any crimes of violence nor any incitement to avoid tithes, rents and taxes. All the concerns that he does mention can be summarized by saying he brought Church reform to Waldshut. Having established what he means by a fair trial, he repeats the offer of “unequal stakes” that he introduced

⁵⁹ Pipkin and Yoder, 42.

⁶⁰ Ibid., 42.

⁶¹ Ibid., 45.

in the Second Appeal. He knows that he might suffer for his beliefs, but asks God for the grace to endure martyrdom if called to do so.

Although it does not bear on the topic of the Sword, it is relevant to read Hubmaier's one admitted regret in this Third Appeal. "But this I confess and of this declare myself guilty, that I have not expressed everything as perfectly as I knew; I have spared the weak in faith whom I had to bring up at that time with milk and not with stronger food," he writes. The translators note that "sparing the weak" is their rendition of the Swiss word *schonung*.⁶² The word *schonung* was used by Zwingli to mean forbearance already in his *Archeteles* in August, 1522.⁶³ Conrad Grebel had complained of Zwingli's diabolical prudence already in a letter to Vadian on December 18, 1523.⁶⁴ The letter to Muentzer by the Zurich Brethren in September 5, 1524, uses the term *falsch schonen* in stating, "a false forbearance is what leads to the suppression of God's Word and its mixture with the human. Indeed, we say it brings harm to all and does disservice to all the things of God."⁶⁵ Hubmaier's confession is a strong indication that he is distancing himself from the Zwingli faction and is aligning himself with Grebel and his radicals. It is another strong indication of the growing theological ties between Hubmaier and the Zurich Brethren during the formative period of late summer/early autumn, 1524.

In content and tone the three appeals portray a man greatly troubled that his message of Gospel truth is the source of all his difficulty, and a man to whom that truth is a matter of life and death. There is no hint of one who fears that his violence will catch up with him in the time of trial. If there are any charges other than Church reform against

⁶² Ibid., 46.

⁶³ Harder, 655, fn. 1.

⁶⁴ Ibid., 276.

⁶⁵ Ibid., 286. See also p. 677, fn. 17.

him, he is either unaware of them or ingeniously hiding them. We see no reason to suppose such charges were a real issue at the time.

2.6.2 *Theses Against Eck*

Hubmaier had the pamphlet *Theses Against Eck* published in Zurich in November, 1524, just after he left Schaffhausen. John Eck had been his teacher and friend at the Universities of Freiburg and Ingolstadt, but was now an advocate for Catholic orthodoxy. He had defended the Church against the innovations of the Reformation before the Swiss Confederacy on August 13, 1524, and Hubmaier's *Theses* is in response to that address.⁶⁶ The twenty-six articles are all biblically referenced statements on how the Church ought to go about making decisions and conducting open debate. The significance of this work for our purpose is that whether written in Waldshut or in Schaffhausen, Hubmaier's concentration was on Church reform, not peasant concerns and not on changing the magistracy, in spite of the peasant and magisterial turmoil surrounding him.

2.6.3 *On Heretics and Those Who Burn Them*

Hubmaier begins his essay *On Heretics* by defining a heretic as one who either resists the Holy Scripture or who exposit it in ways other than the Holy Spirit demands.⁶⁷ Even though the Bible makes a place for wrath, its wrath is a spiritual and loving flame "which burns only with the Word of God." Therefore heretics should be won over with gentleness and holy instruction, and if they will not be persuaded, they

⁶⁶ Pipkin and Yoder, 49.

⁶⁷ *Ibid.*, 59.

should simply be avoided and allowed “to rant and rage” until Christ appears to separate the wheat from the tares.⁶⁸

Paraphrasing Romans 13, Article 22 states, “It is fitting that secular authority puts to death the wicked (Romans 13:4) who cause bodily harm to the defenseless. But the unbeliever should be harmed by no one should he not be willing to change and should he forsake the gospel.” Hubmaier here distinguishes between the godless (the heretics) and the evildoers (the criminals) and grants the secular authority the right to capital punishment of the latter.⁶⁹ He clearly does not accept the right of either religious or secular authority to use force for the suppression or imposition of religious ideas.

We can couple this principle of government non-interference in religious affairs with the “unequal stakes” argument of the *Appeal to Schaffhausen*, which in general terms means that government should also be deprived of its force in the defense of religious ideas. Hubmaier does not address in either document the question of the Christian’s participation in the wielding of the Sword on behalf of the secular authority. However, he is seen to stand with the Zurich Brethren, at least partially, even in their famous *Letter to Muentzer* of almost the same time, September 5, 1524. There we find, “Moreover the gospel and its adherents are not to be protected by the sword, nor should they protect themselves.”⁷⁰ The statement is clearly directed at Muentzer’s developing crusade, which Hubmaier’s Schaffhausen writings would also condemn. However, the letter by the Zurich Brethren also speaks of Christians not fighting in self-defense. Hubmaier does not go this far in these or any of his other writings. It should be noted, however, that even though he is under threat, the only self-defense he ever calls for on his

⁶⁸ Ibid., 60f.

⁶⁹ Ibid., 63.

⁷⁰ Harder, 290.

own behalf is judicial and biblical; if he is heard fairly, government should do what it is ordained to do by Romans 13.

The words of wisdom Hubmaier offers in Articles 28 to 32 would place him on the side of the “doves” in the political language of our generation as opposed to the “hawks.” He warns of a zeal for God that may appear to be based on Scripture, but in fact goes beyond it in the name of good intentions using terms such as honor, love for the truth, custom, and all principles derived from natural law. Such zeal, when not rooted in careful scriptural study, leads to “lethal errors.”⁷¹

2.7 Summary

The picture of Balthasar Hubmaier that emerges from this study of his life and writings up to the end of October, 1524, is that of a zealous preacher who does not give in to threats against his life or even against his Waldshut parishioners. Being an effective preacher he certainly is able to bring about change in people’s thinking, and he knows how to choose his political opportunities to maximize that effectiveness. While there is sympathy expressed for popular causes, they are not the driving cause behind his zeal; that zeal is for church reform and up to this time that means the Reform that Zwingli was implementing in Zurich. However, during Hubmaier’s stay in Schaffhausen his writings indicate a move away from Zwingli toward the radical Zurich Brethren, as evidenced by his opposing the “sparing the weak,” decrying his own earlier holding of this Zwinglian position, and his disavowal of the use of the Sword to either extend or correct the Church. Although Hubmaier’s preaching is acknowledged to be the source of Waldshut’s troubles, there is no evidence up to this time that even the Austrian authorities accused

⁷¹ Pipkin and Yoder, 64f.

him of anything more than church reform, which, in their eyes, made him a heretic and subject to death by fire. Neither his own writings nor the accusations against him give any indication of an interest in how he would use the Sword against government or how he would re-organize society except within structures that are clearly intended to be religious.

CHAPTER 3. WALDSHUT BECOMES ANABAPTIST

3.1 Iconoclasm in Waldshut

Although Schaffhausen granted Hubmaier asylum for two months, largely because, as Hubmaier had reminded them in his First Appeal, they did not want to forsake their history of justice and had established with some pride a place where Catholics and Evangelicals could live together, pressure from both the Catholic cantons and from Austria for his release increased. When Austrian weakness in its dealing with Waldshut became evident, Hubmaier left Schaffhausen, arriving back in Waldshut on October 27, 1524. There was great joy among the people upon his return, and with this strong show of support, Hubmaier must have been encouraged to no longer “spare the weak,” for on All Saints Day, November 1 the people, most certainly with his encouragement, rose up and destroyed the images and even the expensive monstrance used to shelter the elements of the mass, in the two Waldshut churches. This would, of course, accentuate the Austrian view of Hubmaier as provoking rebellion, but again we note only violence against church property, not against persons or seats of secular power. Adding to this action against the church tradition, Hubmaier the priest married Elspeth Hueglein of Reichenau on January 13, 1525, implementing his objection to enforced celibacy expressed in the *Eighteen Theses*.

As we shall see later, Hubmaier admitted just before his death in Vienna, that he had helped Waldshut to draft letters to Archduke Ferdinand. Bergsten argues that the charge refers to a document titled, *A True Defense and Complaint of the Whole Town of Waldshut, from the Mayor and Council to All Christian Believers, in the Year 1525*.⁷²

This letter includes information ending with the termination of discussions at Rheinfelden

⁷² Bergsten, 149.

by the Archduke on November 15. Waldshut came to the Rheinfelden meeting having demanded four items. The first was that Waldshut should be allowed to choose its own pastor; the second that they be allowed to retain Hubmaier as their pastor; the third that Waldshut's liberties should be confirmed by the Archduke; and fourth that Waldshut should be compensated for expenses incurred because of Austria's threat of war against them. The *True Defense* explains Hubmaier's exile in Schaffhausen as happening under his own initiative,⁷³ claims that no new message was being preached except what is biblical and that the charges brought against Waldshut were unfair,⁷⁴ and argues that Hubmaier had neither preached contrary to the Nurenberg Mandate nor incited rebellion nor disobedience against Archduke Ferdinand.⁷⁵ There is a revealing statement that Waldshut acknowledges that fear and reverence are due its civil and religious superiors but only as long as the authorities do not "abuse the obedience of their subjects contrary to the ordinances of God."⁷⁶ This certainly does indicate that Hubmaier believed that if his own government, that is the mayor and council of Waldshut, chose to stand up against the Archduke for its freedom confirmed by Charles V in 1520 to select its own pastor⁷⁷, they were within their rights. This stand will be dealt with later in discussing his *A Brief Apologia*. It is important to note, however, that this civil disobedience is very different from accusations of incitement to rebellion that emerge later in Hubmaier's life.

At a meeting of the Swabian Union Council during the end of November, Innsbruck laid out six charges against Waldshut: 1. Waldshut had sought help against Austria in the Austrian forelands; 2. they had rejected the clemency offered them at a

⁷³ Ibid., 124.

⁷⁴ Ibid., 149.

⁷⁵ Ibid., 167.

⁷⁶ Ibid., 171.

⁷⁷ Ibid., 68.

conference in Engen; 3. they had allied themselves with the peasants of Stuehlingen and the Black Forest; 4. they had accepted 100 soldiers from Zurich; 5. they had ignored an imperial order; and 6. they had refused to meet the conditions set previously in Rheinfelden. Bergsten refers to a letter read by the Waldshut mayor, city council, and parish representatives answering these charges, but insisting that all offenses were in defense of their hearing the true Word of God, which they would not abandon until someone could teach them otherwise from Scripture.⁷⁸ Waldshut claimed this as a traditional right guaranteed by the Nurenberg Mandate of 1523, so the Austrian authorities had to invoke another provision of the Mandate, insurrection, to strengthen the Archduke's case against Waldshut.⁷⁹ This approach would certainly try to attach peasant insurrections, which were very real at this time, to Hubmaier's preaching, fairly or not. At a conference of the Swabian Union in Ulm on February 5, the Austrian delegates, following direct instructions from Ferdinand, branded the citizens of Waldshut, and thereby also Hubmaier, as "ringleaders of rebellion and 'open aggressors.'"⁸⁰

3.2 Rebellion with Klettgau

When the peasants of Klettgau, on the basis of their acceptance of the Zurich Reformation, rose up against their Count Rudolph von Sulz, the Zurich Council upheld the Count's position, and the peasants turned to the steadfast Waldshut for military support.⁸¹ On January 29, 1525, Klettgau representatives arrived in Waldshut, antagonizing Zurich and giving Austria further excuse to distrust Waldshut. The Swabian

⁷⁸ Ibid., 166.

⁷⁹ Ibid., 171.

⁸⁰ Ibid., 177.

⁸¹ Ibid., 173.

Union tried to mediate between Austria and Waldshut, making the point to the Archduke on February 15 that he should not allow his two separate wars, one against peasant rebellion and the other against Waldshut's legitimate concerns, to become one war. This opinion was affirmed by the Swabian Union's commander, who said, "I would not want to conduct a war over this matter [the Waldshut affair], and if it were brought to an end, we could punish the peasants all the better."⁸² To a party that was wary of both imperial power and peasant rebellion, the intent of Hubmaier's Waldshut was clearly not insurrection. The Klettgau rebellion was eventually crushed in November of 1525.⁸³

During this period in Waldshut's history, Hubmaier is alleged to have "told Waldshuters that they had the right to remove themselves from Austrian authority, encouraged fortification of the town and he, himself, carried weapons." He also was said to have opposed tithes and zins contracts. He promoted military cooperation between Waldshut and the Klettgau peasants, and preached to the armed peasants when they were in Waldshut "that game, fish, fowls, wine, meadows, woods, etc. were free."⁸⁴ Stayer here is quoting Faber, and we shall challenge this series of charges in the light of Hubmaier's own writings and circumstances later. At this time it will have to suffice to argue that the Faber testimony denies the Swabian Union's separation of the two wars into a Waldshut affair that needed discussion and a peasant rebellion that needed a forceful intervention. Hubmaier's religious reforms and Waldshut's right to keep him as pastor constitute the Waldshut affair. By implicating Hubmaier in the aiding and abetting of the Klettgau peasants, Faber makes them one and the same war, no doubt just as Archduke Ferdinand would have wanted. Our position is that Hubmaier simply did not

⁸² Ibid., 179.

⁸³ Stayer, *Peasants' War*, 64.

⁸⁴ Ibid., 66.

have the secular power in Waldshut that Faber attributed to him. He may have had the popularity to take on such leadership, but his writings indicate that his interests were elsewhere, the pursuit of the Word of God in church reform.

3.3 Believers' Baptism in Waldshut

With his church reforms well underway, Hubmaier began to address the appropriate forms of baptism and the Lord's Supper. On January 16, 1525, he wrote a letter to Oecolampad, the Reformation advocate in Basel, in an effort to share thoughts on these two celebrations of the church. He notes in the letter that on that same day there was to be a discussion on infant baptism in Zurich, and he assures Oecolampad that he has for a long time objected to the baptism of children. He goes on to describe his child dedication service protocol and to ask his reader's opinion on the matter. Although he indicates that biblical study shows the need for spiritual awareness that is not found in children, he does not in this letter advocate the rebaptism of adults.⁸⁵ This letter holds three points of significance for our present work: it shows that Hubmaier was very current about religious affairs in Zurich, that he had already been thinking about infant baptism before the Anabaptists came to Waldshut, and that his interest with Basel ignored all mention of politics and concentrated on church reform, in spite of Waldshut's relations with Basel as a potential political ally.

After the first adult baptism in Zurich on January 21, 1525, the exiled participants initiated missionary journeys to the villages surrounding Zurich, westward to Bern and Basel, eastward to St. Gallen and Appenzell, and northward to Schaffhausen, Hallau, and Waldshut, these last in a region where peasant unrest was already being felt. Wilhelm

⁸⁵ Pipkin and Yoder, 67ff.

Reublin, one of the missionaries, arrived in Waldshut on January 29 and left two days later. On February 2, Hubmaier issued a proclamation calling for a disputation on baptism.⁸⁶ The proclamation, *A Public Challenge to All Believers*, invites anyone (it is addressed to all believers in Christ) to demonstrate from a German Bible using verses that deal with baptism only without additions (presumably added commentary) that he is in error in preaching that the baptism of infants is without scriptural foundation.⁸⁷ Hubmaier is clearly preparing the way for adult baptism, and he wants to bring any genuine, that is biblical, objections into the open. As his translators point out, Hubmaier does not ask the Waldshut Council to conduct a debate, but does so in his own name, suggesting that in his understanding there was to be a clear division between the conduct of the church and the conduct of the magistracy.⁸⁸

The visit of Wilhelm Reublin and his Anabaptist companion, Heini Merger, to Waldshut just after their expulsion from Zurich prompted a warning letter from the council of Zurich to the council of Waldshut to be aware that these visitors held false views on baptism and the Lord's Supper and required expulsion from Waldshut as well. The Waldshut council replied that the visitors had only been with Hubmaier, that no one had noticed anything wicked about them, and that they had left after just two days.⁸⁹ In fact the visitors baptized several adults while there and stimulated Hubmaier's own program of baptismal reform. However, the time was not right for such baptism with Hubmaier. As the *Public Challenge* shows, he needed to clear the way scripturally before he could take that step. Furthermore, as Bergsten points out, Waldshut relations with

⁸⁶ Snyder, *MQR*, 550.

⁸⁷ Pipkin and Yoder, 80.

⁸⁸ *Ibid.*, 79.

⁸⁹ Bergsten, 189.

Zurich were touchy at this time, and the presence of both the Zurich Brethren and coincidentally the Klettgau peasant delegation in rebellion against Zurich, could have led to loss of Waldshut's best ally. We see here that although Hubmaier's focus was on baptismal reform, he was sufficiently aware of political diplomacy to wait for an opportune time.

On March 4, Waldshut in its desperation made an urgent request to Zurich to effectively become incorporated into Zurich's own political structure. Because of Waldshut's harboring of Klettgau rebels and the Swiss Confederation's potentially dangerous relationship with Austria, the request was denied and Zurich no longer could be counted on as an ally.⁹⁰ Arousing the hostility of Zurich no longer mattered, and on Easter Saturday, April 15, Wilhelm Reublin baptized Balthasar Hubmaier and sixty others, "publicly and in the presence of witnesses." Hubmaier then baptized three hundred townspeople over the next few days, and Waldshut became an Anabaptist town.⁹¹

Bergsten explores the question of Waldshut's legal right to seek asylum or incorporation in Zurich. He finds a traditional teaching in the late Middle Ages, which allowed a town to find another ruler when it considered itself subject to a tyrant. Waldshut surely saw Ferdinand at this time as a tyrant (his "Wiener-Neustadt Blutgericht" of 1522, for an example besides their own, was famous throughout Europe⁹²) and hence Waldshut was justified in seeking that new ruler in Zurich.⁹³ However, Bergsten indicates that this justification was the work of Hubmaier without

⁹⁰ Ibid., 180f.

⁹¹ Ibid., 230f.

⁹² Walter Klaassen and William Klassen, *Marpeck: A Life of Dissent and Conformity* (Scottsdale, PA: Herald Press, 2008), 79f.

⁹³ Bergsten, 181.

attributing that to any source. Later, in Nikolsburg, Hubmaier does write in *On the Sword* that a Christian may remove himself from a tyrant, but there is no reason to believe that he was talking about something broader than his own personal escape from Waldshut, nor that he led the initiative to bring Waldshut under Zurich rule. The medieval principle that a town can find for itself another ruler would have been well-known by members of the city council without Hubmaier's insistence.

3.4 The Vocation of Believers' Baptism

A March 3, 1525, letter from Waldshut town council to the council of Bern demonstrates something about Hubmaier, the man, that is relevant to his activities at the time of Waldshut's Anabaptist reform. It also indicates the complex diplomatic situation in which Austrian Waldshut was with the Swiss Confederation. The Bern council was the patron of a convent in Koenigsfeld that provided a benefice to the priests of Waldshut expressly for the purpose of singing and reading masses and remembering anniversaries. The Waldshut letter was in response to a Bern complaint that these functions were not being carried out, but that the Doctor was only preaching. Bern had accused the Waldshut council of diverting the funds that were intended for Hubmaier to the town treasury. Waldshut replied that Hubmaier had "made a conscious sacrifice of his rightful income" out of pity for the town's poor financial condition brought about by the previous autumn's siege, in return for which the town would look after his basic needs for a year.⁹⁴ We see this as an indication of Hubmaier's moral integrity on two counts: first, he had written against benefices in his *Eighteen Theses* and was now implementing his writing against his own self-interest; and second, he was putting into practice his belief that

⁹⁴ Ibid., 204.

within the Christian brotherhood, those who have must voluntarily share with those who have less. But the Waldshut letter makes the comment that, in spite of the neglect of the traditional priestly duties, “the clergy now had more work to do with their industrious studies [and with weekday and feast day preaching] than they had had previously.”⁹⁵ Clearly, as far as the Waldshut government was concerned, study and preaching from the Word of God fully occupied Hubmaier’s time. Venturing into the new theology of believers’ baptism would certainly have been enough of a challenge to fill not only his time but also his thought, and, we would add, preclude serious involvement in peasant insurrection.

An integral part of Hubmaier’s iconoclasm and his baptismal theology in early 1525 is his reformation of the Lord’s Supper, as memorial, of course, but also as a call to active brotherhood. His document, *Several Theses Concerning the Mass*, written during this time, stresses the meaning for the participants to include, “as the body and blood of Christ became my body and blood on the cross, so likewise shall my body and blood become the body and blood of my neighbor, and in time of need theirs become my body and blood.”⁹⁶ This sounds like a requirement to sacrifice even one’s life for the neighbor, and we may well ask what that means in a time of military siege, but Hubmaier does not favor us with hypothetical examples.

The most important work published by Hubmaier during his stay in Waldshut is *On the Christian Baptism of Believers*, submitted on July 11, 1525. It occupies 52 pages in English translation and includes a thorough study of all biblical passages that make

⁹⁵ Ibid., 204.

⁹⁶ Pipkin and Yoder, 76.

reference to baptism in any way.⁹⁷ We might suppose that this is the kind of study the Waldshut letter to Bern mentioned, and that it must have taken a long time to prepare. At the end of the book is a summary statement which Hubmaier had published separately a short time earlier as a preview, on July 1, with the title, *Summa of the Entire Christian Life*.⁹⁸ The *Summa* declares that man's salvation is a five-stage process. It starts with hearing the Word of God, which convicts man of sin. The second item is surrender to Christ in faith as the physician who can heal the human condition. Having committed oneself inwardly by faith to Christ, God's Spirit brings new spiritual life to the believer, the inner baptism, or the baptism of the Holy Spirit, and this leads to the third event, outward baptism or baptism by water, in which the believer makes public the change of heart and the pledge to newness of life "according to the rule and teaching of Christ."⁹⁹ The fourth item is blossoming forth in newness of life as one in daily practice lives out, by the help of God, his commitment to the commands and teachings of Christ. Finally the fifth event is the recurring sustenance of participation in the Lord's Supper as the memorial described in *Several Theses Concerning the Mass*. This five-fold way may be pictured as an archway made of five stones, held in place by the central stone, the keystone, public baptism, which ties together the inner and the outer life. It is important for our study to understand that Hubmaier's religious motivations are anchored to this arch, and that his attitude toward the Sword must grow out of the fourth stage, the practice of life according to the teachings and commands of Christ.

When one pursues the goal of following Christ's commands as called for in Hubmaier's fourth stage of the Christian life, one is beset by "persecution, the cross, and

⁹⁷ Ibid., 96-149.

⁹⁸ Ibid., 82.

⁹⁹ Ibid., 85.

all tribulation because of the gospel in the world which hates light and life and loves darkness.”¹⁰⁰ Although persecution of the type enacted by Archduke Ferdinand is seen by Hubmaier as inevitable, he does not go so far as to invoke Matthew 5:39, “resist not an evil person.” [NIV] If we are to believe Waldshut’s *True Defense* that Hubmaier granted his people the right to resist, then he is being consistent here, but certainly not non-resistant in the sense that most modern Mennonites would like to expect. However, Snyder’s description of the resistance to violent authority in the mission field of the Zurich Brethren states, “the documentation demonstrates that there was as yet no clear definition on matters of the sword in the earliest Anabaptist community of Zollikon, and this same ambiguity would be present in early Swiss Anabaptist congregations that sprang up elsewhere in 1525.”¹⁰¹ So it was with Waldshut.

Just before releasing his book *On Baptism*, Hubmaier wrote a letter, on July 10, 1525, to the Zurich city council asking for the opportunity to meet with Zwingli for either a private or a public conversation concerning baptism. In particular, Hubmaier asks for a guarantee of safe passage to be sent by the Zurich council to that of Waldshut. This request may be seen as an effort to restore a religious bridge between the two towns, but Hubmaier writes from the standpoint of a religious leader only, with no hint of his holding any kind of secular authority.

On the Christian Baptism of Believers is a theological study of baptism in the New Testament, most of which need not concern us in this work. However it was written in answer to a work by Zwingli, *Of Baptism, of Rebaptism, and of Child Baptism* published on May 27, 1525, and in his introduction, Hubmaier answers charges made by

¹⁰⁰ Ibid., 86.

¹⁰¹ Snyder, *MQR*, 548.

Zwingli in that work.¹⁰² Significantly, Hubmaier writes, “that there should be a government which carries the sword, that we want and should be obedient to the same in all things that are not contrary to God, and the more the same is Christian the more it desires to rule with the wisdom of Solomon, so that it does not deviate either to the right nor to the left against God. Therefore we should also seriously and with great diligence pray to God for it so that we may lead a peaceful and quiet life together in all blessedness and uprightness.”¹⁰³ Clearly Hubmaier here upholds the right of government to wield the Sword, and even claims that government is better Christian than not. We are not only to be obedient to government, but even pray for it that it may discern justly for the welfare of its people. However, this statement, like a previous one, imposes a limit on government demands to those which are not contrary to God. Again Hubmaier does not offer suggestions as to what demands might be contrary to God, although preaching biblically is one obvious example. But the question of whether one may wield the Sword in obedience to government is not addressed.

Yet another writing on believers’ baptism was written mostly in Waldshut, and this one, too, in opposition to Zwingli. *A Dialogue with Zwingli’s Baptism Book* was actually published in 1526 in Nikolsburg, where the introduction was added.¹⁰⁴ That introduction contains a brief mention of Hubmaier’s relation to government that enlightens for us his thinking during the Waldshut days. He states, “In my teaching the Holy Scripture shall be my judge; in worldly business, whatever Christian government at whose side God has hung the sword for the protection of the righteous and punishment of

¹⁰² Pipkin and Yoder, 95.

¹⁰³ Ibid., 98.

¹⁰⁴ Ibid., 168.

the evil.”¹⁰⁵ Thus he is a leader in spiritual teaching, but he is a follower of government in the mundane matters of life. This is borne out by his writings in which he focuses on the interpretation of Scripture in spite of the great political upheaval surrounding him. We shall remind ourselves of this division between his spiritual and his secular activities later when we counter charges levied against him of political insurrection.

Yet again Hubmaier’s brief comment does not satisfy our longing to hear from him just where the boundary between secular and spiritual lies although his implicit citation of Romans 13 provides us with a clue. According to Snyder, Hubmaier’s way of reading Romans 13 was also a way of limiting government’s power to what was ordained by God; not “tyranny”, but “justice.” Preaching Scripture obviously was not an evil to be punished.¹⁰⁶ Clearly, then, any “just” government is to be obeyed, whether Christian or not. However, this does not directly address the question of whether a Christian should wield the Sword on behalf of a “just” government. He has at this time not devoted any real theological attention to the matter, for as we have seen, his focus has been on worship reform and especially the questions surrounding baptism.

It is important to consider Bergsten’s treatment of the relationship between Hubmaier and the Zurich Brethren while the Anabaptist reform of Waldshut was underway. He states, “Right through the Peasants’ War from April to June, 1525, the question of the right of Christians to engage in warfare became a burning issue in the Anabaptist Church in Waldshut. Thus it became increasingly clear that Hubmaier represented a different kind of Anabaptist outlook from that of the Swiss Anabaptists.”¹⁰⁷ He claims that the difference would have become clear to Grebel during his visit to

¹⁰⁵ Ibid., 174.

¹⁰⁶ C. Arnold Snyder, personal communication, February 16, 2010.

¹⁰⁷ Bergsten, 243.

Waldshut sometime between April and July of the same year. Bergsten makes the case for differentiation on the basis of two assumptions which we today find anachronistic. First he attributes to Grebel an incipient understanding of the Schleitheim Articles, which Snyder has shown to be quite undeveloped at this time in the practices of the Anabaptist villages seeded by the mission efforts of the Zurich Brethren.¹⁰⁸ Second, he attributes a view of Christian cooperation with government in Hubmaier that is not developed until his publication of *On the Sword* in 1527. All the writings of Hubmaier up to and including the entire Waldshut period of his life would rather characterize him as not being as politically involved as Zwingli, but like the other mission towns, taking it for granted that towns would defend themselves militarily as they always had done.

3.5 The German Peasants' War

3.5.1 Historical Background

The peasant uprising in Klettgau ended at the battle of Griessen on November 4, 1525. Klettgau was part of the Swiss Confederation, governed by Zurich. By February 1525 the peasant unrest expressed earlier in Stuehlingen and already in Klettgau, spread to Upper Swabia, where by the end of the same month their Memmingen leaders, Christoph Schappeler and Sebastian Lotzer, composed the famous *Twelve Articles of the Peasants*.¹⁰⁹ These *Twelve Articles* include three which concern “common use of game, fish, woods, waters, and meadows,” an attack on serfdom based on the redemptive power of Christ, and several which appeal to divine law for protection of peasants against ever-

¹⁰⁸ C. Arnold Snyder, *The Life and Thought of Michael Sattler* (Scottsdale, PA: Herald Press, 1984), 73ff.

¹⁰⁹ Bergsten, 211.

increasing rents and taxes by landlords and territorial rulers.¹¹⁰ This Reformation based appeal for justice became the standard statement from which many others were derived, region by region. By April Waldshut was allied with the rebels of the Black Forest, and in May sent soldiers to assist in the peasants' siege of Radolfzell. On May 8 the Black Forest peasant army leadership sent a document called the *Letter of Articles* to the town of Villingen demanding that the town join the Christian Union, which bound together various armed peasant groups. This *Letter* is significant to our argument because of the current debate over Hubmaier's possible authorship, which we shall address later. By July 2 the Austrian troops routed the peasant army in the Lake Constance area, and Waldshut's direct involvement with the Christian Union ended.¹¹¹

In June, 1525, the Klettgau peasants reached an armistice with Count Rudolf von Sulz, but by September 1, that armistice expired, and the Count, with the help of an Austrian army, conquered them militarily at Griessen in the Klettgau on November 4. On that same day Hubmaier was reported by Kessler to have left Waldshut for Zurich to attend its Third Disputation on Baptism scheduled for November 6-8.¹¹² We note that if indeed Hubmaier were a leader of the Klettgau peasants in any significant way, as he is accused of being, he would have gone to Griessen to offer moral support rather than to Zurich for theological discussion. Again we are shown that Hubmaier's priority was determining the clear Word of God, and not secular leadership or even military chaplaincy. With the destruction of its only remaining ally, Waldshut was left to face the forces of Ferdinand on its own. Although according to an internal Austrian report of November 22 the majority of the people still stood behind their pastor, internal

¹¹⁰ Stayer, *Peasants' War*, 52.

¹¹¹ Bergsten, 210-214.

¹¹² *Ibid.*, 266.

dissension, primarily from the Catholic party, and a number of defections broke down the defense of the town and Austrian troops took command on December 5 without violence.¹¹³

3.5.2 The Case of Jacob Gross

On September 20, 1525, the governor of Grueningen reported to his governing body, the Zurich council, that he had captured two Waldshut Anabaptists named Jacob Gross and Ulrich Teck. These men had fled to Grueningen after having been exiled by Waldshut, because they had refused to fight for the defense of their town. Later Gross testified to a Strassburg council that he had to leave Waldshut because he had refused to join the military band that was being sent to assist with the siege of Radolfzell. Admitting that the authorities must punish wrongdoers, “he insisted he had not refused to watch, to take his turn as guard, to put on his armor, or to take up his pike; but to put people to death was not commanded in any ordinance of God.”¹¹⁴ Stayer adds that the Strassburg interrogator, Martin Bucer, further asked Gross whether a government that wields the sword can be Christian, whereupon Gross answered that that was for God, not him, to judge.¹¹⁵

Both Bergsten and Stayer use the Gross testimony to indicate opposition to Hubmaier’s justification of the government Sword even at this time. Certainly the non-committal answer to Bucer’s question marks a difference between Gross and Hubmaier, for we have already seen that in his book on baptism, Hubmaier unequivocally declared that a Christian government is good and it, too, must exercise its Sword. However, it is

¹¹³ Ibid., 268f.

¹¹⁴ Ibid., 244.

¹¹⁵ Stayer, *Sword*, 108.

worth examining how much the rest of the testimony is similar to what Hubmaier was saying at this time. First of all, at the basic theological level, Gross agrees with Hubmaier that scripture is to be his judge, and what scripture does not authorize, Gross should avoid. Secondly, Gross follows a principle that by this time Hubmaier has often repeated, that one is to obey the secular government until it interferes with one's obedience to God. The example we sought in Hubmaier's writings of where that division between the two obediences lies is given by Gross's existential requirement: non-combatant service to the military effort yes, but killing for the government's sake, no. Stayer attributes Gross's decision to conscience and principle, and we agree. But might that not also have been implicit in Hubmaier's teaching, that one must make that decision when faced with it, either because he believed that was the drama of the human condition, or more likely, because he simply hadn't formulated a satisfactory answer to meet all situations?

Both Stayer and Bergsten connect the case of Gross and Teck to an admission later made by Hubmaier that some criticized him as a vampire sucking blood from the people on behalf of the government. We will address Hubmaier's confession in a later section, but we can at this point say that we see this connection as a plausible conjecture, but conjecture nonetheless. We note especially that Gross is not reported implicating Hubmaier in their expulsion from Waldshut, and we must suppose that expulsion resulted from a decision by the Waldshut mayor or town council. Both Bergsten and Stayer stress the influence of Grebel on Gross, but Gross testified in his 1527 Augsburg trial that he had been baptized by Hubmaier, clearly indicating that Gross was influenced by both. The Gross case does not demonstrate much difference between Grebel and Hubmaier. For all we know, Hubmaier may have made the same decision as Gross and Teck, had he

been confronted by the same demand to go to Radolfzell to kill, and if so, certainly for the same reason. We recall, however, that Hubmaier was careful in his timing, and so the expulsion of Gross and Teck was just the kind of thing he would have been trying to avoid by not drawing the line between obedience to God and to government in an area that was not too clear to him, or to Grebel either. The testimony of Gross neither assures us of conflicting views between Grebel and Hubmaier, nor demonstrates to us that Hubmaier at this time was any more militant than Gross himself.

3.5.3 The Article Debate

Johann Faber in his *The Reason Why the Anabaptist Patron and Founder, Doctor Balthasar Hubmayer, Was Burned in Vienna on the Tenth of March 1528*, commonly referred to as the *Ursach*, implicates Hubmaier in the production of three tracts used by the peasants in their call to rebellion. He refers to Hubmaier's confession in which he advocated on behalf of the peasants that "game, fish, fowls, wine, meadows, woods, etc. were free," which would directly link Hubmaier to the important *Twelve Articles of the Peasants*.¹¹⁶ Faber further claims that Hubmaier personally wrote the *Letter of Articles*, which calls for resistance to unjust authority by a ban very similar to that employed in Hubmaier's ecclesiology as described in his *On the Christian Ban*, which he wrote in Nikolsburg late in 1526. Faber also accuses Hubmaier of editing ("improving") a copy of a *Draft of a Constitution*, found nowhere but in Faber's paraphrase, which speaks of how one goes about removing a tyrant, violently if necessary.

¹¹⁶ Seiling, *MQR*, 133f.

Stayer provides us with an extensive review of the changing debate among historians as to what Hubmaier's contributions to these three documents must be.¹¹⁷ Stayer believes that the *Letter of Articles* matches Hubmaier's Christian ban so closely that it may well have been written by Hubmaier.¹¹⁸ Bergsten disputes this, pointing to a source common to both Hubmaier and the author of the *Letter*, the Great Church Ban, which had already been written into ecclesiastical and civil law and can be traced to the Bible, II John 10.¹¹⁹ We add that in Hubmaier's book *On Baptism*, he specifically mentions that he only conceives of the ban in terms of a voluntary Christian brotherhood bound together by the baptismal pledge, which supports Bergsten's view.¹²⁰ Stayer also believes Faber's claim that Hubmaier was an important editor of the *Draft of a Constitution*, largely on the basis of its agreement with a sentiment he finds in *On the Sword* that bad leaders engender a bad people.¹²¹ Both Stayer and Bergsten see the influence of Thomas Muentzer in the *Draft*, but Bergsten rather shows the difference between Muentzer and *On the Sword*, whereas Stayer stresses the similarity.¹²² Consequently, although neither author attributes the writing of the *Twelve Articles* to Hubmaier, Stayer sees a likelihood that Hubmaier wrote the *Letter of Articles* and significantly edited the *Draft of a Constitution*, whereas Bergsten and the present author find it hard to believe that he had a significant role to play in the writing of any of the three documents. We do not find in Hubmaier's signed writings, any hints of such interest

¹¹⁷ James Stayer, "Radical Early Zwinglianism: Balthasar Hubmaier, Faber's *Ursach*, and the Peasant Programmes," in *Huldrych Zwingli, 1484-1531: A Legacy of Radical Reform*, ed. E.J. Furcha (Montreal: Faculty of Religious Studies, University of Montreal, 1985), 62-82.

¹¹⁸ Stayer, *Peasants' War*, 71.

¹¹⁹ Bergsten, 219.

¹²⁰ Pipkin and Yoder, 127.

¹²¹ Stayer, *Peasants' War*, 70.

¹²² Bergsten, 224.

in peasant politics. It must be emphasized that both Bergsten and Stayer admit to great uncertainty in the authorship debate.

Both Bergsten and Stayer advise caution in accepting information from Faber's *Ursach*. Faber's bias against Hubmaier will be seen in sharper focus when we examine the conditions of Hubmaier's final trial. For now it is sufficient to recall that Archduke Ferdinand was looking for evidence of insurrection beyond Hubmaier's preaching, and the *Ursach* was certainly trying to provide that evidence. By linking Hubmaier to these manifestos, the charge is already made.

3.6 Departing Waldshut

3.6.1 Imprisonment in Zurich

On December 5, 1525, just before the Austrian guard arrived to occupy Waldshut, Hubmaier addressed a gathering of the townspeople of Waldshut, telling them, according to his own testimony to a Zurich court on March 5, 1526, that he could not, as their former leader, accept the return of orthodoxy to the Waldshut churches that was about to be imposed by the Austrian authorities. He had to leave and he suggested that any others who thought like him should take this opportunity to leave as well. Not knowing where to go, he fled, ill as he was, to Zurich, where he found shelter with the Anabaptist Heini Aberli.¹²³ On December 19, 1525, he was imprisoned by the Zurich council simply because he was a recognized Anabaptist. His first request was for a disputation on baptism with Zwingli, and that very day he met not only with Zwingli but also Zwingli's four ecclesiastical colleagues, four council members, and a secretary. The result of the consultation was a statement of recantation by Hubmaier.¹²⁴ In this statement Hubmaier

¹²³ Pipkin and Yoder, 161.

¹²⁴ Bergsten, 301f.

expresses sorrow for his error concerning infant baptism for which he recants, but he denies the charges that 1. he rejects government and says a Christian cannot sit in a government; 2. he wants all goods to be held in common; 3. he baptized people in Zurich territories; and 4. he lives without sin. Regarding the first, he repeats that a Christian can be in government and the more Christian the better. On the community of goods, item 2, he states that his designation, “Christian community of goods” refers to the practice of sharing with the needy “so that the hungry, thirsty, naked, and imprisoned are helped.”¹²⁵ This is in sharp contrast to the interrogators’ meaning of community of goods, that all people were entitled to take goods that had traditionally belonged to others. In his rejection of the charges concerning government and goods, Hubmaier can be understood to be denying any charges of anarchy and hence peasant rebellion. In any case, no charges against him in this situation include violence of any kind, nor of any insurgent activities. The charges against Hubmaier are all stereotypes of Anabaptists held by the Zurich elite, and Anabaptism was the sole reason for Hubmaier’s Zurich imprisonment.

Hubmaier was ordered to recite his recantation on December 29 before the Fraumuenster congregation, but as is well known, he disregarded it and preached an Anabaptist sermon until stopped short by Zwingli.¹²⁶ This time he was cast into the Wellenberg prison where, according to Zwingli’s letter to William Capito on January 1, he recanted again three times under torture.¹²⁷ Zwingli tells Capito only about baptism and the treatment of Hubmaier as a prisoner, but mentions no other charges. Another Zwingli letter, this one written to Peter Gynoraeus on August 31, 1526, provides details of Hubmaier’s release and charges “that by his catabaptism he had drawn many wretched

¹²⁵ Pipkin and Yoder, 152.

¹²⁶ Bergsten, 304.

¹²⁷ Pipkin and Yoder, 156.

citizens into a revolt in which they had perished,” and that he, Zwingli, sees nothing more in Hubmaier than “an immoderate thirst for money and notoriety.”¹²⁸ Zwingli thus blames Anabaptism, incorrectly, for causing the peasant revolts, but he does not assign blame to Hubmaier for direct participation in the rebellion beyond providing religious instruction that was insurrectionist only in the sense of having been prohibited by civil law.

On April 11, 1526, Hubmaier was granted release from prison after his appeal to the Zurich council on March 5 offering to forsake his views on baptism. During the court session in which freedom to leave was granted, he was asked whether he had conspired with the Zurich volunteers who had gone to Waldshut or whether he himself had called them to come. Hubmaier replied that because he was in Schaffhausen at the time, he did not know of any conspiracy nor the intentions of the volunteers, but he was aware of rumors in Schaffhausen that the Swiss volunteers had in fact taken over the Waldshut marketplace. Bergsten agrees on the timing here, and shows that the call for the volunteers was made by Collin before Hubmaier’s return.¹²⁹ The court then asked about visitors from Zollikon, to which Hubmaier replied that he only spoke with them about baptism, which seems consistent with his focus in his writings of the time. Next he was asked about his relations with the peasants of Klettgau, and he answered that he gave them neither his allegiance nor support, but only preached to them the Word of God. “How those of Waldshut negotiated with them he could not know, for they had never called him into that.” However, he admitted that he had said at some time that “it would not be bad if people would help one another and thereby come to peace, rest, and a

¹²⁸ Ibid., 157ff.

¹²⁹ Bergsten, 117f.

Christian order.”¹³⁰ In all of this testimony, Hubmaier clearly defines his relationship with the civil authority as distant. His responsibilities in Waldshut were those of a religious teacher and nothing more. To attribute to him the same secular power over Waldshut that Zwingli held in Zurich would seem to deny his very consistent claim of separation between the duties of the magistracy and of the religious leadership that we have found in his writings, his activities, and now in his court testimony.

3.6.2 Release from Zurich

In order to secure his release from the Swiss Confederacy, Hubmaier was forced to present a new recantation in Zurich and in Grueningen, which he did in mid-April, 1526. Bergsten chides John Howard Yoder for contrasting Hubmaier with “real,” *i.e.* non-resistant apolitical Anabaptists, by noting that recantations were not uncommon among Anabaptists.¹³¹ A reading of the trial proceedings of March 5-7, 1526, and comparing the testimonies of Grebel, Mantz, Blaurock, and other Zurich Brethren with that of Hubmaier¹³² easily gives the impression that Hubmaier was less principled than the others. The court, noted, however, that Hubmaier had already been interrogated, and we add that he was physically weak at the time. In the final analysis it must be remembered that whereas the Zurich Brethren suffered imprisonment on limited rations and then escaped, Hubmaier’s release came only after torture on a rack as well as imprisonment, and that Hubmaier died a martyr’s death subsequently as nobly as did the “real” Anabaptists, Felix Mantz and Michael Sattler.

¹³⁰ Pipkin and Yoder, 163.

¹³¹ Bergsten, 308.

¹³² Harder, 444f.

At the end of April Hubmaier left the Swiss Confederacy, stopping briefly in Constance and then proceeding to Augsburg. He stayed there for two months, interacting with Anabaptists already there and baptizing new members. It was here that he met both Hans Denck and Hans Hut, with whom he established Augsburg as a major Anabaptist centre. By late July Hubmaier found his way to Nikolsburg in Moravia, one of the few places where he could remain out of the reach of the ever-present Archduke Ferdinand.¹³³

3.7 Conclusions

Hubmaier's stay in Waldshut from October, 1524, to December, 1525, was a time of great activity for him and for Waldshut. For him it started with abandoning his earlier policy of "sparing the weak" to encourage active church reform: the removal of images, the change from the sacrificial mass to the Lord's Supper memorial, the use of the local language in church, and finally the baptism of adult believers only. For Waldshut it was a precarious time politically, with constant pressure from Archduke Ferdinand to surrender Hubmaier, the heretic, with dwindling support from Zurich, and with dangerous alliances with various peasant groups. From his own writings, from what we can document about his activities, and from his testimony in a Swiss court, we see Hubmaier separating himself as far as possible from magisterial duties and pushing forward a theological battle with Zwingli and the other Swiss Reformers on the matter of infant baptism, to which he gave his full attention apart from his pastoral duties. This is not the picture of Hubmaier that most scholars have adopted, largely because of the testimony of Johann Faber. We shall explore Faber's attitude regarding Hubmaier further, but we have already noted the convenience of Faber's supplying insurrectionist excuses that Archduke Ferdinand

¹³³ Bergsten, 309.

required to avoid the appearance of religious persecution, Ferdinand's long-held reason for pursuit of Hubmaier. Nevertheless, we also have seen that Hubmaier defended the right of the magistracy to exercise capital punishment in just causes and the right of the people of Waldshut to defend their town against the unjust aggression of the Austrian forces. This is very clearly not a case of nonresistant apoliticism, as we would like to expect of "real" Anabaptists, but a similar attitude seems also to have been the case in other mission outreach towns of the Zurich brethren. Hubmaier distinguishes between the law of government and the law of God, and asserts that one must follow God's law when the two conflict. At this stage of his life Hubmaier did not clarify for his readers where the boundary between the two laws lies, except for hints in his use of Romans 13 that government must punish evil and reward good. That lack of clarity asserts itself most particularly when the Christian is asked by government to wield the Sword. This problem was addressed only within the security of Nikolsburg, as we will read in the following chapter.

CHAPTER 4. HUBMAIER IN NIKOLSBURG

4.1 *A Brief Apologia*

When Hubmaier arrived in Nikolsburg in July, 1526, he found a Reformed church already begun under the protection of Lord Leonhard von Liechtenstein. He was well received and began his new post by persuading influential evangelicals to his views of baptism.¹³⁴ As he transformed his evangelical church into a thriving Anabaptist congregation of around 2000 people, he also published works almost completed already in Waldshut, such as the *Dialogue with Zwingli's Baptism Book* and *Old and New Teachers on Believers' Baptism*, and some evidently written in his Zurich prison, *Twelve Articles in Prayer Form*, and *A Brief "Our Father."* The success of Hubmaier's preaching is highlighted by the acceptance of baptism by Lord Liechtenstein sometime during Hubmaier's first six months, putting into practice his ideas expressed earlier that a ruler can most certainly be a Christian, and the more Christian the better.¹³⁵ Besides the advantages to Hubmaier's church reforms, Lord Leonhard's baptism meant that Hubmaier had to take care to maintain an appropriate reputation. Thus, encouraged by Lord Leonhard, he confronted the charges and the rumors that had followed him from Waldshut in his first tract written in Nikolsburg called *A Brief Apologia*.

A Brief Apologia begins with a host of charges of which Hubmaier claims to have been accused. Mostly they are about his antagonism toward Catholic practices, but also those of more interest to us such as the charge of being a revolutionary, preaching disobedience to government, and discouraging the proper payment of interest and

¹³⁴ Bergsten, 321.

¹³⁵ *Ibid.*, 321.

tithes.¹³⁶ For the accusation of being a revolutionary, he takes it as a compliment, for Christ himself was called a subverter of the nation who opposed paying taxes to Caesar in Luke 23:2.¹³⁷ However he goes on to say about government, “Since it is of God, who hung the sword at its side, one should without contradiction render to it tolls, duties, tribute, honor, and respect.”¹³⁸ He adds on this issue, “A Christian does not quarrel or fight, rather he gives a fifth or a third, not to mention a tenth of his goods. Yes, he also lets his coat go with the cloak, Matt. 5:40. But if there were genuine brotherly love among us, it would indeed teach us to give and take interest, Luke 6.”¹³⁹ The editors add in a footnote Hubmaier’s meaning of brotherly love as used here. “It is the motivation for voluntarily retaining what is no longer obligation. The lender should no longer demand interest on his loan; but the borrower will nonetheless pay it, out of love.” Hubmaier says that although this is how it should be, he (they?) never spoke against interest or tithes. Since this is one of the main issues in the peasant revolts, he is effectively denying that he could in any way have been a significant leader or agitator on the peasants’ behalf.

In his *Brief Apologia*, clearly written on his own terms without torture or threat of execution, Hubmaier admits that his support of government at times led to criticism from his Waldshut congregation. Regarding obedience to government he writes, “I have written and preached in Latin and in German so earnestly that many people became ill-disposed toward me, fled from my preaching, and, yes, some even interrupted me openly in church on this point, defaming me as a blood-sucker who does nothing but defend the

¹³⁶ Pipkin and Yoder, 298.

¹³⁷ *Ibid.*, 303.

¹³⁸ *Ibid.*, 304.

¹³⁹ *Ibid.*, 305.

governmental sword.”¹⁴⁰ Bergsten associates this interruption of Hubmaier’s sermons with Anabaptists influenced by the Zurich Brethren, in particular Gross and Teck who were later expelled for refusing to be sent to Radolfzell as soldiers.¹⁴¹ In the light of Snyder’s demonstration that non-resistance was by no means a *sine qua non* amongst the Zurich Brethren and the fact that there is no record of Gross blaming Hubmaier for his expulsion from Waldshut, we must consider other possibilities for interpreting the accusation of Hubmaier being a “bloodsucker.” We know that there was a Catholic opposition who opposed not only Hubmaier’s church reforms but also the Reformed/Anabaptist government of Waldshut, and that these Catholic citizens freely remained in the city during Hubmaier’s time there. They certainly would have seen Hubmaier’s calls to obey this government, which they would have deemed as renegade, as a demand for blood as it took its stand against Archduke Ferdinand. They would have been justified in this claim by Hubmaier’s next admission that he “told the government to wield the Sword according to the order of God for the protection of the righteous and punishment of the evil, or God will take away its mandate and mete out to it with the same measure.”¹⁴² We have seen before that Hubmaier accepted the magistracy’s right to capital punishment, and even that the people of Waldshut understood him to justify the defense of their town from the Archduke. Here we have Hubmaier’s admission that he advocated such defense to the magistracy, presumably on the basis of Romans 13. In this he certainly deviates from the understanding of Felix Mantz, who at his trial in Zurich in November, 1525, testified “no Christian strikes with the sword, nor does he resist

¹⁴⁰ Ibid., 304.

¹⁴¹ Bergsten, 241-245.

¹⁴² Pipkin and Yoder, 304.

evil.”¹⁴³ As for the other two primary Zurich Brethren, Grebel and Blaurock, Snyder finds them undefined on this issue, as mentioned earlier.

Yet Hubmaier again offers the possibility of disobedience to government by writing in his next paragraph, “Never in my life have I taught that subjects should not fulfill the duty and obedience due to their government. Rather, when even heavier burdens are imposed upon them that are not contrary to God (whom one should obey more than people), they are to take them up willingly and carry them with patience as their cross.”¹⁴⁴ As we said earlier, we have no way of knowing whether the over-riding of government demands by God’s demands means that Hubmaier would have upheld Gross’ resistance to military assignment by reason of conscience, or even whether in his Waldshut period he would have done the same as Gross. The statement does, however, deny his unambiguous support for rebel causes. In his quest for justice and fairness, he also qualifies the need to shoulder even unjust burdens by writing, “I have also never taught that it is proper for the government, bishops, abbots, monks, nuns, and priests to overload their poor people, more than is godly and just, with unprecedented unchristian impositions, and to tear them away by force from the Word of God.”¹⁴⁵ We must suppose that the “unprecedented unchristian impositions” would include new or increasing rents and taxes, infringement on community pastures and traditional woodcutting privileges, etc. More clearly it is also a statement that religious persons and institutions must not persist in keeping the message of reform from reaching the people. His acknowledgement that there are legitimate demands made by the poor in no way makes him guilty of secular sedition, because putting the two thoughts into the same paragraph sounds much

¹⁴³ Harder, 442.

¹⁴⁴ Pipkin and Yoder, 304.

¹⁴⁵ Ibid., 304.

more like a counsel to both sides of the issue of rebellion to seek justice for their opponents as well as themselves. In fact we recall that in the early days of rebellion, Waldshut and other towns tried to mediate between the Stuehlingen rebels and their master, Count von Lupfen in June, 1524.¹⁴⁶ We have already suggested that Hubmaier might have had a role in these negotiations, telling both sides, as here, of their obligations to do justice. In any case it seems unfair for Faber in the *Urgicht*, which we shall discuss later, to call this counsel an incitement to rebellion.

In the *Brief Apologia* Hubmaier repeats his innocence of any wrong-doing other than religious reform. This point had been stressed by the government of Waldshut at the conference in Constance, held January 22-26, 1525.¹⁴⁷ Hubmaier points to the claim made there that Waldshut longed to maintain its history of loyalty to the Archduke if only they could be allowed to hear and preach the Word of God directly from the Bible. He also offers that Waldshut's plea for this one right was rejected by the Archduke's Councilors who invoked the argument that if Waldshut were allowed religious reform, other towns would want to have the same, *i.e.* there would be a domino effect.¹⁴⁸ Hubmaier thus insists that the real charge was known by the Austrian authorities to be the religious liberty of Waldshut and only that, and that they were unwilling to grant it. Thus Hubmaier declares that all other charges are spurious. He adds that he is still wanted by the Austrian authorities, and since they are not offering a fair trial, he is unwilling to surrender.¹⁴⁹ By surrendering, his witness would be lost in untruth and this, he could say

¹⁴⁶ Bergsten, 108.

¹⁴⁷ *Ibid.*, 165-172,

¹⁴⁸ Pipkin and Yoder, 305f.

¹⁴⁹ *Ibid.*, 307.

consistently with his previous lines about obedience, would be contrary to the will of God.

The second half of *A Brief Apologia* is a sermon to government, quite possibly reminiscent of the kind of sermon Hubmaier would have preached in Waldshut. We notice first of all that it is scriptural, not only in citing biblical texts but also in its use of biblical language. Secondly it is a powerful sermon with dire warnings to a ruler that stumbles in his vocation to rule justly. The language is even biblically violent, when he writes, for example, “the martyred and shed blood will cry up to God in the heavens together with the innocent blood of the pious Abel against such Cains, murderers, and blood spillers. He [God] will demand it at their hands and will pour out his revenge over them and their children. For whoever sheds human blood (understand: against the order of divine justice) that one’s blood, says God, shall itself also be shed, Gen. 9:6.”¹⁵⁰

The sermon makes it clear that the people who lead a government into unfair judgment will be avenged by God. It is important to note that nowhere in this sermon or in any of his previous writings does Hubmaier suggest that Christians are to serve as God’s instruments of vengeance. Although Hubmaier never appears to take the reins of power himself, he certainly does make it clear, hearkening back to his reading of Romans 13, what the ethical demands on government are, in this case hearing all sides of a case with equal respect for persons before rendering judgment. There is also an ethical demand on the individual, who cannot justify his actions by claiming that he is ordered to perform an act; one must obey God more than people.¹⁵¹ This would seem to justify the refusal of Gross and Teck to go to war, but we shall see that in *On the Sword*, Hubmaier

¹⁵⁰ Ibid., 309.

¹⁵¹ Ibid., 310.

grants the soldier the right to kill simply because he is ordered to. This apparent contradiction will have to be addressed within the context of that work. For now we would simply suggest that what we may feel is a lack of zeal for biblical non-resistance, might be compensated by Hubmaier's being a lone Anabaptist voice calling us to an appropriately biblical concern for what today are called basic human rights.

4.2 The Nikolsburg Writings

After settling into his new position in Nikolsburg and after writing *A Brief Apologia* in late 1526, Hubmaier immediately began publishing important theological tracts on the practical aspects of things considered earlier, the Lord's Supper, catechism for baptismal instruction, fraternal admonition and the appropriate use of the ban, and finally a defense of human free will. In all there were sixteen works published for him by the expatriate Zurich publisher, Simprecht Sorg, during a year in which he wrote without interference.¹⁵² The joy of being able to work freely is best expressed in his *A Simple Instruction*, published shortly after *A Brief Apologia*.

A Simple Instruction is a justification of the Anabaptist, that is, Hubmaier's, teaching on the Lord's Supper as a memorial in contrast to the Catholic sacrament of the mass. Its theological content need not concern us here except to note that he upholds the need for self-sacrifice in stating, "with this breaking of the bread and drinking of the cup publicly before the church [the participant] commits himself and promises that for the sake of his neighbor he is also willing to let his flesh and blood be broken and sacrificed, with which he has now become one flesh and one drink."¹⁵³ We may well ask what that

¹⁵² Bergsten, 322.

¹⁵³ Pipkin and Yoder, 333f.

sacrifice meant to Hubmaier if it involves protection using weapons, but again we have no way of knowing whether by this time Hubmaier had thought through the implications of this pious concept.

In the introductory chapter of *A Simple Instruction* we notice that the dedication is to Lord Leonhard von Lichtenstein, his governor and protector. We are struck by the uncharacteristic obsequiousness shown in the extensive attempt to interpret the lord's name as connoting strength, enlightenment, and steadfastness, and then describing the town of Nikolsburg as Emmaus, the place where the risen Christ came after his resurrection in Martin Luther's Saxony.¹⁵⁴ It turns out that all the Nikolsburg writings that are personally dedicated are dedicated to noblemen. In Waldshut this was not the case. His *Summa* was dedicated to the lords, brothers, and sisters of churches he had served,¹⁵⁵ and *On Baptism* was dedicated "to all righteous, Christ-believing, and pious people."¹⁵⁶ Moreover, we found that during his support-gathering tour of Switzerland in the autumn of 1523, Hubmaier contacted religious leaders, but evidently made no effort to meet political leaders. In Waldshut, nobility was not prominent, respect between himself and the mayor was mutual, and personal favor did not have to be curried. In Nikolsburg, it would seem that Hubmaier found it expedient to ingratiate himself to the local aristocracy. They appreciated his church reforms and in return protected him and his followers from Archduke Ferdinand for the time being. Although Bergsten also notices a change in Hubmaier's concept of the church in moving to Nikolsburg, we see this change of emphasis from baptism to the Lord's Supper and fraternal admonition,¹⁵⁷ as a natural,

¹⁵⁴ Pipkin and Yoder, 316ff.

¹⁵⁵ *Ibid.*, 83.

¹⁵⁶ *Ibid.*, 96.

¹⁵⁷ Bergsten, 327.

uncoerced progression of his thought. Hubmaier concentrated on church reform, leaving government matters to others. Yet we would contend that his efforts to please the aristocracy led him into a state of compromise when later he had to address the problem of Christian obedience to government in *On the Sword*.

4.3 The Gathering Hostility

Peace was good for Hubmaier, but it was not to last. In *A Brief Apologia*, he acknowledged that he was still wanted by the Austrian authorities and the Archduke Ferdinand. For historical reasons Ferdinand could not reach him in Moravia under the protection of Lord von Liechtenstein. However, through a death, Ferdinand became the King of Bohemia in October, 1526, and Margrave of Moravia in November, a month later.¹⁵⁸ Even as he wrote, Hubmaier knew that his freedom was only temporary. Nevertheless, not only his writing, but also his church reform program was highly successful throughout the winter of 1526-1527.¹⁵⁹ It was only with the arrival of Hans Hut in the spring of 1527 that internal dissension began to emerge.

When Hans Hut arrived in Nikolsburg, he noticed a weakness in Hubmaier's discipline over his Anabaptist church, a magnet for Anabaptist refugees from many places west of Moravia. He established his own congregation and claimed that it was growing at an even greater rate than was Hubmaier's.¹⁶⁰ Their disagreement, partly over discipline but largely over eschatology, led to a Disputation, called by Lord Leonhard for May 12, 1527 to be held in his own castle. The end result was that Hut was imprisoned in the castle, but he escaped during the night after allegedly rough treatment. We do not

¹⁵⁸ Ibid., 317.

¹⁵⁹ Ibid., 328.

¹⁶⁰ Ibid., 361.

know what Hubmaier's role in the rough treatment might have been, but it is fair to ask whether Hut's treatment was not in violation of Hubmaier's own earlier call to hear the heretic and, after a full dispute on the basis of Scripture concludes that his teachings are invalid, to let him rant and rage until God himself deals with him. However it is likely that Hut's religious views had violent implications that Lord Liechtenstein could simply not accommodate.

Hubmaier later claims, in his final *Apologia* of January, 1528, that Hut was "stirring up and misleading the populace secretly and in corners, provoking conspiracy and sedition under the pretense of baptism and the Supper of Christ as if one had to take up the sword and the like."¹⁶¹ Stayer describes Hut's chiliasm as predicting Christ's Second Coming to occur three and a half years after the Peasants' War, which placed it in mid-1528, "although God alone knows the day or the hour."¹⁶² During this three and a half year Tribulation, the Anabaptists had to accept suffering and martyrdom as the third element of their baptism of water, spirit, and blood. During that time the sword must remain in its sheath, but when Christ returns he will call upon all his followers to "punish the others, the sinners who had not repented."¹⁶³

One can well imagine that the Lord Leonhard who, under the influence of Hubmaier's call in *A Brief Apologia* for good government, would feel responsible for the well-being and peace of his entire community, repentant and otherwise, for at least the next two years, would find such teaching destabilizing and therefore threatening.

Hubmaier himself in his final *Apologia* describes the results he had already observed from Hut's teaching, which induced simple folk "to sell their possessions and property,

¹⁶¹ Pipkin and Yoder, 560.

¹⁶² Stayer, *Sword*, 153.

¹⁶³ *Ibid.*, 154.

forsake wife and child, house and farm, thus depriving the simple-minded of work in order to persuade them to run after him.”¹⁶⁴ Hubmaier admits his severity with Hut, but we don’t know whether he might have been responsible for any corporal punishment that Hut may have received. The severity may have been intellectual for Hut, a book seller, was not a highly learned man. Hubmaier traces the major difference between them to Hut’s miscalculation of Daniel 12:7, for which the time of tribulation is really 1277 years as opposed to Hut’s three and a half. Although it may be possible to argue that Zwingli’s treatment of the Anabaptists was equally intended to avoid social instability, the treatment of Hut is much milder than the punishment of Anabaptists by Zwingli as described in *A Brief Apologia*. More importantly, if Hubmaier’s claim against Hut is correct, then he simply found himself in the ambiguous position of imposing reasonable limits on religious tolerance when freedom of religion is already leading to destructive consequences. In this case, Hubmaier’s severity may have prevented a chiliastic tragedy like that of Muenster just six years later, from happening in Nikolsburg.

We find Hubmaier’s treatment of Hut consistent with his work *On Heretics*, written in Schaffhausen in 1524. In Hubmaier’s opinion, Hut was clearly a heretic in that he resisted the Holy Scripture, in spite of Hubmaier’s effort to overcome Hut with holy instruction regarding the real meaning of Daniel 12. The proper treatment of heretics, according to Article 5 of *On Heretics*, is avoidance, and not execution. Hubmaier, and more likely Lord Leonhard, did not even threaten execution of Hut, but simply imprisoned him briefly, thus imposing avoidance. Hubmaier in Article 11 argues that negligent bishops are responsible for the divisions that occur in their jurisdiction, and in the case of Hut he is consistently carrying out his responsibility as a religious leader to

¹⁶⁴ Pipkin and Yoder, 542.

prevent the division that Hut was promoting. In *On Heretics* Hubmaier distinguishes between evildoers and the godless. In his judgment Hut, by preaching the imminent need for violence and the destruction of stable home life, had crossed the line between being simply a godless teacher to being an evildoer. Thus calling in the civil authority, Lord Leonhard, would have been understood by Hubmaier to be appropriate, and Hut's treatment as a result, without execution, fair.

4.4 *On the Sword*

4.4.1 *The Schleithem Articles*

On February 24, 1527, a “brotherly union of a number of children of God” completed the formulation of what have come to be called the *Schleithem Articles*. The place was a Swiss town just across the river from Stuehlingen, an area amid the mission field of the original Zurich Brethren, and the participants were products of their mission activities, including names like Wilhelm Reublin, Johannes Broetli, and Jacob Gross. Most importantly the meeting did not include the two primary founders of the Anabaptist movement, Conrad Grebel and Felix Mantz, both of whom were already dead. The leadership of the meeting and most certainly the primary author of the *Articles*, was Michael Sattler, who did not become an Anabaptist until May or June, 1526.¹⁶⁵ It is important for our purpose to note Snyder's comment, “The Anabaptist vision that emerged from the circle of Sattler, Kuenzi, Brennwald, and Winckler [and hence the *Articles*] was that of the separated church of the faithful which was to carry sectarian

¹⁶⁵ Snyder, *Sattler*, 87.

themes several steps beyond anything seen in 1525. However, the connections of this *Unterland* group with Grebel, Mantz, and Blaurock are rather faint.”¹⁶⁶

Thus when the Schleithem Articles came to Hubmaier in far-off Nikolsburg in the spring of 1527, they were as from a new voice of Swiss Anabaptism, which was unlike that which was familiar to him from his Waldshut days. That new voice says, for example, in Article IV, “Now there is nothing else in this world and in all creation than good or evil, believing and unbelieving, darkness and light, the world and those who are [come] out of the world, God’s temple and idols, Christ and Belial, and none will have part with the other.”¹⁶⁷ This dichotomous world-view contrasts rather sharply with Hubmaier’s own, more lenient perspective written in the fourth article of his *Summa*, “The world does not want to be an evildoer, but righteous and just in its own works. It establishes for itself laws and rules by which it thinks it can be saved and despises the unattractive, plain, and simple rule of Christ.”¹⁶⁸ We might characterize the non-Anabaptists in the Schleithem view as thoroughly evil and “other,” while in Hubmaier’s view they are simply in error, to which all of us are prone.

Not surprisingly, Hubmaier had to respond to this new voice that was put forth as a unified Anabaptist position. The Schleithem position on government and the Sword in Article VI, especially, would have seemed totally inappropriate to his situation in Nikolsburg, where the chief magistrate, Lord Leonhard von Liechtenstein, was himself an Anabaptist. The new message read, “it does not befit a Christian to be a magistrate: the rule of the government is according to the flesh, that of the Christian according to the Spirit. Their houses and dwelling remain in this world, that of the Christians is in

¹⁶⁶ *Ibid.*, 88.

¹⁶⁷ John H. Yoder, trans. and ed. *The Schleithem Confession*. (Scottsdale, PA: Herald Press, 1977) 12.

¹⁶⁸ Pipkin and Yoder, 86.

heaven.”¹⁶⁹ It emphasized a perfectionism of its adherents regarding sinlessness that was far too optimistic for Hubmaier’s experience with pastoral care. Although the Schleithem proclamation fit perfectly with the evolving Swiss experience, it simply did not fit Hubmaier’s experience in either Waldshut or Nikolsburg, where he found magistrates eager to live according to the rule of Christ to the best of their understanding, while recognizing a demand for responsibility, inherited or elected, to their wider community. Perhaps more importantly, allowing Schleithem to be read as the representative position of all Anabaptists would have led to the immediate end to the tolerance of Anabaptism that Hubmaier had built up in Nikolsburg. One may view this argument as a legitimate pastoral concern for Hubmaier or as mere expediency. In any case, these are the kinds of concerns that Hubmaier would have brought to his writing of *On the Sword*.

Unfortunately, we find that in countering the new voice from Schleithem, Hubmaier himself speaks in ways that are new compared to his earlier teachings revealed in his writings up to this point. Hubmaier’s reaction to the severely separatist, nonresistant position of the new Swiss Brethren is contained in his *On the Sword*, dated June 24, 1527, a time when the arm of the newly crowned King Ferdinand of Bohemia was already extending into the Nikolsburg area.

4.4.2 *On the Sword*: Content

In his introduction to *On the Sword* Hubmaier writes to two noblemen with the express purpose of denying the charges of the enemies of Anabaptism, who employ confiscation of property, bodily torture, and martyrdom against them, that Anabaptists reject government and teach disobedience. He adds that what he is about to say is “of

¹⁶⁹ Yoder, 15.

what conviction and opinion I have always been concerning the government, what I have also preached publicly from the pulpit at Waldshut and elsewhere, written, and at numerous times taught, and for which I have also suffered a great deal.”¹⁷⁰ We shall have to deal with this admission that *On the Sword* represents his beliefs even during the Waldshut period after we have examined more of what these beliefs are.

Hubmaier constructs the treatise on the basis of biblical passages that are used by the Schleithem separatists. The first of these is John 18:36, where Jesus explains that his kingdom is not of this world, and if it were his disciples would fight on his behalf. The separatists argue that the present-day disciples are likewise not of this world and should not fight on Christ’s behalf. Hubmaier responds to this with the statement from the Lord’s Prayer, “thy kingdom come.” It is not here yet and we unfortunately must live in it with all its grief. “Our kingdom is of this world, about which we are sincerely sorry.” Jesus could make the claim because he was sinless, but we are prone to sin and therefore clearly of this world. “Likewise the most righteous and pious Christians must also confess their wretchedness until death, no matter what we make of ourselves.”¹⁷¹ Here Hubmaier may be withholding sufficient credit from the new Swiss Brethren by not acknowledging that they, in Article II, subscribe to fraternal admonition and the ban, just as he had written, to recognize Christian fallibility. Nevertheless, the selected passages do raise questions about our responsibility to our neighbors and whether the separatist option is not a denial of such responsibility.

The second passage, Matthew 26:52-54, concerns Jesus’ rebuke to Peter to put away the sword, “for whoever takes up the sword shall perish by the sword.” Moreover,

¹⁷⁰ Pipkin and Yoder, 495.

¹⁷¹ *Ibid.*, 497.

the passage adds, to attempt a defense with the sword is an act of faithlessness.

Hubmaier's rebuttal of the argument that this command is applicable to all Christians has a very Lutheran ring to it and would seem to revert to his Zwinglian training. He says that Peter was told to put his sword away because it was not his assigned role to wield the sword; he was not in a position of authority. "No one should take up the sword himself, except where one is chosen and ordered for that purpose."¹⁷² When so ordered one takes up the sword and in wielding it can retain a clear conscience, for the sword is an aspect of authority which is ordered by God. Peter, says Hubmaier, is not ordered to discard his sword, but only to put it in its sheath at the ready, where it belongs. He interprets the saying about perishing by the sword as prescriptive rather than descriptive, *i.e.* Jesus is ordering Peter to use the sword later in giving those who live by violence their violent due. This goes well beyond his earlier exhortation that vengeance belongs to God alone. Hubmaier asserts that when Jesus went to Jerusalem counter to the advice of his disciples and they, Peter, tried on their own authority to protect him, he objected that the time for him to submit to God's will and accept his death had come.¹⁷³ The implication for us is that violent protection is a necessary function of those in authority, but when it becomes apparent that God's will is not served by such protection, then we must submit as Jesus did at the time of his crucifixion. Hubmaier leaves room for the non-violent submission to persecution, but only as a last resort. Needless to say, the suggestion that Jesus commands violence of his disciples is abhorrent to most modern Mennonites, and unlike anything we have found in Hubmaier's previous writings.

¹⁷² Ibid., 498.

¹⁷³ Ibid., 499.

A third passage addressed by Hubmaier is from Luke 9:56, “The Son of Man has not come to destroy human souls, but to preserve them.” Here Hubmaier calls up the concept of “office.” It was not Christ’s office to kill; he had a different office. Those in authority, on the other hand, have the office “to protect and guard the godly and punish and kill the evil ones, “ according to Romans 13. Furthermore, “Just as Christ wanted to do justice to his office on earth, likewise we should fulfill our office and calling, be it in government or in obedience, for we shall have to give account of it to God on the last day.”¹⁷⁴ With this the soldier and the executioner have their offices to fulfill, and the draftee, when ordered by his government must kill as his act of obedience to his office, or be called to account for disobedience on God’s day of judgment. We see this as a change in Hubmaier’s message insofar as he no longer adds to his admonishments, to obey the authorities even to the extent of killing other human beings, the former caveat of having to obey God rather than men.

Another task of the magistrate is to judge. Jesus refused to judge an inheritance issue between two brothers, and so the separatists said that this precluded a Christian assuming the role of magistrate. Again Hubmaier answers by invoking the concept of office; it was not Jesus’ office to do that. He agrees that the Christian should not sue for personal gain as in Matt.5:40, but follows Paul in I Cor 6 that if matters between Christians must be judged, they should be judged within the brotherhood, that is, by a Christian judge.¹⁷⁵ With this we would find no fault, but following this farther in the sixth passage we find, “If, then, a Christian, by power of the divine Word, may and should be a judge with the mouth, he may also be a protector with the hand of the one who wins

¹⁷⁴ Ibid., 500.

¹⁷⁵ Ibid., 502.

justice and may punish the unjust.” This leads him back to Romans 13, which he claims bestows God’s blessing upon the whole enterprise of government, including the law, the courts and the sometimes violent enforcement of the law. In the whole book of *On the Sword* Hubmaier employs Romans 13:1-7 on at least 18 pages to build his understanding of government, usually as the final authority that trumps even sayings from the Sermon on the Mount. This would seem to violate the methodology he had previously taught that one must gather all texts related to a topic and let the Holy Spirit guide one to the correct interpretation. Dare one suggest that *On the Sword* takes one proof text and lets its applications be guided by the interests of Lord Leonhard?

The eighth passage addressed by Hubmaier is Matthew 5:38, about turning the other cheek and not resisting evil. He writes, “Now if you thus suffer and do not resist, you do the right thing, for so has Christ taught every single individual to do.”¹⁷⁶ He then declares the need for government with a sword, as per Romans 13, to maintain an environment in which Christians can live according to Christ’s command. “Thus one does not need to unbuckle the sword on account of brotherly love.”¹⁷⁷

The government, in the eleventh passage, punishes dispassionately, with neither wrath nor envy nor hatred, thus acting in accordance with the command to love our enemies, even though individuals may find such love difficult. Christian government hates the sin, but loves the sinner. Clearly Hubmaier is not addressing the government of King Ferdinand, whom we see as acting out of wrath in being humiliated by Hubmaier’s religious defiance. Modern pacifists would respond with innumerable cases of government judgments being swayed by precisely those sins of envy, wrath, and hatred.

¹⁷⁶ Ibid., 507.

¹⁷⁷ Ibid., 511.

Passage twelve repeats explicitly what was already noted in our reading of the third passage. Hubmaier states, “If now the government may kill the evildoer, and is obligated to do that by the order of God, but is not able to do that on its own, if it now commands and calls me or another to do that, then we are obligated to help it, and whoever resists is resisting the order of God and will receive over himself the eternal judgment.”¹⁷⁸ Whereas in the past Hubmaier always wrote that one should obey government only so long as that did not lead to disobeying God, here he indicates that one must simply do as instructed by a just government, thus elevating Romans 13 above Matthew 5 in ethical importance. After all, he adds, “for neither the judge nor the executioner kill the evildoer, but the law of God, 2 Chron. 19:6.” However 2 Chron. 19:6,7 reads, “He told [the judges of the land of Judah whom Jehoshaphat had just appointed], ‘Consider carefully what you do, because you are not judging for man but for the LORD, who is with you whenever you give a verdict. Now let the fear of the LORD be upon you. Judge carefully, for with the LORD our God there is no injustice or partiality or bribery.’” The intent of the exhortation of Jehoshaphat seems to be the enormous responsibility of judging justly on behalf of Jahweh, and that is precisely how Hubmaier used it in his *Brief Apologia*.¹⁷⁹ Here however, he changes the intent to relieving the judge and hence the executioner of responsibility. One may suspect Hubmaier here of manipulating Scripture to satisfy his own government overseer’s interests. He carries the argument still further saying, “God judges, sentences and kills through them [the agents of government], and not they themselves. From this it follows that those who do not want to kill the evildoers but let them live, are acting and sinning against the commandment:

¹⁷⁸ Ibid., 515.

¹⁷⁹ Ibid., 309.

‘You should not kill.’ For whoever does not protect the righteous kills him and is guilty of his death as much as the one who does not feed the hungry.”¹⁸⁰ Feeding the hungry, from Matthew 25:35, was seen by Hubmaier as an example of genuine good works of mercy for which Christ will demand an account. He expresses this thought in *A Christian Catechism*, which he wrote in Nikolsburg in December, 1526.¹⁸¹ The protagonists in the *Catechism*, ironically, are Leonhard and Hans, the two Lords of Liechtenstein, but there killing the evildoer is not mentioned as a “genuine good work.”

The thirteenth passage is from Luke 22:25f, in which Jesus says, “The worldly kings rule, and the powerful ones are called gracious lords, but you do not do that.” Rather than discouraging his followers from ruling or being powerful Jesus, says Hubmaier, is instead speaking of how a ruler ought to behave. He does not grasp for power, and he views himself as a servant rather than a lord, never dominating. He also curbs the power of the ruler by advising that he not “quarrel, fight, and strive about it, nor conquer land and people with the sword and with force.”¹⁸² We remark that this is the first of the passages where Hubmaier reminds the ruler of his responsibilities that don’t entail violence, but note that this is far more subdued than the fiery sermon we earlier found in *A Brief Apologia*.

In his fifteenth passage, about Christ being the head and we the members of his body, Hubmaier criticizes the separatists for making this say that since our head did not fight, so we too should go patiently without resistance to death. His answer is, “if we look at ourselves, how we are by nature, then Christ is not our Head; also we are not his members. For he is just and truthful. We are evil and deceitful. Christ is a child of grace;

¹⁸⁰ Ibid., 516.

¹⁸¹ Ibid., 363.

¹⁸² Ibid., 517.

we are children of wrath. Christ never sinned; we are conceived and born in sin. Do you see how the members agree with the head?” This argument is very disappointing in that it effectively claims that we cannot follow Christ in life because we are too burdened with sin. The corollary would naturally follow, that we need not bother trying. Although Hubmaier never claimed that the baptized believer was without sin, he did object to an easy theology that gave no incentive to reach beyond oneself by the grace of God. The remedy for Christians sinning, according to his *On Fraternal Admonition*, is the community reminding the sinner gently when he is seen to be going astray.¹⁸³ Moreover, as recently as May 20, 1527, he had written, “It is a curse to say that God commanded us to do impossible things, Matt. 19:17. For everything that is impossible in our strength is made possible to the believer through his sent Word.”¹⁸⁴ From the same work he then adds, “The true and simple will of God is that we hold his beloved Son Christ Jesus before our eyes and follow his life and teaching wherein lie all the law and the prophets.”¹⁸⁵ In writing *On the Sword*, Hubmaier seems to have left behind not only the principles of his separatist opponents, but also his own previous profound Anabaptist understandings.

The final passage of Hubmaier’s essay is the one that has underlain his criticism of the separatist use of all the others, Romans 13:1-7. His discussion brings out several revealing statements. The first is even within the biblical text itself, which says, “But those who so resist [government] will receive a judgment over themselves, for the powerful do not frighten those who do good but evil.” In the light of Hubmaier’s own experience with Ferdinand’s long history of false accusations against him, he cannot

¹⁸³ Ibid., 374.

¹⁸⁴ In *Freedom of the Will II*. Ibid., 466.

¹⁸⁵ Ibid., 468.

possibly mean that this passage applies to all governments, but must only be speaking of a just government, such as the one led by Lord Leonhard. Hubmaier does allow that a government may be driven by unchristian motives “rather than out of love of the common good and territorial peace.”¹⁸⁶ One is advised to test these motives, but not to protest. Instead, in response to a “childish or foolish” ruler, one may leave his domain as did Gross and Teck, but if this cannot be done lawfully and peacefully without great damage and rebellion, “then one must endure it, as the one which God has given us in his wrath, and as if he desires to chastise us on account of our sins, as those who deserve no better.”¹⁸⁷ The case of Waldshut’s effort to annex itself to Zurich would have been an application of this idea. In the light of Stayer’s observation that non-violent protest was well known at the time of the beginning of the Peasants’ War (see our Chapter 3) it is again disappointing that Hubmaier does not offer any consolation to an oppressed people by offering such protest with the sole purpose of ensuring that “the righteous remain at rest and unharmed.”¹⁸⁸ He does suggest that if there is a history of good government over a region, legal means would already have been established for the orderly and popular removal of the occasional tyrant that may take power temporarily, but otherwise endurance is his only solution.¹⁸⁹

Hubmaier closes *On the Sword* with a summary statement on the need for a Christian government. “Yes, if we desire to live in peace under a heathen government, why not much more under a Christian one, since for the Christian the order of God goes

¹⁸⁶ Ibid., 520.

¹⁸⁷ Ibid., 521.

¹⁸⁸ Ibid., 520.

¹⁸⁹ Ibid., 521f.

more to the heart than with the heathen. What way out do we have, dear brothers?”¹⁹⁰ For Hubmaier the choice is to support Leonhard’s effort or to encourage him to leave office and probably invite a swifter persecution. What choice really does he have? Characteristically, he asks this last question in the manner of opening himself to the admonition of the separatists whom he still regards as his spiritual brothers.

4.4.3 Evaluation

When reading *On the Sword* after reading all of Hubmaier’s previous writings, one is struck by the change of tone evident in this work. Ray Gingerich describes Hubmaier saying, “Hubmaier, more than any other early Anabaptist leader, offers a near-replica of Luther’s two-kingdom theology differentiating between the public and private spheres of life. Thus Hubmaier, like Luther, sanctions the use of the sword for Christians in public (government) activities, while seeking the way of Christ in private matters. Character formation and a communal ethos of love and non-violence are no longer at the nexus of being and doing.”¹⁹¹ This is a fair characterization of Hubmaier in *On the Sword*, but we agree with Gingerich only as far as we restrict ourselves to this one essay. It is indeed troubling that Hubmaier claims that this essay represents the principles he has always held and practiced, but there are numerous examples of his arguments here going beyond or even contradicting views expressed in his earlier writings. Against Gingerich, the *Summa* of 1525 clearly places the whole life of the Christian at the nexus of being and doing. Other authors, Mabry and MacGregor for example, point out the difference in the word used by Luther for justification, *Rechtmachung*, or *Rechtfertigung*, the juridical

¹⁹⁰ Ibid., 523.

¹⁹¹ Ray Gingerich, “Response to Snyder,” *Mennonite Quarterly Review*, 80 (October, 2006), 673f.

deletion of sin or forensic transaction that Gingerich speaks of, and that used by Hubmaier, *Frommchung*, the making whole to strengthen one against sin.¹⁹² The very word *Frommchung* points to the nexus of being and doing. When one reads all of Hubmaier's work, as we have done here, it is clear that Hubmaier is thoroughly Anabaptist and not Lutheran, and that it is preposterous to generalize the whole of Hubmaier's teaching from this one atypical essay

On the Sword's retreat into Lutheran political conservatism has all the earmarks of Hubmaier's earlier recantation, saying what is wanted out of weakness and expediency. Moreover, his earlier writings would suggest that he had never given serious attention to the question of non-resistance or even of the responsibilities of a Christian ruler. Now it was demanded of him and he reverted to what he knew. If he had to choose between the two alternatives of a government that hunted Anabaptists and killed them as the Swiss Brethren had at this time, and a safe environment for the promotion of other aspects of Christian truth as he experienced in Moravia, it was indeed a dilemma, and he was forced to choose, for as he said, "What way out do we have, dear brothers?" For the separatists in Switzerland in 1527, there was no dilemma because there was no possibility of finding a Christian ruler on their terms.

Although we can sympathize with Hubmaier's dilemma and even his weakness, we see a parallel between his situation in Nikolsburg and that of Constantine in Rome much earlier. Both Lord Leonhard and Emperor Constantine must be credited with wanting to serve God in the best way they knew, but the spiritual supporters of both, in

¹⁹² Eddie Mabry, *Balthasar Hubmaier's Understanding of Faith* (Lanham, MD: University Press of America, 1998), 45; Kirk R. MacGregor, *A Central European Synthesis of Radical and Magisterial Reform: the Sacramental Theology of Balthasar Hubmaier* (Lanham, MD: University Press of America, 2006), 128.

this case Hubmaier, were all too eager to bring the hawk into the chicken coop, for both missional and triumphalist reasons. The result in both cases was that violence was allowed to enter the life of the church. Lord Leonhard became a member of the Moravian *Schwertler*, and under the counsel of this essay of Hubmaier, no doubt felt quite comfortable first delivering Hubmaier and his thoroughly innocent wife into the hands of King Ferdinand for an almost certain execution, and then expelling the *Staebler* from his lands barely more than ten days after Hubmaier's execution, demonstrating his friendship and gentleness, and his separation of his private actions from his public actions as prescribed in *On the Sword*, to the end in both cases.¹⁹³

Our next study of Hubmaier's legacy will concern his trial. The significance of *On the Sword* for that trial is that if one chooses to believe Hubmaier's claim to have been guided by *On the Sword* throughout his life, then it must be impossible to accept the accusation that he took an active role in the peasant uprisings that involved Waldshut while he was there. Stayer reports a comment that came to him from a University of Waterloo student essay (by John Braun) "that pointed out the defect of equating the legitimist political ethic expounded by Hubmaier at Nikolsburg in 1527 with the revolutionary self-defense of the Anabaptist congregations at Waldshut, Hallau, and Tablat in 1525."¹⁹⁴ Although Stayer sees consistency between Waldshut defense and *On the Sword*, he adds that "his revolutionary leadership in the Peasants' War of 1525 was drastically different from his creation of the Moravian refuge afterward." Indeed, we

¹⁹³ Johann Loserth and Richard D. Thiessen. "Liechtenstein, Leonhard von (1482-1534)." *Global Anabaptist Mennonite Encyclopedia Online* (March, 2008) Retrieved 05 December 2009 <http://www.gameo.org/encyclopedia/contents/liechtenstein_leonhard_von_1482_1534>

¹⁹⁴ Stayer, *Sword*, xx.

might add, the difference is so great as to render their being espoused by the same person almost incredible.

4.5 Trial and Execution

4.5.1 The Hubmaier Trial

The completion of *On the Sword* on June 24, 1527 was followed shortly after by the arrest of Hubmaier and his delivery to the Kreuzenstein Castle north of Vienna under King Ferdinand's command. While Hubmaier and his wife were already in custody, Ferdinand, on July 22, directed his Freiburg office to collect information concerning Hubmaier's Waldshut activities, and this order was then handled by Christoph Fuchs of the Innsbruck office, whom we have already met in our Chapter 2. The Freiburg letter indicates that the charge against Hubmaier was insurrection. On August 20, while Hubmaier was already in prison, Ferdinand issued a mandate outlawing Anabaptism.¹⁹⁵

While in prison Hubmaier requested a hearing with Johann Faber, whom he respected as a theologian known to him from his student days. Permission was granted, and Hubmaier did indeed meet with Faber for several days at the end of 1527. The meeting was also attended by Ambrosius Salzer, the Rector of the University of Vienna and by Markus Beckh von Leopoldsdorf, the Governor of Lower Austria, whose jurisdiction included Kreuzenstein Castle. As a result of the talks Hubmaier wrote, while weak, imprisoned, and without literary resources, his final *Apologia*, dating it January 3, 1528, addressed to King Ferdinand directly with words of gratitude for allowing the meeting with Faber to take place.¹⁹⁶

¹⁹⁵ Bergsten, 377f.

¹⁹⁶ *Ibid.*, 378.

It is important to note that the order from Ferdinand to initiate proceedings against Hubmaier was issued to von Leopoldsdorf, as governor. This was ordered on the basis of Ferdinand's August 20, 1527, general mandate against heretics that specified punishment in life and limb for Anabaptists. On February 26, 1528, the governor's officers received an angry letter from Ferdinand, urging them to hurry with the case against Hubmaier and other Anabaptists. The delay was explained in a March 4 letter from the governor's people to Ferdinand that claimed in spite of the promise of a full confession given to von Leopoldsdorf, Salzer, and Faber, Hubmaier had written only a "half-opinion" instead of a "final revocation." The governor had ordered a new document specifically about baptism and the Lord's Supper, and that had finally been sent in February. Although this last document was supposedly sent directly to Ferdinand, it has not been found. Be that as it may, Hubmaier was brought to Vienna, further questioned under torture and, according to Faber, wrote in his own hand a confession or *Urgicht*, which we shall consider in detail soon. On the basis of this *Urgicht*, according to testimony by Faber, Hubmaier was burned at the stake in Vienna on March 10, 1528.¹⁹⁷

4.5.2 The Prosecution Team

The nature of Hubmaier's trial depended heavily upon the character of the prosecution team, all of whom could be expected to judge Hubmaier in a way that would be preferred by King Ferdinand himself. Probably the most objective of the three would have been Ambrosius Salzer, a respected professor of theology from the University of Vienna. By virtue of his position we may expect that he would have been a staunch defender of Catholic orthodoxy, although he does not seem to have acquired a reputation

¹⁹⁷ Ibid., 379.

for vehemence. We can well understand Governor Markus von Leupoldsdorf's motivation in attending the trial. He had already been charged with the task of bringing the case against Hubmaier by the king, and his rebuke for tardiness before the report was finished made it clear how the case must end.

But the primary voice of the prosecution team was Johann Faber, and it is his voice that has left its mark on present-day interpretations of the life of Hubmaier because he wrote extensively about him in his tract, *The Reason Why Dr. Balthasar Hubmaier, Head and Founder of the Anabaptists, Was at Vienna March 10, 1528*, or the *Ursach* for short, which was published the day after the execution, March 11, 1528.¹⁹⁸ Bergsten quotes this work frequently and notes that it has been used as a source for his own Hubmaier biography, but then goes on to call it an “abusive document.”¹⁹⁹ An English translation has recently become available, and upon reading it, we agree with Bergsten's latter comment.²⁰⁰ Although Faber and Hubmaier were fellow students and even friends as they both pursued first humanist then evangelical paths, Faber in 1523 published a work repudiating Luther, and the two were opponents ever after.²⁰¹ He became an expert in heresy confrontation by adapting a 1478 Dominican manual on witchcraft extermination, called the *Malleus maleficarum* to one on rooting out the Lutheran heresy, called *Malleus in haeresim Lutheranam*.²⁰² Faber worked in the office of the Bishop of Constance during Hubmaier's Waldshut days and even had a brother in Waldshut, so he could claim a close monitoring of Hubmaier's activities.²⁰³ It was Faber who was called

¹⁹⁸ Pipkin and Yoder, 563.

¹⁹⁹ Bergsten, 379.

²⁰⁰ Seiling, *MQR*, 117-139.

²⁰¹ *Ibid.*, 78.

²⁰² Klaassen and Klassen, 81. The truth of this statement has been challenged by Jonathan Seiling, personal communication, April 19, 2010.

²⁰³ Bergsten, 70.

to restore the mass and images to the Waldshut church when Hubmaier was forced to leave in December, 1525.²⁰⁴ In 1526, Faber was replaced on Archduke Ferdinand's religious council, where he had been since 1523, freeing him "to spend more time preaching against the Anabaptists and drafting mandates against them."²⁰⁵ One such mandate was the one outlawing Anabaptism issued by Ferdinand that has already been mentioned. The fact that that mandate was issued on August 20, about two months after Hubmaier was already in prison, suggests that it was a new tool to use against the man whom Faber called the leader and founder of the Anabaptists.

This brief biography of the career of Johann Faber makes it clear that he was close enough to Hubmaier to tell a believable story of Hubmaier's life, and a close enough aide to a ruthless Ferdinand to know just how that story should be told for maximum efficacy. Klaassen and Klassen refer to him as one of Europe's most brilliant Catholic theologians,²⁰⁶ meaning that Hubmaier would have respected him as his equal and trusted that the respect was mutual, and so he asked for Faber to dialogue with him. We see this trust as naïve in retrospect. At the time of Hubmaier's trial, Faber was on his way to higher things, and so it was that, perhaps partially because of his victory over this intellectual rival, Hubmaier, who had chosen the more difficult path, he was ordained Bishop of Vienna in 1530. Neff and Loserth add the wry comment that Faber's victory in bringing about Hubmaier's execution encouraged him to request as a reward from the

²⁰⁴ Ibid., 271.

²⁰⁵ Klaassen and Klassen, 82.

²⁰⁶ Ibid., 81.

government office in Innsbruck an acquittal of his brother's 200-guilder debt to King Ferdinand.²⁰⁷

In brief the examining committee or prosecution team consisted of one member who knew orthodoxy when he heard it, a second who knew that his superior was demanding execution, and a third, Faber, whose zeal for orthodoxy or lust for increased power had to be served and who could make it all look like justice. Our reading of Hubmaier's writings shows him ill prepared to face such guile as Ferdinand was able to muster in such a listening committee.

4.5.3 *Apologia*

As a result of his three-day interview with Faber's prosecution team, Hubmaier summarized his theology in his final manuscript, *Apologia*, addressed directly to King Ferdinand on January 3, 1528. In it he thanks the king for sending Faber and his colleagues, who had treated him with kindness and virtue throughout, but from whom he had learned that he had been "greatly and seriously maligned and slandered" in the eyes of Ferdinand.²⁰⁸ It was the purpose of *Apologia* to explain himself directly to the king, who might grant mercy to him for his truth and for his state of misery in prison. The work consists of twenty-seven articles, only the last two of which concern our topic of the Sword. There are, however, some statements in the theological articles which help us to put his beliefs into perspective.

²⁰⁷ Christian Neff and Johann Loserth, "Faber, Johann (1478-1541)." *Global Anabaptist Mennonite Encyclopedia Online*. 1956. Retrieved 15 October 2009.

<http://www.gameo.org/encyclopedia/contents/faber_johann_1478_1541>

²⁰⁸ Pipkin and Yoder, 525.

In the first article, on faith, he comes out strongly for the equal importance of works, saying, “mere faith is like a green fig tree without fruit, like a cistern without water, like a cloud without rain.” He goes on to criticize the *sola fide* principle of the Reformers for allowing the moral quality of the people to deteriorate.²⁰⁹ His second article, on works, lists fourteen New Testament passages that demonstrate that mere faith is not sufficient for salvation, but that good works must truly be added to the faith. Although as recently as *On the Sword* we found Hubmaier reverting to some Lutheran principles, here he is clearly and strongly the Anabaptist.

Although he was accused of lax discipline in his running of the Nikolsburg church, we find in his fourth article the statement, “Concerning this fear of God I have until now preached so earnestly that many people hated me for it and said I was trying to make monks and nuns of them, as I can prove by hundreds of people.”²¹⁰ It would seem as though Hubmaier may be trying to assure the king that he is indeed a competent teacher, even as far as discipline is concerned, and therefore potentially useful in the king’s service. Moreover, the article distances him from the Lutherans whom he has been accused of following.

In other articles Hubmaier declares his belief in free will, the divinity of Christ, original sin, final judgment, prayer, voluntary fasting, the Ten Commandments, and the ban, all of which would most likely not be offensive to his inquisitor, Salzer. He even states his belief in the perpetual virginity of Mary and in her esteemed role in Christ’s birth and life, but he does not regard the intercession of saints (he does not mention

²⁰⁹ Ibid., 527.

²¹⁰ Ibid., 531.

Mary's intercession in this case although he does elsewhere) as either biblical or necessary.

The twenty-fifth and twenty-sixth articles are treated by Hubmaier as one since they deal with baptism and the sacrament, or mass. In an apparent effort to shift blame for any offensive theology over to his opponent, his first comment is that he will remove from the Nikolsburg church all of the influence of Hut on these two matters. He must, however, stand firmly by his previous writings on both issues. Nevertheless, to prevent the king from thinking he is obstinate, Hubmaier agrees to suspend his teachings on baptism and the Lord's Supper until a proper Church Council is called and the proper forms be agreed upon by all.²¹¹ Should there be no such council, Hubmaier offers to lead open theological discussions himself and even to guide the king in the way of Christian government, so that "all Christendom may arrive at Christian welfare and peace."²¹² We comment that Hubmaier could not be unaware that the role he is describing for himself was already being filled by Johann Faber! Do we detect a touch of slyness amid the naivete?

Hubmaier's final article, the twenty-seventh, addresses the question of the Christian and the government. The first paragraph is especially significant, and worth repeating here: "The Word of God teaches love, peace, unity, and not rebellion, yea especially that one should be obedient unto death to all authority in everything that is not contrary to God, pray for them earnestly, and render tribute, taxes, fear and honor, and also to offer one's life and goods for the protection of the peace of the land."²¹³ With this paragraph, Hubmaier denies the right of the peasants to rebel, and he denies their right to

²¹¹ Ibid., 556f.

²¹² Ibid., 558.

²¹³ Ibid., 558.

reject the burdens put upon them by government in the form of tribute and taxes. He restores, after diminishing its importance in *On the Sword*, the caveat that obedience to government has the limit that it must not interfere with the will of God, which for Hubmaier would mean the will of God as expressly found in Scripture. However, he then repeats the arguments made in *On the Sword* that justify government's direct and delegated use of the sword. He expressly states, "body and goods belong to the emperor, but the soul belongs to God."²¹⁴ Here again we charge him with the Lutheran logic of spiritualizing God's commands in a two-kingdom theology. Yet he goes further than in his previous work in trying to integrate that view of authority into his otherwise standard Anabaptist world-view. Thus he condemns Hans Hut for stirring up violence: "A Christian does not strike or fight or kill unless he is in a seat of authority and is ordered to do it or is called to do it by the properly instituted government."²¹⁵ Otherwise he is bound by the teachings of the Sermon on the Mount: giving up his coat and cloak, turning the other cheek, and even suffering in the way of Christ. At this stage of his life, Hubmaier is certainly open to the charge of offering "a near-replica of Luther's two-kingdom theology differentiating between the public and private spheres of life."²¹⁶

In closing the *Apologia*, Hubmaier praises Ferdinand for his gentleness and his interrogators for assuring him of Ferdinand's great mercy and virtue. He promises to live in such a way as to please the king and to lead his people to do likewise. Rather than close with his trademark, "Truth is Immortal," he closes instead with "To God Be Praise!"²¹⁷ We can only speculate on the meaning of this change.

²¹⁴ Ibid., 559.

²¹⁵ Ibid., 560.

²¹⁶ Gingerich, *MQR*, 673.

²¹⁷ Pipkin and Yoder, 561f.

In the *Apologia*, with all its seeming naivete and its great show of submissiveness, we can discern something of Faber's method in dealing with Hubmaier. There is an old adage that if you give the tiger enough rope, the tiger will eventually hang himself. So a sympathetic three-day listening session with Hubmaier, assuring him that the king himself was open to hearing his opinion, was a far better way of obtaining incriminating evidence than by a quick trial and execution that would have looked merciless. The most interesting thing about the *Apologia* as far as we are concerned is that it is all about theology, which is of course what Hubmaier had longed for for years. There was no explicit mention of peasant revolts except in a general way, in spite of the fact that during his Waldshut days, and even in his recent directive to von Leupoldsdorf, insurrection was Ferdinand's charge of choice. Hubmaier treats his case as a strictly theological one, which when explained carefully to honest listeners would result in acquittal and even restoration of his status. We suggest that having already contrived the mandate that made Anabaptism illegal everywhere in the Holy Roman Empire, Faber could only benefit from hearing the full disclosure of what this leader and founder of Anabaptism had to say, the better to seek warning signs in others. Faber evidently gleaned enough from the discussions to become the Catholic expert on Anabaptism, a claim substantiated by his *Defense of the Catholic Faith Against Dr. Balthasar Pacimontanus*, which he published first in 1528 and again in 1537.²¹⁸ But Hubmaier had trod carefully, and the theology that was discussed was hardly offensive enough to burn a man of his prominence without consequent anger among the people. The tiger had not yet hanged himself. It was, however, offensive enough for his prosecutors, who had wished for total victory in the

²¹⁸ Ibid., 563.

form of a final revocation and instead had received only this half-opinion. More was needed, and that had to be obtained by other means.

4.5.4 The *Urgicht*

Bergsten states that an eye-witness reported that Hubmaier, not having satisfied his prosecutors, was brought back to Vienna from Kreuzenstein Castle, then questioned under torture.²¹⁹ Faber claimed that a confession of guilt resulted, the *Urgicht*, or confession, which was appended to his *Ursach*, and which he published the day after the execution.²²⁰ The *Urgicht* itself was read before thousands of people in Vienna, probably when gathered to witness the final burning. Since the charges in the *Urgicht* are never addressed in Hubmaier's *Apologia*, we may suppose that Hubmaier before his torture was unaware that it was these which were of primary interest to his judges.

The first charge to which Hubmaier allegedly confesses is that while in Waldshut he preached rebellion against the government. The government indicated here is surely not his local Waldshut government, but the Archduke's Austrian government. The peasants are not mentioned in this charge, and the Stuehlingen case at least was not against the Austrian government but a regional Swiss Count. We suppose that the conflict referred to is Waldshut's resistance to Austrian interference. This was certainly not a rebellion reaching out to hurt Austria, but a resistance to Austrian interference in Waldshut's "right" to determine its own religious path. We would suppose that Hubmaier may have encouraged the resistance in his sermons, though not in his writings, but we are of the opinion that such resistance came from the people themselves without his

²¹⁹ Bergsten, 379.

²²⁰ Seiling, *MQR*, 136.

incitement to battle. His religious message was exciting enough to the townspeople that the magistracy would have decided on a military defense. There is no indication before this that Hubmaier's conscience was troubled by the resistance staged by Waldshut, making the confession on this matter dubious at best.

Hubmaier's second point of confession is that he assisted in writing letters to the Archduke on behalf of Waldshut. We recall that Hubmaier confessed to this earlier, but the charge assumes that Waldshut was engaged in something more than resistance, and the letter had already assured Austria of its loyalty except for not giving in on their need to follow the true Word of God. The *Urgicht* is clearly designed to portray Waldshut's standoff with Ferdinand's forces as an act of rebellion in spite of the fact that as we have seen, other diplomatic voices at the time did not agree with Austria on that point.

The third charge to which Hubmaier supposedly confesses to is that he went into people's homes to persuade them of their right to resist, and even to swear oaths that they would resist. One can easily imagine Hubmaier as the zealous pastor that he was, visiting homes to explain his program of religious reform to his parishioners and even to encourage them to submit to baptism, but does Faber offer any proof that oaths of armed resistance actually took place? Evidently with a rack and an execution order already at his disposal, what need would he have for witnesses?

Fourthly, Hubmaier was charged with expanding and expositing the articles of the peasants, and convincing them that their demands were Christian and reasonable. This charge takes us back to the debate on peasant writings, where we expressed the view that his acknowledgement of seeing both sides of the rebellion in *A Brief Apologia* was by no means an admission of fomenting insurrection. As for the *Letter of Articles* and the

Outline Constitution, evidence for Hubmaier's authorship is found only in Faber's *Ursach*, which contains enough unbelievable allegations to make us skeptical. The level of political planning attributed to Hubmaier here is inconsistent with his writings and activities. Besides, the articles of the peasants mentioned here is the phrase used to refer to the *Twelve Articles*, which, as we have already noted, no one today believes were written by Hubmaier. Perhaps inspiration for the charge came from Faber's finding a draft copy of Hubmaier's *Twelve Articles of the Christian Faith in Prayer Form*, a personalized rendering of the Apostles' Creed, often referred to as the *Twelve Articles!*²²¹

The fifth confession that Hubmaier is said to have made is already in the past. The *Urgicht* simply recounts the story of Hubmaier's ignominious departure from Waldshut and his capture in Zurich, where he recanted on infant baptism. It is to say that the accusation of Anabaptism had been made elsewhere, it was confessed to, and Hubmaier, still preaching Anabaptism, had squandered the mercy shown to him once already and did not deserve such mercy again.

Hubmaier in the sixth item is said to have confessed that he had preached and advised falsely simply "in order to have a good life and be a [l]ord!"²²² That this charge is ludicrous is seen in his interrogation by the Zurich Council in which he and his wife were reported to have fled Waldshut with a total of nine gulden or guilders, leaving for the court three silver cups and a gold ring of indeterminate but modest value.²²³ Nine guilders can be compared with an annual income of a skilled carpenter of 32 guilders.²²⁴ The charge by Faber can also be contrasted with Faber's own wish for 200 guilders as reward

²²¹ Pipkin and Yoder, 235.

²²² *Ibid.*, 565.

²²³ *Ibid.*, 164.

²²⁴ Klaassen and Klassen, 62.

for his work already mentioned and the fact that Hubmaier in his *Apologia* addresses him as “Reverend Lord John Faber.”²²⁵ Clearly the public accusation is intended to belittle Hubmaier as a failure. He may have also seen this failure as a demonstration of his own superiority over a long-time rival for theological importance. The ludicrous nature of the charge is that Hubmaier, if these imputed ambitions were at all real, would have known he could acquiesce to Zwingli, just as Hofmeister had done, and have them easily fulfilled in Switzerland. However, we must admit that Hubmaier’s behavior in Nikolsburg, though not in Waldshut, does show signs of such ambition with growing success.

There is appended to the sixth “confession” one that claims “the objective to have no government but rather to call forth and elect one of their own.”²²⁶ This would not seem to mean Waldshut but rather the peasant rebellions, and the connection with the confession about being a lord would refer to Hubmaier’s motivation for leadership in the rebellion. We have argued throughout that there is no internal evidence to link Hubmaier to significant leadership of the peasants, and we can now add that all such evidence comes from the testimony of Faber himself.

The seventh and last confession claimed by Faber is he “thinks nothing of” the mass and infant baptism. Hubmaier simply refuses to recant his primary Anabaptist principles. This is a very brief summary considering that it was preceded by three days of theological discussion, but it is sufficient to identify Hubmaier as an incorrigible heretic.

²²⁵ Pipkin and Yoder, 525.

²²⁶ *Ibid.*, 565.

4.5.5 The Trial: A Retrospective

In considering the trial of Hubmaier and all of the charges that it produced, one must bear in mind that proceedings against him did not begin in 1527. As far as Archduke Ferdinand was concerned, Hubmaier was doomed already in 1524 by the time Hubmaier exiled himself in Schaffhausen. We stated in Chapter 2 that although Austria associated Hubmaier's Zwinglian church reforms with disobedience and that in itself was insurrection, there were political consequences in imposing religious strictures in Habsburg lands where there had been a tradition of religious self-government, at least to the extent of freedom to select their own pastor. To avoid popular discontent, Ferdinand needed hard evidence of political rebellion against Hubmaier. Although Hubmaier was careful to avoid a level of involvement that would provide such hard evidence, the events of 1525 in Waldshut were rich in potential for guilt by association in the hands of a cunning observer working close by in Constance, *i.e.* Johann Faber. The successful stubborn resistance of Waldshut to hold on to their beloved pastor in spite of military threats from the imperial forces must have embarrassed Archduke Ferdinand greatly, and we have already seen in the Wiener-Neustadt massacre of 1522 how he dealt with those whom he supposed to oppose his will. When the Archduke became the King over Hubmaier's new home, Hubmaier's demise was inevitable. His protectors among the local nobility were no match for this new political reality. A trial was indeed necessary to satisfy traditions, but a "kangaroo court" was also necessary to ensure the outcome demanded by the King. Who better to orchestrate the proceedings than Johann Faber?

This orchestration is best shown by the relationship between Hubmaier's *Apologia* and his alleged *Urgicht*. The former is Hubmaier's version of the hearing he

was given. Knowing that at the root of his problem with King Ferdinand was his radical religious reform program, Hubmaier treated the hearing as a theological disputation where brothers in the faith discuss amicably. It appears that he had no idea that insurrection, which he had denied repeatedly in his earlier works, was the topic of primary interest, and we can be sure that his prosecuting team let him believe that. Then, immediately after his execution, Faber produces the *Urgicht*, against which Hubmaier is not given an opportunity to respond. Hubmaier might well have gone to his death content that unlike his humiliation in Zurich, this time he was able to die for the cause of Christ having made his statement to the world.

Faber's task was to prevent that message from being heard. It had to be crowded out with insinuations of rebellion and even exaggeration of the significance of credible evidence. Skilfully he associated Hubmaier with Anabaptism, which Faber himself had made illegal, with disloyalty to the King, and with peasant rebellions which, having by this time failed, could safely be described as anarchic. Hubmaier's death was indeed a trophy that was made to stand for all the evils that we would today associate with terrorism. A trophy indeed, one that gave him the authority to inflame the provincial government of Moravia with anti-Anabaptist sentiment in Znajm just a month later, and then to become the Bishop of Vienna in 1530.²²⁷

4.5.6 An Opposing View

It is evident to the reader that we have taken a disparaging view of the testimony of Johann Faber, and have in fact accused him of distorting facts in order to make Hubmaier's martyrdom appear to have been justified. This view is at variance with that

²²⁷ Bergsten, 345.

held by most historians in the past, even the recent past. The distinguished scholar, James Stayer in his highly stimulating *The German Peasants' War and Anabaptist Community of Goods*, describes Faber's *Ursach* as "a rich source of information about Hubmaier's Waldshut career," the "specific claims [of which] about Hubmaier's role in the rebellion are not to be dismissed out of hand, although it may not be possible to prove or disprove them conclusively."²²⁸ We trust that we are not dismissing the *Ursach* and the *Urgicht* in particular "out of hand," but rather weighing it and its possible motivations against the writings we have from Hubmaier himself and their possible motivations. It would seem that the judgment of history on Hubmaier's character has much to do with the credibility one acknowledges to the work of Faber.

According to Stayer, Faber offers us the facts that Hubmaier a. told the Waldshuters that they had the right to remove themselves from the Austrian authority, b. encouraged fortification of the town, c. carried weapons, d. opposed tithes and zins contracts, e. promoted military cooperation with the Klettgau peasants, and f. preached to the armed peasants that wildlife, woods, wine, and meadows were free.²²⁹ All of these accusations have already been dealt with from Hubmaier's point of view except for Hubmaier's personal bearing of arms. Faber's observation is corroborated by the Catholic reporter Kuessenberg, generally more moderate than Faber, who stated that Hubmaier kept guard at Waldshut's lower gate with a battle sword.²³⁰ For us this charge, probably true, makes Hubmaier no more militant than the non-combattant Jacob Gross, whom we have met before.

²²⁸ Stayer, *Peasants' War*, 65

²²⁹ *Ibid.*, 66.

²³⁰ Bergsten, 156.

Apart from Stayer's account of charges from the *Ursach*, we find others as well. For example, Faber attributes the Pentecost event of 1524 in which the women of Waldshut, according to Bergsten, rallied around their popular Vicar partially armed,²³¹ to Hubmaier's own orchestration through a partisan movement bound by oaths and employing threats of murder.²³² Bergsten appeals to an alternative account by Kuessenberg and a report by Ulrich von Hapsburg expressing solidarity between Hubmaier and the elected mayor. Faber, characteristically, cites no sources. Clearly Bergsten's reconstruction of the Pentecost event must be more credible than Faber's. Faber also accuses Hubmaier of receiving from every loyal Catholic in Waldshut forty guilders, of selling church artifacts for personal profit, and for hiding stolen church treasures in his house. Again we counter that Hubmaier's court-attested poverty when he left Waldshut belies such sources of wealth. In summary, we find sufficient reason within the *Ursach* itself to regard it as not merely biased, but tinged with invention.

The charges that Stayer attributes to Faber can be largely interpreted, as we have attempted to show, as guilt by association. They assume that Hubmaier took a much more active role in the secular function of Waldshut governance than we find credible from other, less partisan sources. Our reading of Hubmaier's writings and documented activities (documented by observers other than Faber) indicates that in Waldshut, even if less so in Nikolsburg, Hubmaier was zealous only for expositing the Word of God, and the consequences were largely drawn by a generally literate and well-informed city council.

²³¹ Ibid., 100.

²³² Seiling, *MQR*, 131-135.

Granting credence to Faber's *Ursach*, which portrays Hubmaier as the dominant force in Waldshut politics, Stayer is quite naturally led to equate Hubmaier's role with that of Zwingli, and then to retrofit Hubmaier's very Zwinglian book *On the Sword* to Hubmaier's Waldshut experience. This is made clear in Stayer's discussion of the difference between Grebel's supposed apolitical stance and the real-political stance shared by Hubmaier and Zwingli, when he says "but [Hubmaier's] career in Waldshut was a 'living testimony' to his real-political views."²³³ By implication then, he carries this similarity with Zwingli a step further when he refers to Waldshut's "war for the gospel."²³⁴ This term must be reinterpreted according to our understanding. Zwingli took an active part in the Battle of Kappel, where he lost his life, and he gloried in Zurich's torture of Hubmaier, as stated in his letter to Capito,²³⁵ and so his program qualifies as a war for the gospel. In contrast to Zwingli, Hubmaier preached religious reform to Waldshut, and Waldshut saw it as its traditional right to choose its preacher. This right the city defended. This was not a war to spread the gospel, a war which Hubmaier repudiated in his book *On Heretics* in 1524, but a war to maintain the town's civil right against encroaching imperial interference. Further distancing Hubmaier from Zwingli, we point out that no evidence exists that he advocated torture or execution of anyone; even Hans Hut must have been held in a minimum security facility since he escaped within the same day that he was imprisoned, not by Hubmaier, but by Lord Leonhard.

In the "Reflections and Retractions" to his ground-breaking book *Anabaptists and the Sword*, Stayer presents a diagrammatic depiction of his categorization of Reformation

²³³ Stayer, *Sword*, 106.

²³⁴ *Ibid.*, 104.

²³⁵ Pipkin and Yoder, 156.

leaders.²³⁶ It is two dimensional, the vertical axis representing the continuum between the polarities of moderate to radical. The horizontal axis is directed toward apoliticism and politicism. A diagonal line represents the continuum between the real-politicism of Zwingli at one end and the separatist non-resistance of the Swiss Brethren at the other, with the Hutterites extending even beyond the Swiss Brethren position. We do not disagree with the orientation of this diagonal line, for it places Zwingli, Hubmaier, and the Swiss Brethren far from the locations of Muentzer and Luther. However, we suggest that Stayer's assignment of Hubmaier along that line close to Zwingli and far from the Swiss Brethren must be modified at least as far as his Waldshut year, 1525, is concerned. If the representative Swiss Brother is the strictest non-resistant, Felix Mantz, who also allowed a sword to government, though not to the Christian,²³⁷ then according to Snyder, most of the Zurich Brethren including Grebel would have to be moved toward the Zwingli pole. Ignoring *On the Sword*, as we have already justified for 1525, Hubmaier should be moved away from Zwingli and closer to Grebel, because neither seems to have objected to "legitimate" armed defense. We grant, however, that Grebel remains closer to Mantz than Hubmaier does because Hubmaier admitted to having encouraged defense rather than simply tolerating it as Grebel seems to have done. We emphasize that this objection to Stayer's diagram applies only to the period 1524-25. When Hubmaier wrote *On the Sword* in Nikolsburg in 1527, he was indeed close to Zwingli as shown, and the Swiss Brethren were beyond Felix Mantz who by this time was no longer alive. Stayer's diagram portrays the 1527 situation well, though not the 1525 situation.

²³⁶ Stayer, *Sword*, xviii.

²³⁷ Harder, 740, fn. 29.

CHAPTER 5. CONCLUSION

5.1 Thesis Conclusions

In our effort to re-examine the role of Balthasar Hubmaier among the founders of early Anabaptism, with particular reference to his teachings on the Sword, we have investigated his life and thought in detail and in historical progression. Our primary sources have been those reported by his biographer, Torsten Bergsten, and the collection of Hubmaier's writings edited by Pipkin and Yoder. We find that throughout his working life Hubmaier gave priority to religious reform, specifically ecclesiology, leaving the question of the Sword to those in authority by way of government office. Yet he understood the political world well enough to know when new levels of church reform were appropriate and when they were not. Nevertheless, he was engaged with his parish people and certainly was a passive participant in public activities in the towns of Waldshut and Nikolsburg, even encouraging the defense of Waldshut against the invading Austrian troops.

For his church reforms, even before they were Anabaptist, Hubmaier was marked by the Archduke Ferdinand for punishment because Ferdinand, being a zealous Catholic, did not want a Swiss style Reformation taking place in his hereditary Austrian town of Waldshut. Since Waldshut had a traditional right to choose its own pastor, Ferdinand was politically restrained from extraditing Hubmaier on the sole basis of religious reform, but needed a credible charge of insurrection against him. This charge we have found was competently, if disingenuously, provided by Johann Faber, the Archduke's advisor on religious affairs. It was Faber who produced charges that Hubmaier had inspired peasant rebellion as well as Waldshut resistance, and in a trial that would not meet today's

Western standards of justice, these charges were publicly proclaimed to justify the execution of Hubmaier.

We conclude therefore that to the end King Ferdinand's only motivation for Hubmaier's execution was church reform and, more personally, Hubmaier's and Waldshut's defiance of his efforts to take control of the town's church life. We find any modern effort to portray Hubmaier as a Muentzer type of holy war agitator to be based only on the word of Faber, who by modern standards is less than credible. We remind the reader that this judgment is not entirely new. Bergsten points out that an essay by Georg Veesenmeyer in the 1820's rejected Faber's portrayal of Hubmaier as a political agitator, arguing that neither of Hubmaier's enemies Zwingli nor Eck had made such a charge.²³⁸ Then referring to the Marxist historians Kautsky and Smirin, Bergsten summarizes their work by saying, "Even on the basis of a very complete knowledge of the sources and the best of intentions, it is impossible to make a case for Hubmaier as a political leader at the expense of Hubmaier, the Anabaptist reformer."²³⁹

Snyder describes the revisionist view of Anabaptist development of which he is a major proponent, as following a "two-phase" model as opposed to the "one-phase" model of his opponent, Andrea Struebind.²⁴⁰ Goertz supports Snyder in upholding the view that there is a lack of continuity between the words and activity of Grebel, Reublin, Broetli and other Zurich Brethren of 1525 and the words and practice of the Schleithem Articles of the new Swiss Anabaptists of 1527.²⁴¹ Snyder notes that the separation of the two phases took the ban from a method of encouraging righteous living to a rigorous

²³⁸ Bergsten, 28.

²³⁹ Ibid., 45.

²⁴⁰ Snyder, *MQR*, 578.

²⁴¹ Hans-Juergen Goertz, "Reply to Snyder," *Mennonite Quarterly Review*, 80 (October, 2006), 677.

instrument of discipline, it took baptism from a separation of the visible church from the general population to a separation from the world, and it took the concept of a “non-coercive, pluralist believers’ church that still had not determined how its members would relate to political power” to a non-resistant community that could not take oaths nor participate in government in any way.²⁴² Our study shows precisely the same two-phase development in the thinking of Hubmaier, except that while he is only one and the same person in both phases, the Swiss Brethren, at least the most influential, were different people in 1527 than they were in 1525. For Hubmaier, the second stage is documented almost exclusively in his book, *On the Sword*. Contrary to his own protest that *On the Sword* represented his view of the Christian in government for all of his life, we feel that we have shown that there is enough difference with his previous writings for 1527 to be called a new phase, brought about by circumstances totally unlike those in Switzerland and therefore offering a solution to the Christian-government interaction that was totally different from that of the non-resistant separatism of Schleithem.

We therefore propose that Hubmaier, just like the majority of the Zurich Brethren in the first phase of Anabaptist evolution in 1525, shared fully in the development and spread of the “non-coercive, pluralist believers’ church that still had not determined how its members would relate to political power.” During that first phase, the crucial year of 1525, there is no justification in separating Hubmaier from the rest of the Swiss Brethren, even considering his attitude toward the Sword of government. To assume that his second phase, described in *On the Sword*, characterizes his first or Waldshut phase is therefore as erroneous as assuming that the Schleithem Articles give a valid description of the

²⁴² Snyder, *MQR*, 580.

thinking of the original Zurich Brethren, including Conrad Grebel, which Snyder has shown to be incorrect.

5.2 Hubmaier's Legacy

Knowing now that Hubmaier during his Waldshut year was as similar to the other Swiss Brethren of 1525 as they were to each other, we can recommend his inclusion in any grouping of those Swiss Brethren for that specific period. What this accomplishes is that we can accept his learned and extensive writings as representative of early Anabaptist thinking. There is a major qualification in that we would exclude his *On the Sword* and his final *Apologia* from that Swiss Brethren library contribution because they were written under very different circumstances, different enough to call them his Phase Two writings. It has been a major loss for Anabaptist heritage to have such excellent resources as his *Summa*, *On Baptism*, and in fact all his works up to and including *Freedom of the Will II* hidden by the shadow of *On the Sword*. Likewise we do not find his *Apologia*, with all its efforts to sound orthodox on what Hubmaier would have seen as non-essentials and even conciliatory on the essentials, to be typical of his own Phase One writings nor those of the other Swiss Brethren. With the caveat, then, of restricting ourselves to his Phase One writings, we recommend that Hubmaier be fully embraced as a member of that hearty group of original Anabaptists that we call the Swiss Brethren. The recovery of his legacy shows signs of already beginning with the recent publication of Matthew Eaton's work demonstrating the compatibility between the soteriology of

Hubmaier's Phase One writings with new interpretations of Pauline Scriptures.²⁴³ More such study is to be encouraged.

Hubmaier died nobly as a martyr and hero of the faith. His martyrdom can be attributed both to his tenacity to what he understood as the Word of God to humanity and to his relentless call for freedom of speech and of religious thought, supporting his claim to heroism from his Anabaptist heirs most certainly but also from all who pursue the call of basic rights on humanitarian grounds. His recantation in Zurich, dubious as it was, haunted him throughout his life, and we need not let that weakness overshadow his final execution, which he met, as he said in *On the Sword*,²⁴⁴ as the Christian must. Upon hearing the voice of God say that government protection was no longer appropriate, then he must submit to the way of the cross, even as Christ submitted. And so he did, showing himself a courageous, spirit-filled follower of Christ worthy in every respect for inclusion in our Anabaptist legacy of martyrs.

²⁴³ Matthew Eaton, "Toward an Anabaptist Covenantal Soteriology: A Dialogue with Balthasar Hubmaier and Contemporary Pauline Scholarship," *Mennonite Quarterly Review* 84 (January 2010) 67-93.

²⁴⁴ Pipkin and Yoder, 499.

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