Wojciech Kriegseisen

Between State and Church

Confessional Relations from Reformation to Enlightenment: Poland – Lithuania – Germany – Netherlands

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The different theoretical notions and practices of the relations between the state and religious communities in early modern Europe constitute one of the most interesting problems in historiography. Moving away from a simple "toleration" versus "non-toleration" dichotomy, the author sets out to analyse the inter-confessional relations in selected European territories in a "longue duree" perspective, between Reformation and Enlightenment. Outlining the relations between the state and the different Churches (confessions) in the Polish-Lithuanian Commonwealth, the Holy Roman Empire of Germany, and the Northern Netherlands serves to highlight the specificity of "free" (non-absolutist) composite states, where the particularly complex process of defining the raison d'etat determined the level of religious toleration that was politically feasible and socially acceptable.

The Author

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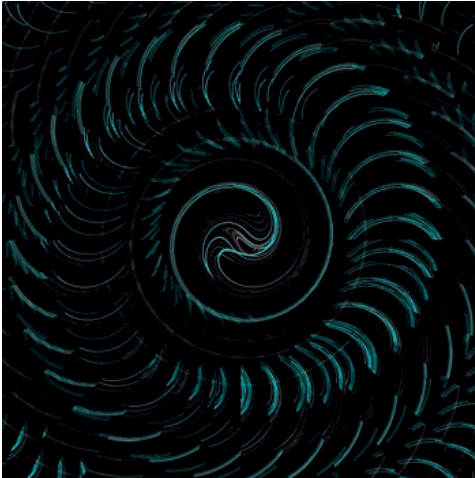
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Part I: Introduction

Introduction to the English translation

The scope of the issues analysed in this book is defined by the question that lies at the origin of the analysis. Can the interdenominational relations in the Commonwealth of nobles be considered within "the European norm", or is the Polish-Lithuanian model of these relations more appropriately described as far removed from this "norm"? The following will thus consider some aspects of the theory as well as the practice of interdenominational relations in a comparative format to advance towards an answer to this question.

The choice of the Holy Roman Empire of Germany and the United Provinces of the Northern Netherlands as reference points for the Commonwealth of Nobles bears explaining. It is motivated by the conviction that in this case it would be useful to compare states similar in terms of their parliamentary system and their composite structure of a union or a federation, typified by the lack of a strong central authority. As for the Holy Roman Empire of Germany, the comparison has a long tradition, recently analysed by Hans-Jürgen Bömelburg[1]. To quote Michael Oakeshott, it appears interesting to draw comparisons between the areas of early modern Europe where the "politics of scepticism" prevailed over the "politics of faith", or between "civic states" (*civitates*) rather than "corporate states" (*universitates*)[2].

In the states that evolved from an estate-based (early parliamentary system) towards absolutism and confessionalisation processes, so typical of the post-Reformation period, were triggered and then sustained by the cooperation between the established Church and the strong central authority (sovereign). In the Holy Roman Empire of Germany, the United Provinces, or the Commonwealth, the authorities of the dominant (if not always established) Church were unable to rely on the unconditional support of the central authority, whose room for manoeuvre was limited. The consequences of confessionalisation processes for the

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1   H.-J. Bömelburg, "Die Tradition einer multinationalen Reichsgeschichte in Mitteleuropa – Historiographische Konzepte gegenüber Altem Reich und Polen-Litauen sowie komparatistische Perspektiven", *Zeitschrift für Ostmitteleuropa-Forschung* 53, 2004, 3, p. 318–350.

2   M. Oakeshott, *The Politics of Faith and the Politics of Scepticism*, ed. T. Fuller, New Haven-London 1996; see also idem, *O postępowaniu człowieka*, transl. M. Szczubiałka, Warszawa 2008, p. 211–363.

modernisation of social and state structures are a matter too far removed from the issues discussed in this study, and as such deserve a separate assessment[3].

The separation between the Church and the state, the freedom of conscience, and the religious freedom which results from them – today, all this appears to us a standard of democracy and a "decent" society[4]. It must be remembered, however, that the Roman-Catholic Church officially acknowledged religious freedom as late as on 7 December 1965[5]. This can be seen as the European closure of the process, triggered in the seventeenth century in the northern Netherlands and in England, of forging, accepting and implementing the principle of the separation between the state and the Church. In the nineteenth century, these principles became more common in state legal systems and gained the acceptance of Protestant Churches, but traditionally Catholic countries were relatively slow to adopt them. Even in the early twentieth century these principles met with resistance on their part, and the tendency to resort to "traditional", mild forms of religious coercion was still in evidence, for instance in the administrative and legal practice of the Austro-Hungarian monarchy[6].

The principle of separation between the state and the Church, so strongly associated with the processes of secularisation and democratisation, continues to be questioned by religious fundamentalists, Christian and non-Christian alike, although in Western Europe this rarely happens as openly as, for instance, in Russia or Israel[7]. This is evidenced by writing which currently examines Church-state relations not only from a historical and a philosophical perspective, but also from a political one[8]. Essentially, however, the scope and the model of denominational pluralism in

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3   G. Wąs, "Stosunki między państwem a kościołem na wybranych przykładach europejskich w okresie nowożytnym: powstawanie kościołów terytorialnych", [in:] *Religia i polityka. Kwestie wyznaniowe i konflikty polityczne w Europie w XVIII wieku. W 300. rocznicę konwencji w Altranstädt*, ed. L. Harc, G. Wąs, Wrocław 2009, p. 25–56, Acta Universitatis Wratislaviensis No. 3148, Historia CLXXVIII.

4   J. Rawls, *Prawo ludów*, transl. M. Kozłowski, Warszawa 2001, p. 95–110.

5   *Declaratio de libertate religiosa Dignitatis humanae*, see http://www.vatican.va/archive/ hist_councils/i_vatican_council/documents/vat_ii_decl_19651207; E.-W. Böckenförde, "Wolność religijna w polu napięcia między kościołem a państwem", in: idem, *Wolność – państwo – kościół*, selected and translated by P. Kaczorowski, Kraków 1994, p. 45.

6   A. Dziadzio, "Wolność wyznania i sumienia a przymus religijny w austriackiej monarchii konstytucyjnej (1867–1914)", *Czasopismo Prawno-Historyczne* 45, 1993, 1–2, p. 65–85.

7   See U. Huppert, *Izrael. Rabini i heretycy*, transl. T. Misiak, Łódź 1994.

8   J. M. Wood, *Church and State in Historical Perspective: A Critical Assessment and Annotated Bibliography*, Westport Conn. 2005; J. J. Owen, *Religion and the Demise*

contemporary Europe is an internal problem of the Churches, in particular in the debate over the relations between Christianity and other religions. In this sense, the issue is far from resolved, with the arguments of the supporters of pluralism in the relations between religions and denominations countered by the influential advocates of competing approaches: religious exclusivism or inclusivism[9].

The Polish historiography of the second half of the twentieth century, and in particular in the strand which continued the research commenced by Stanisław Kot, was dominated by the tendency to regard the interdenominational relations in the Commonwealth of the sixteenth and the first half of the seventeenth centuries as diverging from the "European average" in the positive sense. We like to discuss the high level of religious toleration in the Kingdom of Poland, and even more so in the Grand Duchy of Lithuania[10], although at least as far as the nobility in the second half of the sixteenth century is concerned, the equality of rights is a more appropriate term. On the other hand, in journalism and opinion writing, as well as in literature popularising historical research, especially authored by non-Polish writers, "kładzie się nacisk na pewne przejawy zjawiska nietolerancji znane w stosunkach polskich głównie od końca XVII w" ("there is a continued emphasis on certain manifestations of intolerance known in Polish relations mainly from the late seventeenth century onwards")[11]. As a result, two notions compete in the public opinion: the stereotype of a fanatically Catholic Commonwealth, shaped as early as in the eighteenth century, and the image of Poland as "a country without stakes", popularised in the twentieth century. The former prevails in works published outside Poland, the latter in domestic ones.

Less frequent are moments of reflection over the reasons why the Polish-Lithuanian state of the second half of the sixteenth century had the reputation

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of Liberal Rationalism. The Foundation Crisis of the Separation of Church and State, Chicago-London 2001; J. Fox, *A World Survey of Religion and the State,* Cambridge 2008, Cambridge Studies in Social Theory, Religion and Politics; *Journal of Church and State*, published by JM Dawson Institute of Church and State Studies, Baylor University (Waco, Texas, USA), also publishes works concerning these issues.

9   The declaration *Dominus Iesus* prepared by Cardinal Joseph Ratzinger in 2000, seen as an expression of exclusivism, is a debate with the arguments of pluralists, see J. Hick, *Piąty wymiar. Odkrywanie duchowego królestwa*, transl. J. Grzegorczyk, Poznań 2005.

10 M. Kosman, *Tolerancja wyznaniowa na Litwie do XVIII w.*, ibidem, 18, 1973, p. 95–123; T. Wasilewski, *Tolerancja religijna w Wielkim Księstwie Litewskim w XVI–XVII w.*, ibidem, 19, 1974, p. 117–128.

11 S. Salmonowicz, "O tolerancji religijnej w 'modelu polskim' (XVI–XVIII w.)", [in:] idem, *Kilka minionych wieków. Szkice i studia z historii ustroju Polski*, Kraków 2009, p. 23–44, quotation from p. 23–24.

of a "paradise for heretics" and the determinants of the process of abandoning the equality of rights in favour of an increasingly restricted denominational toleration in the seventeenth and eighteenth centuries. It thus seems interesting to ask whether the denominational equality of rights in the times of the Warsaw Confederation, the religious toleration of the seventeenth century, and the extensive restrictions of this toleration in the eighteenth century truly sets Poland apart from the rest of Europe[12]. At the time when the Polish-Lithuanian Commonwealth of nobles was a haven for dissidents in the sixteenth century, were they indeed so consistently persecuted in other European countries? Was the eighteenth-century "Polish intolerance", condemned by Voltaire, in such a stark contrast with the European backdrop and practice?[13]

The research material I have used for this study were obtained from Polish, Austrian, Dutch, German, and Swiss libraries. I thus owe a substantial debt to the authors of the works referenced in the footnotes, and although I cannot enumerate all of them, there are some names I would like to recall here. Many years ago, my interest in the issues of interdenominational relations was spurred by reading the works of Marek Wajsblum and Janusz Tazbir; I am particularly indebted to the work of Ernst Kantorowicz and Quentin Skinner, two scholars whose books helped me uncover the beauty of the history of ideas devoid of an ideological entanglement. I wish to thank Dr. Maciej Ptaszyński for inspiring conversations and his assistance in locating and checking source texts from the Reformation period.

The present version of the study of the interdenominational relations in the Early Modern Commonwealth as compared with the Holy Roman Empire of Germany and the United Provinces of the Netherlands is substantially different from the original version, published in Polish by Wydawnictwo Naukowe *Semper* in Warsaw in 2010. The chapters which I believed to be of interest primarily for the Polish reader have been removed; the remaining text has been revised and edited. Finally, I wish to thank all the reviewers, collaborators, librarians, and archivists whose help and criticism I have relied on. They have allowed me to remove at least some shortcomings of my work; the remaining ones are my own responsibility.

Warsaw, June 2013

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12 A. Manikowski, "Czy siedemnastowieczna Rzeczpospolita była anomalią wśród innych państw europejskich?", *OiRwP* 37, 1993, p. 79–87.

13 W. Dzwigala, "Voltaire's Sources on the Polish Dissident Question", [in:] *Studies on Voltaire and the Eighteenth Century,* 241, 1986, p. 187–202; M. H. Serejski, *Europa a rozbiory Polski. Studium historiograficzne*, Warszawa 1970.

Chapter 1: Terminology and periodization

a) Terminological problems

The preliminary assumption of this book is that the theoretical sections, as well as the chapters discussing political practice, will concentrate not on toleration as ideas and attitudes, difficult as they are to define, but rather on interdenominational relations as a function of broader relations between church (churches) and state in post-Reformation Europe. This last assumption stems from the conviction that the phenomenon of toleration (or tolerance[1]) is difficult to analyse historically. In the words of Philip Benedict, "the history of tolerance and intolerance is an extremely amorphous subject, for the question immediately arises: tolerance of what? Tolerance is not a polymorphously perverse attribute, capable of extension in any direction, possessed by certain individuals or societies and lacked by others"[2].

The basic problem concerns shifts in the usage and interpretation of the term "toleration"[3]. The noun is derived from the Latin verb *tollo* ("I destroy", "I remove", "I kill"), via *tolero* ("I carry", "I hold", but also "I bear", "I withstand") and from the noun *tolerantia*, which in the sixteenth century was rendered into Polish as *cierpliwość* ("patience"), *wytrwałość* ("perseverance"), *znoszenie* ("forbearance"). In the sixteenth century, *tolerance* and *toleration* in French and English respectively began "to acquire the meaning of permission, conscious consent to the different views, especially religious ones, held by others; of withholding condemnation of and refraining from violence towards those who act and think in ways different from ones we believe to be correct"[4].

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1   The Polish language does not distinguish between "tolerance" and "toleration". The translator of this book would like to point out that, because the semantic difference between the two English nouns is not consistently marked or pronounced, a fact that is corroborated by the scholarly sources quoted throughout this monograph containing – often interchangeably – both lexemes, the two words are employed on purpose. However, since most of the related contexts are of religious/denominational nature, "toleration" is more frequently used.

2   P. Benedict, "Un roi, une loi, deux fois. Parameters for the history of Catholic-Reformed coexistence in France, 1555–1685", [in:] idem, *The Faith and Fortunes of France's Huguenots, 1600–85*, Aldershot 2001, p. 279.

3   J. Puzynina, "Tolerancja", [in:] eadem, *Słowo – wartość – kultura*, Lublin 1997, p. 338–348.

4   Ibidem, p. 339.

Despite this, as William H. Huseman has shown, the connotation of the words *tolerance* or *tolerantia* remained unequivocally negative even in the sixteenth century: "In analysis of their semantic environments, the extremely negative connotations of the family *tolérér* have been demonstrated; it is therefore not surprising that opponents of coexistence would choose words which emphasise the unfavourable aspects of such a policy; the Protestants could be 'tolerated' much as one would tolerate, bear, endure, put up with intense pain, tyranny, sickness, or bordellos in a city"[5]. This started to slowly change in the seventeenth century[6], with "toleration" not only acquiring positive connotations in the era of Enlightenment, but even becoming a trademark notion of the movement. Under the influence of French literature and journalism, use of the word *tolerancja* ("tolerance" or "toleration") in Polish became more frequent in the eighteenth century; the pejorative term *tolerantyzm* ("tolerantism") was even coined to describe a tendency for an all-embracing toleration for all religions and denominations[7]. The first Polish historiographer to point out the disparity between the Early Modern and modern usage of the term and its earlier negative connotation appears to have been Wacław Sobieski, who researched Polish-French relations and the political context of the passing of the Warsaw Confederation[8].

In the nineteenth century, an era of Positivism, even the Enlightenment ideal of tolerance was seen as insufficient. Freethinking representatives of early twentieth-century democratic movements strove for equal rights, properly understood as distinct from toleration. "But what is toleration?" asked Jan Baudouin de Courtenay in 1923, who replied: "It is a forbearance, a suffering of someone next to oneself. A tolerated man is a man endured, suffered next to those who have a right to decide their own destiny and that of others"[9]. Currently, at least in public discourse, tolerance is a highly-esteemed and sought-after value, albeit one which is rarely precisely defined. It seems, moreover, that its range of meaning continues to broaden, as tolerance is increasingly construed as synonymous

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5   W. H. Huseman, "The expression of the idea of toleration in French during the sixteenth century", *Sixteenth Century Journal* 15, 1984, p. 293–310, qt. p. 306; Cf. P. Benedict, op. cit., p. 282.

6   H. Bots, R. van de Schoor, "La tolérance à travers les dictionnaires dans les décennies autour de 1700", [in:] *The emergence of tolerance in the Dutch Republic*, ed. Ch. Berkvens-Stevelinck, J. Israel, H. Posthumus Meyjes, Leiden 1997, p. 141–153.

7   J. Puzynina, op. cit., p. 342–343.

8   W. Sobieski, *Polska a hugonoci po nocy św. Bartłomieja*, Kraków 1910, p. 5–7.

9   J. Baudouin de Courtenay, *Tolerancja. Równouprawnienie. Wyznanie paszportowe*, Warszawa 1923, p. 3; cf. J. Puzynina, op. cit., p. 343.

with equal rights, although these relations are markedly different, with the former inherently implying an inequality between the one who tolerates and the one being tolerated.

Preliminary research on the contexts in which the notion of toleration appears in historical writing, both scholarly and popular, is sufficient to establish that the term's usefulness is limited not only in historical research, but in scientific thought in general, the reason being that – also in historical terms – tolerance does not denote any positively and unequivocally definable type of relations but rather a vague and blurry sphere of relations[10]. From a philosophical point of view, this problem was described by Ryszard Legutko in terms similar to those used by Philip Benedict, quoted above: "[I]t makes little sense to refer to toleration as an independent category for it cannot be independent. Discussing it, we always assume, consciously or not, some kind of a relation to basic moral and political notions."[11]

The problem was also noted by Małgorzata Kowalska, who writes: "It is also naïve to attempt to treat toleration as an autonomous value, detaching it from other ideas and values with which it was connected at its historical origin."[12] It seems, however, that modifying the term "toleration" with the adjectives "religious" or "denominational", or signalling the historical context by multiplication of entities such as "the toleration of Humanists", "the toleration of reformists", "the toleration of politicians", "the toleration of the Enlightened", or "Whig toleration", will be of limited use to a historian.

Regarding the reality of Early Modern Europe, we have of course neither the ambition nor the possibility to research toleration as an attitude or a psychological inclination, or even as a philosophical stance. However, in the search for a more strictly delineated field of research, it is worth focusing some attention on this aspect of the problem. Positioned between theoretical reflection and historical research, the work by Feliks Gross is of landmark importance. He considers toleration a strictly political issue – one of coexistence of groups adhering to diverse systems of values in one state. He draws a clear distinction between toleration and affirmation, with indifference towards other systems of values

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10 A popular but precise approach to the issue is the one by L. Kołakowski, "O tolerancji", [in:] idem, *Mini wykłady o maxi sprawach. Trzy serie*, Kraków 2004, p. 36–42.

11 R. Legutko, *Tolerancja. Rzecz o surowym państwie, prawie natury, miłości i sumieniu*, Warszawa 1998, p. 6.

12 M. Kowalska, "Ideologiczne warunki i granice tolerancji", [in:] *Tożsamość, odmienność, tolerancja a kultura pokoju*, ed. J. Kłoczowski, p. Łukasiewicz, Lublin 1998, p. 100.

regarded as part of the former[13]. According to Gross, toleration is, in practice, a wide spectrum of possible behaviours and levels of reaction; this allows him to classify states into four types. The inquisitorial state is one that does not separate church and state and forcibly imposes an ideological or religious monopoly welded to the legal system. The intolerant state evinces a moderate degree of religious compulsion. The tolerant state allows a diversity of belief while preserving a preference for those adhering to the dominant religion (ideology). Finally, a pluralistic state embraces the diversity of ideological orientations and protects the equal rights of religious groups[14]. What is particularly interesting here is that, in his characterization of the four types of states, the author refers to historical research; however, in analysing his classification scheme, it is difficult to avoid the impression that the categories are, from the historical point of view, not clear-cut. In practice, it would be difficult to distinguish the intolerant state, which imposes a "moderate" degree of religious compulsion, from the tolerant state, with its "preference" for an established religion. It is obvious that preferential treatment of some can be considered persecution by others.

In recent decades, historical research into interdenominational relations has been dominated by scholars specialising in the social history of the Early Modern era, historians of culture, and historians of ideas, rather than by theologians and historians of the Church[15]. Religious toleration as a historical phenomenon or a term in the history of ideas was the subject of many theoretical studies published in the twentieth century[16], but the best introduction to the subject remains a comprehensive entry in the German compendium *Geschichtliche*

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13   F. Gross, *Tolerancja i pluralizm*, trans. E. Balcerek, Warszawa 1992, p. 7, 32–33.

14   Ibidem, p. 11–31.

15   In 1992, at a symposium held in Vico Equense and organised by the Dipartimento di Storia of the University of Florence and the Istituto Italiano per gli Studi Filosofici in Naples, Antonio Rotondò presented a programme of research into toleration/tolerance, cf. idem, *Europe et Pays-Bas. Evolution, réélaboration et diffusion de la tolérance aux XVIIe et XVIIIe siècles. Lignes d'un programme de recherches*, Firenze 1992.

16   A. Kossowski, "Zarys idei wolności wyznaniowej w Europie zachodniej i w Polsce w XVI–XVII w.", [in:] *Sprawozdania z czynności wydawniczych i posiedzeń naukowych Towarzystwa Naukowego KUL*, vol. 2, 1949, p. 29–32; A. Mitscherlich, *Toleranz – Überprüfung eines Begriffes*, Frankfurt a.M. 1974; p. Zurbuchen, "Naturrecht und natürliche Religion. Zur Geschichte des Toleranzbegriffs von Samuel Pufendorf bis Jean-Jacques Rousseau", Würzburg 1991; A. Rotondò, Tolleranza, [in:] *L'illuminismo. Dizionario storico*, a cura di V. Ferrone, D. Roche, Laterza 1997, p. 62–78.

Grundbegriffe[17], stretching to over 150 large-format pages. The entry addressing the issues of toleration and intolerance in the Early Modern era was authored by Klaus Schreiner[18]. Also worth mentioning is a useful compilation of source texts (from Nicholas of Cusa to James Madison) published by Hans Guggisberg, although he too equates toleration with acceptance from the outset[19].

Historians of the Early Modern period and historians of ideas usually adopt a broad and – one would hope – consciously imprecise definition of religious toleration. Usually, this is tantamount to not using force in denominational conflicts, which, in the practice of Early Modern relations between the state and church (churches), means that state authorities programmatically refrain from the extermination, expulsion and physical persecution of dissenters (corporeal punishment, branding, discriminatory clothing, being visibly excluded from the community). But contemporary historical research also uses the term in a different, much broader sense – possibly one which was most frequently applied at the dawn of the Enlightenment by Baruch Spinoza, John Locke[20] and Pierre Bayle[21], who understood toleration as not merely the authorities refraining from persecuting dissenters, but an acceptance of the freedom of conscience and thought. Contemporary writing often uses the term in the meaning developed and popularised by Voltaire as the so-called positive or active toleration[22]; the notion was further elaborated by intellectuals active during the French Revolution, who – like Thomas Paine or Honoré-Gabriel de Mirabeau – demanded toleration understood as respect for the freedom of conscience, or even for the views of opponents[23].

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17 K. Schreiner, G. Besier, "Toleranz", [in:] *Geschichtliche Grundbegriffe. Historisches Lexicon zur politisch-sozialen Sprache in Deutschland*, hrsg. O. Brunner, W. Conze, R. Koselleck, Bd. 6, Stuttgart 1990, p. 445–605.

18 K. Schreiner, "Toleranz und Intoleranz im Zeitalter des Humanismus, der Reformation und Gegenreformation", [in:] ibidem, p. 472–495.

19 *Religiöse Toleranz. Dokumente zur Geschichte einer Forderung*, hrsg. H. R. Guggisberg, Stuttgart-Bad Cannstatt 1984, p. 9, Neuzeit im Aufbau. Darstellung und Dokumentation, Bd. 4.

20 J. de Tex, *Locke en Spinoza over tolerantie*, Amsterdam 1926, p. 11–34, 123–130; Z. Ogonowski, *Locke*, Warszawa 1972, p. 105–136.

21 Z. Ogonowski, *Filozofia polityczna w Polsce XVII w. i tradycje demokracji europejskiej*, Warszawa 1992, p. 109–112.

22 R. Legutko, op. cit., p. 136–154.

23 Ibidem, p. 208; T. Wojak, "Uwagi o tolerancji w Polsce na tle polemiki wyznaniowej w XVI w.", [in:] *Wkład protestantyzmu do kultury polskiej. Z zagadnień protestantyzmu w Polsce*, ed. T. Wojak, Warszawa 1970, p. 44.

Finally, contemporary popular or journalistic works usually understand tolerance as it was developed by Positivists. To reiterate, for John Stuart Mill, the necessity of toleration resulted from the importance of allowing different opinions and beliefs, without which one's own theses could not be verified or falsified. First and foremost, however, that necessity stemmed from the liberal doctrine: "the sole end for which mankind are warranted, individually or collectively, in interfering with the liberty of action of any of their number is self-protection […] to prevent harm to others."[24]

These notions, and their consequences for interpreting history, were popularised in Polish culture in the early twentieth century through, among others, William E. H. Lecky's history of rationalism[25].

This conceptual chaos, which – to make matters worse – relates to categories that defy easy defining and require the application of overtly subtle typologies, offers no solace to a historian endeavouring to research and write about interdenominational relations in Early Modern Europe. Fortunately, Polish scholarship on history abounds in systematic attempts to categorise and clarify the issues in question. The task of fine-tuning the critical lens and expounding on the hazy notion of toleration was carried out by Zbigniew Ogonowski, who posited three definitions. According to him, toleration may be construed as:

a) a legal or customary system of social relations that enables the existence of religious, ideological, political and moral differences
b) practice of coming to terms with the existence of these differences
c) a principle of refraining from violence as part of ideological struggle[26].

The above typology has also been adopted and employed by Lech Szczucki in his research into religious heterodoxy in the sixteenth and seventeenth centuries[27]. Correspondingly, Janusz Tazbir's scholarship on interdenominational relations

24 J. S. Mill, *O wolności*, trans. A. Kurlandzka, introd. P. Śpiewak, Warszawa 2002, p. 25, 31–90; R. Legutko, op. cit., p. 209–211; R. Carr, "The Religious Thought of John Stuart Mill. A Study in Reluctant Scepticism", *Journal of the History of Ideas* 23, 1962, 4, p. 475–495.

25 W. E. H. Lecky, *History of the Rise and Influence of the Spirit of Rationalism in Europe*, London 1882, vols. 1–2; Polish edition: *Dzieje wolnej myśli w Europie*, trans. M. Feldmanowa, vol. 1, Łódź 1908, p. 389.

26 Z. Ogonowski, *Z zagadnień*, p. 10–11.

27 L. Szczucki, *Nonkonformiści religijni XVI i XVII w. Studia i szkice*, Warszawa 1993, p. 9–28.

and religious ideology contains direct references to the classification of toleration proposed by Ogonowski.

Acting on that contention, one can easily assume that religious toleration amounts in practice to the state refraining not only from the extermination and expulsion of dissenters but also from religious persecution, i.e., the systemic application of violence against representatives of non-established churches (dissidents, dissenters, nonconformists). However, the limits of such a notion of toleration remain undefined[28]. Indisputably, this condition is a far cry from religious equality. What subsequently arises is the question of gauging the extent of the necessary minimum freedom bestowed upon the dissenters as far as the practice of social relations is concerned that would qualify as toleration. To Ogonowski, the minimum of liberty required for toleration to take hold is the right to private worship, while the maximum is defined as the legality of private worship and the right to erect and own a temple[29]. In a similar vein, Hans Guggisberg construes denominational toleration as located between the minimum, i.e., state policies that permit private worship – limited religious freedom without a right to public worship – and the maximum, i.e., permitting state-wide freedom of any religious cult. The latter, taking into account the sixteenth-century context, was related only – it is worth emphasising once more – to the case of the Polish-Lithuanian Commonwealth and Transylvania (Siebenbürgen)[30].

Admittedly, the above definitions lack precision with regard to demarcating the borders of religious toleration, which is perhaps due to the fact that the Early Modern practice was remiss in isolating rules concerning religious life. Most frequently, different rules applied to different estates and social groups. Furthermore, legislation was dissimilar in different territories, judicial interpretations were radically disparate, and the way in which court orders were executed varied

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28 "Religious toleration is usually understood as the concession by governments of some measure of freedom of worship and other civil benefits to religious groups excluded from political power." *A Dictionary of Eighteenth-century History*, ed. J. Black, R. Porter, London 1996, p. 732–733. cf. definition of Désirée Park ("Tolerancja jako prawo człowieka", [in:] eadem, *Zagadnienia współczesne: społeczeństwo pluralistyczne*, trans. K. Krauze-Błachowicz, Warszawa 1996, p. 75), where it is also highlighted that toleration is concession on the part of the authorities. The limits of toleration cf. M. Warnock, "Limits of toleration", [in:] *On Toleration*, ed. S. Mendus, D. Edwards, N. York, p. 124–139.

29 Z. Ogonowski, *Z zagadnień*, p. 5–11.

30 H. R. Guggisberg, "Wandel der Argumente für religiöse Toleranz und Glaubensfreiheit im 16. und 17. Jahrhundert", [in:] *Zur Geschichte der Toleranz und Religionsfreiheit*, hrsg. H. Lutz, Darmstadt 1977, p. 466, Wege der Forschung, Bd. 246.

wildly. However, if we aptly read the intention of the above-mentioned authors, then we can deduce that the sphere of religious toleration in Early Modern Europe was positioned somewhere between the liberty of private dissenter worship and the freedom to publicly practise any religion. What was excluded from this definition of toleration and in effect banished onto the no man's land of obscurity was, on the one hand, freedom of thought (conscience) and, on the other hand, religious equality expressly guaranteed by written law.

The latter condition seems unquestionable since official acknowledgement of the equality of all religious cults would entail their legal protection, which in practice would imply the abolition of the dominance of the established church. However, to state that bestowing upon nonconformists "only" the freedom of conscience does not constitute "low level" toleration appears quite debatable. For the sake of further analysis, it would seem appropriate to assume that religious toleration, as practiced in Early Modern Europe, amounted simply to freedom from persecution on the grounds of religion or denomination (confession). To classify that freedom as religious toleration would necessitate a precise definition of the notion of religious persecution. If, for the sake of argument, one assumes that the institutionalised or systemic application or endorsement of violence against nonconformists by the state ought to be labelled so, then the conclusion reached is somewhat puzzling. It appears that in the times of confessionalization, in particular starting at the dawn of the sixteenth century, such religious toleration was practised to a varying degree in a considerable number of European territories. Furthermore, apart from the Apenine and Iberian Peninsulas, where local Reformation movements were promptly quashed by the strong-arm tactics of the authorities[31], and (with the exception of the Grand Duchy of Moscow) nowhere in peacetime – from the end of the sixteenth-century onwards – was a long-term and systematic policy of physical persecution of dissenters carried out to expel or exterminate them[32].

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31 To Fernand Braudel, the failure of the Reformation in the Mediterranean is explained by the internal weakness of the movement as well as by the firm reaction of the authorities for whom the Moors constituted a real menace to Spain rather than by the threat posed by the relatively limited number of advocates of Protestantism. F. Braudel, *Morze Śródziemne i świat śródziemnomorski w epoce Filipa II*, vol. 2, trans. M. Król, M. Kwiecińska, Warszawa 2004, 2nd impression, p. 116–120, 142–143.

32 Ibidem, p. 457–466; W. Monter, "Heresy executions in Reformation Europe, 1520–1565", [in:] *Tolerance and intolerance in the European Reformation*, ed. O. P. Grell, B. Scribner, Cambridge 1996, p. 48–64.

Typically of the epoch, the case of the Grand Duchy of Moscow and Russia is testimony to the level of complication and ambiguity that characterised the political practice towards dissenters. Even in this country, the above was relegated to the "sphere of intolerance", where in the early modern age Eastern Orthodoxy enjoyed an unquestionable monopoly as the established religion[33] (the rejection of which was punishable by death, as was conversion to any other faith), lay authorities practised a politics of limited religious toleration with regard to selected groups of residents. Such toleration concerned merchants and artisans arriving in the East of Europe from the West, in particular the Protestants settling in large numbers in Moscow and Arkhangelsk as early as the sixteenth and seventeenth centuries[34], as well as practitioners of non-Christian denominations (primarily Muslims and Buddhists), residing in areas conquered and colonised by Russia – in particular the Volga (Povolzhye) Region. As corroborated by contemporary Russian research, state authorities tolerated religious dissenters, "foreign guests" and pagan "outsiders", relying on a political and economic rationale long before the period of strenuous top-down modernisation administered by Peter the Great[35].

One can hardly accept the existence of "the ideology of toleration" in Russia, not to mention the Russian Orthodox Church, if the politics of limited toleration – which ought to be highlighted – was applied solely to the specially treated "strangers" (literally, non-Russians): „*Alle Nichtrussen besaßen im 17. Jahrhundert in Rußland die Möglichkeit, bei ihrer Religion zu bleiben. In der Begriffen der gleichzeitigen westeuropaischen Rechtwissenschaft gesprochen: alle Nichtrussen besaßen das Recht der devotio domestica*"[36]. In seventeenth-century Russia, the politics of limited toleration did not involve the Catholics and Jews, all of whom were considered heretics. Eventually, however, towards the end of the

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33 B. A. Uspienskij, *Car' i patriarch. Charizma wlasti w Rossiji.* (*Wizantijskij model' i jejo russkoje pierieosmyslenije*), Moskwa 1998.

34 Cf. S. P. Orlenko, *Wychodcy iż zapadnoj Jewropy w Rossiji XVII wieka,* Moskwa 2004, I whole-heartedly thank Dr Margarita Korzo (Moscow) for informing me about this book and subsequently lending it to me.

35 Peter I and his associates' friendly attitude towards Protestantism is in striking contrast to their joint hostility towards Catholicism, cf. P. Pierling, *La Sorbonne et la Russie (1717–1747)*, Paris 1882, reprint The Hague 1967, p. 39–57; R. Wittram, "Peters des Großen Verhältnis zur Religion und den Kirchen" [in:] idem, *Russland, Europa und der deutsche Osten*, München 1960, p. 85–120, and in particular Greek Catholics, A. Deruga, *Piotr Wielki a unici i unia kościelna 1700–1711*, Wilno 1936.

36 H.-H. Nolte, "Verständnis und Bedeutung der religiösen Toleranz in Russland, 1600–1725", *Jahrbücher für Geschichte Osteuropas*, NF 17, 1969, 4, p. 494.

seventeenth century, Catholics were granted the right to private worship, and at the beginning of the eighteenth century, after taking over Swedish Livonia, the Protestant residents of the conquered areas were even given the freedom of public worship[37]. This is indeed an example that fittingly illustrates the pragmatic rationale behind decisions made by Early Modern state authorities[38].

Obviously, the practice of social life in Early Modern Europe abounded in limitations of different sorts. Likewise, cases of brutal rape and anti-dissenting excesses, primarily during wartime, were not uncommon. However, a clear-cut distinction should be drawn between excesses that the authorities chose not (or were unable) to oppose, despite being officially against, and between codified acts of systematic persecution perpetrated by the state[39]. Let us recapitulate: in principle, the majority of European countries refrained from systemic, physical persecution of religious minorities, having come to terms with their existence within their borders and often, driven by different reasons, creating a legal or customary system of social relations that enabled, all limitations and inconvenience notwithstanding, the functioning of religiously and denominationally diverse communities in the territories within their jurisdiction. As previously signalled, among others by the case study of Russia, practical toleration in the epoch under consideration was operational on a number of levels and to varying degrees[40]. The mechanisms of this historical phenomenon have been interestingly detailed and documented by the research of Heiko M. Oberman, who conducted an in-depth comparative analysis of the practice of relative toleration by juxtaposing the witchcraft trials in the vicinity of Ulm with the stance toward the Jews and Jewish writings advocated by the prominent sixteenth-century Hebrew scholar

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37 Ibidem, p. 494–530; cf. idem, *Religiöse Toleranz in Russland, 1600–1725,* Göttingen 1969.

38 E. Hassinger, *Wirtschaftliche Motive und Argumente für religiöse Duldsamkeit am 16. und 17. Jahrhundert*, ARG 49, 1958, p. 226–245, przedruk: *Gegenreformation*, hrsg. E. W. Zeeden, Darmstad 1973, p. 332–356, Wege der Forschung, Bd. 311.

39 S. Grzybowski, "W kręgu miast. Problemy nietolerancji i różnorodności wyznaniowej oraz kulturowej w czasach wczesnonowożytnych na tle porównawczym", [in:] *Rzeczpospolita wielu wyznań. Materiały z międzynarodowej konferencji, Kraków 18–20 listopada 2002*, ed. A. Kaźmierczyk et al., Kraków 2004, p. 35–46.

40 W. Frijhoff, "Dimensions de la coexistence confesionelle", [in:] *The emergence of tolerance in the Dutch Republic*, ed. Ch. Berkvens-Stevelinck, J. I. Israel, H. Posthumus Meyjes, Leiden 1997, p. 213–237.

Johann Reuchlin, and with interdenominational relations in the Catholic Canton of Vaud, annexed in the 1530s by the Protestant Canton of Bern[41].

Religious dissenters were subject to different and divergently nuanced models of practical toleration: from the freedom of conscience granted to the French Huguenots in 1685 to the very limited right to stay granted to Catholics and restrictions imposed on Calvinists in Lutheran Scandinavia; to constraints afflicting the Protestants of all denominations in the countries ruled by the House of Habsburg; to the strictly codified and state-constrained Catholic cult in England; to state-controlled Christian denominations that enjoyed far more liberties in seventeenth-century Holland; and finally to the practical religious equality of Christian confessions that existed in the Polish-Lithuanian Commonwealth and in Transylvania (Siebenbürgen) in the sixteenth century. It is worth remembering here, however, that this particular freedom both in Poland and in the Grand Duchy of Lithuania was, by and large, limited to the nobility, and in the case of Transylvania it excluded the adherents of the Eastern Orthodox Church.

It is also worth considering the practical significance and possible consequences of religious coercion, usually associated with the principle of *ius reformandi*, better known as *cuius regio eius religio*, at work in Early Modern Europe. Henry J. Cohen's research into the role played by territorial princes of the Holy Roman Empire in spreading the so-called Second Reformation (here understood as Calvinization)[42] shows that those states and cities of the Empire where rulers for various reasons changed their denomination to one distinct from that of most subjects are a particularly interesting field for analysis[43]. The complicated trajectory of the denominations in Rheinland-Palatinate in the second half of the sixteenth century serves as an example of how *ius reformandi* functioned

41 H. A. Oberman, "The Travail of Tolerance Containing Chaos in Early Modern Europe", [in:] ibidem, p. 13–31.

42 H. J. Cohen, "The territorial princes in Germany's Second Reformation, 1559–1622", [in:] *International Calvinism 1541–1715,* ed. M. Prestwich, Oxford 1985, p. 132–165. The research on the so-called Second Reformation, understood as the process of Calvinizing the German Protestantism, is analysed extensively by Harm Klueting, "Die Reformierten im Deutschland des 16. und 17. Jahrhunderts und die Konfessionalisierungsdebatte der deutschen Geschichtswissenschaft seit ca. 1980", [in:] *Profile des reformierten Protestantismus aus vier Jahrhunderten. Vorträge der ersten Emdener Tagung zur Geschichte des reformierten Protestantismus*, hrsg. M. von Freudenberg, Wuppertal 1999, p. 17–47, Emdener Beiträge zum reformierten Protestantismus, Bd. 1.

43 G. Christ, "Fürst, Dynastie, Territorium und Konfession", *Saeculum* 24, 1973, p. 367–387.

in practice, as shown by in-depth research by Volker Press[44]. Even here, existing works such as Peter Zschunke's study on the denominational landscape in Rheinland's Oppenheim ruled by the electors of the Palatinate[45], or Wolfgang Zimmerman's study on the compulsory re-Catholicisation of Constance after the city came under the power of the branch of Habsburgs ruling Tyrol[46], provoke reflection and invite caution in drawing general conclusions, if only ones limited to the Holy Roman Empire. Both monographs show interesting defence strategies successfully deployed by local urban elites subjected to religious coercion by state authorities.

On the other hand, works by Rudolf von Thadden and Peter-Michael Hahn and research by Bodo Nishan show that the – highly controversial at the time – conversions of the Elector of Brandenburg, John Sigismund Hohenzollern, to Calvinism in 1613[47], of the Elector of Saxony, Frederick Augustus Wettin, to Catholicism in 1697, and of other German rulers at the end of the age of confessionalization[48] did not result in religious coercion. Neither the Elector of Brandenburg, converting in the early seventeenth century, nor the Elector

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44 A. Schindling, W. Ziegler, "Kurpfalz, Rheinische Pfalz und Oberpfalz", [in:] *Die Territorien des Reichs im Zeitalter der Reformation und Konfessionalisierung. Land und Konfession 1500–1650*, Bd. 5: *Der Südwesten*, hrsg. A. Schindling, W. Ziegler, F. Brendle, Münster 1993, p. 9–49; V. Press, "Die 'Zweite Reformation' in der Kurpfalz", [in:] *Die reformierte Konfessionalisierung in Deutschland – das Problem der "Zweiten Reformation"*, hrsg. H. Schilling, Gütersloh 1986, p. 104–129; cf. idem, *Calvinismus und Territorialstaat. Regierung und Zentralbehörde der Kurpfalz 1559–1619*, Stuttgart 1970, Kieler Historische Studien, Bd. 7.

45 P. Zschunke, *Konfession und Alltag in Oppenheim. Beiträge zur Geschichte von Bevölkerung und Gesellschaft einer gemischtkonfessionellen Kleinstadt in der Frühen Neuzeit*, Wiesbaden 1984, Veröffentlichungen des Instituts für Europäische Geschichte Mainz, Bd. 115.

46 W. Zimmermann, *Rekatholisierung, Konfessionalisierung und Ratsregiment. Der Prozeß des politischen und religiösen Wandels in der österreichischen Stadt Konstanz 1548–1637*, Sigmaringen 1994.

47 R. von Thadden, "Die Fortsetzung des "Reformationswerk" in Brandenburg-Preußen", [in:] *Die reformierte Konfessionalisierung in Deutschland – das Problem der "Zweiten Reformation"*, hrsg. H. Schilling, Gütersloh 1986, p. 233–250; P.-M. Hahn, "Calvinismus und Staatsbildung. Brandenburg-Preußen im 17. Jahrhundert", [in:] *Territorialstaat und Calvinismus*, hrsg. M. Schaub, Stuttgart 1993, p. 239–269; B. Nishan, *Prince, People, and Confession: The Second Reformation in Brandenburg*, Philadelphia 1994, p. 81–110.

48 H. Schmidt, "Konversion und Säkularisation als politische Waffe am Ausgang des konfessionellen Zeitalters. Neue Quelle zur Politik des Herzogs Ernst August von Hannover am Vorabend des Friedens von Nymwegen", [in:] idem, *Persönlichkeit, Politik und*

of Saxony, doing so in the late seventeenth century, made any attempts to force the Lutheran majority of both Electorates to adopt either the Reformed faith or Catholicism. The political motivations for the forbearance of the Electors of Brandenburg[49] and Saxony[50] from implementing the *cuius regio eius religio* principle are obvious, with *ius reformandi* being balanced by the threat to the political and economic interests of local rulers posed by the possibility that the ruled might invoke *ius emigrandi*, legitimised by the Peace of Westphalia.

Notions such as freedom of denomination or confession, freedom of conscience, or religious freedom recur frequently, if without clear definitions, in works on the history of interdenominational relations or religious toleration. The first of these notions means a right to "be different" in terms of denomination, and thus a legalisation (legal protection) of the existence of dissidents. In itself, allowing a group freedom of denomination did not mean that the level or practice of the functioning of the dissenting cult was specified. This often remained a major problem, as orthodox Christian religiosity (regardless of denomination) considered public worship to be the basic and essential aspect of Christian communities[51].

The second notion, freedom of conscience, was in the Early Modern era usually interpreted in its original sense, in which the conscience was the ultimate and indisputable adjudicator, as confirmed by the Fourth Council of the Lateran: "*Quidquid fit contra conscientiam, aedificat ad gehennam*"[52]. In the Early Modern era, especially in the works of Reformers such as Luther, Zwingli, Calvin

Konfession im Europa des Anciens Régime. Aufsätze und Vorträge zur Geschichte der Frühen Neuzeit, Hamburg 1955, p. 133–193.

49 R. Po-chia Hsia, "Social discipline in the Reformation. Central Europe 1580–1750, London 1989, p. 53–72; M. Rudersdorf, A. Schindling, Kurbrandenburg", [in:] *Die Territorien des Reichs im Zeitalter der Reformation und Konfessionalisierung. Land und Konfession 1500–1650*, Bd 2: *Der Nordosten*, hrsg. A. Schindling, W. Ziegler, Münster 1993, p. 35–66.

50 P. Haake, "Die Wahl Augusts des Starken zum König von Pohlen", *Historisches Vierteljahrschrift*, 9, 1906, p. 31–84; J. Staszewski, *August II Mocny*, Wrocław 1998, p. 45–62; J. Ziekursch, "August der Starke und die katholische Kirche in den Jahren 1697–1720", *Zeitschrift für Kirchengeschichte* 24, 1903, p. 86–135.

51 L. Kołakowski, *Świadomość religijna i więź kościelna. Studia nad chrześcijaństwem bezwyznaniowym XVII w.*, Warszawa 1997 (2nd impression), p. 99–107; Z. Ogonowski, *Z zagadnień tolerancji w Polsce XVII w.*, Warszawa 1958, p. 170–172; idem, *Filozofia polityczna w Polsce XVII w. i tradycje demokracji europejskiej*, Warszawa 1992, p. 69.

52 Quoted from J. H. Newman, *List do księcia Norfolk o sumieniu*, trans. A. Muranty, Bydgoszcz 2000, p. 38.

or Melanchthon, the term "freedom of conscience" was often replaced by "Christian freedom", understood – especially by Calvinists – as obedience to the Word of God[53].

In a sense closer to our understanding of the freedom of denomination or confession, freedom of conscience was popularised in the French Revolutionary era when it was consciously contrasted with toleration, interpreted (more correctly) as a humiliating concession by authorities towards the essentially non-accepted dissidents; this was best expressed by Thomas Paine[54].

As for religious freedom, this can be considered tantamount to full equal rights in the modern sense, or the freedom of religious belief protected by the state and full civil rights for adherents to all faiths and none[55]. Herbert Butterfield, who emphasised so strongly the distinction between tolerance and religious freedom, reiterated that while toleration was practiced in Early Modern confessional states when political or social costs of religious coercion turned out to be too high, religious freedom is an idea of the modern state, which allows not only freedom of belief, but even freedom to reject religion altogether[56]. Finally, as for theoretical considerations of the possible types and levels of toleration in the Early Modern era, the publications of German scholars, Gustav Mensching and Erich Hassinger, are an invaluable source[57].

Even if toleration is defined as freedom from persecution, and a distinction is drawn between it and freedom of conscience or religious freedom, contemporary scholarship shows a persistent tendency to conflate denominational toleration and religious liberty. This tendency is particularly evident in writers specialising in the history of liberalism whose views can be described as "liberal" (in the American sense of the word) or "progressive" in the spirit of the mid-twentieth-century ideology. The latter stance is evinced by Henry Kamen's popular monograph on the history of toleration, where the following definition may be found

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53 M. Turchetti, "A la racine de toutes les libertés. La liberté de conscience", *Bibliotheque d'Humanisme et Reformation* 56, 1994, 3, p. 625–639.

54 R. Legutko, op. cit., Warszawa 1998, p. 208.

55 Z. Ogonowski, *Z zagadnień*, p. 5–11; H. Butterfield, "Toleration in Early Modern Times", *Journal of the History of Ideas* 38, 1977, 4, p. 573–584; H. R. Guggisberg, *Wandel der Argumente*, p. 458–459.

56 H. Butterfield, op. cit., p. 573–576.

57 G. Mensching, *Toleranz und Wahrheit in der Religion*, München-Hamburg 1966; E. Hassinger, *Religiöse Toleranz im 16. Jahrhundert: Motive–Argumente-Formen der Verwirklichung,* Basel 1966, Vorträge der Aeneas-Silvius-Stiftung an der Universität Basel, Heft VI.

(my emphasis – W. K.): "In its broadest sense, toleration can be understood to mean <u>the concession of liberty</u> to those who dissent in religion. It can be seen as part of the process in history which has led to a gradual development of the principle of human freedom. What should be remembered is that this development has been by no means regular. Even the great English historian Lord Acton, for whom the evolution of freedom lay at the heart of history, was obliged to recognise that toleration has pursued not a linear but a cyclic development; it has not evolved progressively but has suffered periodic and prolonged reverses. The belief that <u>religious liberty</u> is an exclusively modern achievement is of course untrue, and it should cause no great surprise to find that some countries today are further from <u>full liberty</u> than they were five centuries ago."[58] A similar tendency to verbally identify toleration and freedom, especially denominational toleration and religious freedom, appears in the writings of the critics of liberalism; they often view and discuss these notions as though the debate on them had been initiated by John Locke, or – like John Gray recently – appear to equate the Early Modern understanding of toleration with an interpretation of the term typical for the Enlightenment[59].

This is despite the fact that, as is well known, the toleration of dissenters is hardly a phenomenon characteristic of the Early Modern state, let alone the Enlightenment state. Persecutions of "heretics" in the Middle Ages were not so much the result of the "desire of the people" as decisions by clerical and secular authorities[60]. These authorities were limited in their actions by various factors, including political ones – an example is the case of the Czech Utraquists. In the Middle Ages, pragmatism of this kind, which is not to be confused with a "modern" toleration, tended to be more characteristic of proponents of dualism, who subscribed to the equal status of church and secular authorities; the most recognised of those is Marsilius of Padua[61]. It is worth noting, however, that a similar

58 H. Kamen, *The Rise of Toleration*, London 1967, p. 7.
59 R. Legutko, "Religious Toleration as a Political Problem", [in:] *Tożsamość, odmienność, tolerancja*, p. 287–90; M. Kowalska, op. cit., p. 100; J. Gray, *Two faces of liberalism*, Cambridge 2000, Polish edition: *Dwie twarze liberalizmu*, trans. P. Rymarczyk, Warszawa 2001, p. 7.
60 R. I. Moore, *The Formation of a Persecuting Society. Power and deviance in Western Society, 950–1250*, Oxford 1987, p. 123.
61 A. Wójtowicz, *Model władzy państwowej Marsyliusza z Padwy*, Katowice 1977, p. 87–118, Prace Naukowe UŚ, nr 187; cf. J. Baszkiewicz, op. cit., p. 209–237.

justification – a pragmatic allowance of "the lesser evil" – was proffered for toleration of prostitution[62].

To conclude our remarks on terminology, we need to note that, bearing in mind Hubert Jedin's argumentation[63] and subsequent findings on the origin of reformation and counterreformation, the wider term "Catholic Reformation" is here preferred over "Counter-Reformation". This does not of course mean that the anti-Protestant dimension of the changes in the Catholic Church at the time of the Council of Trent is to be denied; instead, the term "Catholic Reformation" denotes the totality of the changes, while "Counter-Reformation" concerns only their anti-Protestant aspect[64].

Possibly the most problematic notion to clarify is the term "confessionalization" (*konfesjonalizacja*, *die Konfessionalisierung*), frequently used also in Polish scholarship. It was introduced into German historiography in the early 1980s through the works of Wolfgang Reinhard and Heinz Schilling. The theory of confessionalization is not, however, limited to a description of the processes of denominational homogenisation of European societies after the Council of Trent: its authors sought to create an "explanatory paradigm" which could successfully replace Marxist schemata accounting for the rise of absolutism and the forging of modern European statehood. It is thus an attempt at providing a macro-historical explanation of key social processes in Europe between the earthquake of Reformation and the secularisation of the Enlightenment. As the postulated processes of confessionalization were to occur as a result of a multi-dimensional cooperation of secular and clerical authorities, their analysis had

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62 I. Bejczy, "'Tolerantia': a medieval concept", *Journal of the History of Ideas* 58, 1997, 3, p. 365–384.

63 H. Jedin, *Katholische Reformation oder Gegenreformation. Ein Versuch zur Klärung der Begriffe nebst einer Jubiläumsbetrachtung über das Trienter Konzil*, Luzern 1946; przedruk: *Gegenreformation*, hrsg. E. W. Zeeden, Darmstadt 1973, p. 46–81, Wege der Forschung, Bd. 311.

64 The German lawyer Johann Stephan Pütter is credited with using the word "counter-Reformation" for the first time ever in 1776; he used it to refer to anti-Protestant reclamation of post-Trent Catholicism. The functioning of the term in German historiography is discussed by A. Elkan, *Enstehung und Entwicklung des Begriffes Gegenreformation*, HZ 112, 1924, p. 473–93; cf. H. D. Wojtyska, "Reformacja – reforma katolicka – kontrreformacja. Dzieje nomenklatury i próba uściślenia pojęć", *Roczniki Teologiczno-Kanoniczne* 24, 1977, 4, p. 225–249; E. W. Cochrane, "Counter Reformation or Tridentine Reformation? Italy in the age of Carolo Borromeo", [in:] *San Carolo Borromeo reform and ecclesiastical politics*, ed. J. M. Headley, J. B. Tomaro, Cransbury 1988, p. 31–46.

to account for the complex interdependence between social and political history, including problems concerning culture, religiosity and education[65]. It has to be noted, however, that the Reinhard-Schilling thesis has often been called into question, disputed, and modified, while in recent years another generation of German historians has sought to redefine the "paradigm of confessionalization", noting its various weaknesses[66].

b) Problems of periodization

In contrast with the terminology discussed above, chronological divisions pertaining to research on the Protestant Reformation and the history of state-church relations in post-Reformation Europe seem clear-cut. In principle, the research in question revolves round the epoch whose *terminus post quem* is defined as the end of the processes of Protestant Reformation while its *ante quem* refers to the beginning of the European Enlightenment in the latter part of the seventeenth century. What makes periodization particularly difficult, however, is the very nature of the processes, the chronology of which differs from country to country. A comparative analysis of the Polish-Lithuanian Commonwealth and Germany, and of Germany in turn juxtaposed with England and France, i.e., the East with the West, proves that the discrepancies with regard to chronology can amount to decades if not, as in the case of the genesis of the Enlightenment, to over half a century. This comparison yields a rather expected conclusion: the benefit of applying clear-cut chronological caesuras remains highly contestable.

An example that illustrates ambiguity of this kind is the debate over the periodization of the English Reformation, which *ad usum scholarum* is dated to the

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65 Essential works by the authors of confessionalisation theory were published in the following volumes: W. Reinhard, *Ausgewählte Abhandlungen*, Berlin 1997; H. Schilling, *Ausgewählte Abhandlungen zur europäischen Reformations- und Konfessionalisierungs- geschichte*, hrsg. L. Schorn-Schütte, O. Mörke, Berlin 2002; cf. the most important collected studies on the processes of confessionalisation in the Holy Roman Empire: *Die reformierte Konfessionalisierung in Deutschland. Das Problem der "Zweiten Refor- mation"*, hrsg. W. Reinhard, H. Schilling, Gütersloh 1986; *Die lutherische Konfession- alisierung*, hrsg. H.-Ch. Rublack, Gütersloh 1992; *Die katholische Konfessionalisierung*, hrsg. W. Reinhard, H. Schilling, Gütersloh 1995.

66 *Interkonfessionalität – Transkonfesionalität – binenkonfessionelle Pluralität. Neue Forschungen zur Konfessionalisierungsthese*, hrsg. K. von Greyerz, M. Jakubowski- Tiessen, T. Kaufmann, H. Lehmann, Heidelberg 2003, cf. review. M. Ptaszyński, KH 112, 2005, 2, p. 130–133.

period 1530–1570[67]. This does not, however, preclude the existence of divergent concepts. The breadth of these chronological discrepancies is evidenced by two scholarly chapters collected in a synthetic – if not popularising – volume of essays on the English Reformation. The first, written by Conrad Russel, dates the English Reformation and the process of the formation of the Anglican Church very broadly, construing it as a period starting in 1500 and finishing in 1640, while the second, authored by Wallace MacCaffrey and included in the very same book, dates the politics of the Reformation era to the period 1485–1585[68]. The epoch of the political and Church reforms under Henry VIII is often classified as a schism, while the term "Reformation" is reserved for the changes introduced by the two consecutive regents during the short reign of Edward VI[69]. Modern scholarship on interdenominational relations in England introduces yet another batch of proposals of periodization; Diarmaid MacCulloch, among others, considers the epoch beginning with the reign of Edward II and culminating in the death of Elizabeth I to be the second phase of the English Reformation or even "later Reformation"[70], which directly alludes to Dutch research on "*nadere reformatie*"[71] or German studies on "*die zweite Reformation*"[72]. On the other hand, Christopher Haigh – the author of a treatise containing circa 50 pages of footnotes and bibliography – devotes its first part entitled "Two Political Reformations 1530–1553" to a discussion of the rule of Henry VIII and Edward VI, which is subsequently contrasted with the second part entitled "Political Reformation and Protestant Reformation". Here, the last paragraphs dedicated to analysis of the reign of Elizabeth I delineate, on the one hand, the creation of the legal and organisational foundation of the Anglican Church, while portraying,

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67 Cf. for instance W. J. Sheils, *The English Reformation 1530–1570*, London 1989, Seminar Studies in History.

68 C. Russel, "The Reformation and the creation of the Church of England 1500–1640", [in:] *The Oxford illustrated history of Tudor and Stuart Britain*, ed. J. Morrill, Oxford 2000, p. 258–292; W. MacCaffrey, *Politics in an age of Reformation 1485–1585*, [in:] ibidem, p. 310–329.

69 J. Lecler, op. cit., vol. 2, p. 309–311, 315–317.

70 D. MacCulloch, *The Later Reformation in England 1547–1603*, Houndmills-London 1990, p. 1–8; cf. idem, *Die zweite Phase der englischen Reformation (1547–1603) und die Geburt der anglikanischen Via Media*, Münster 1998.

71 J. R. Beeke, "The Dutch Second Reformation (Nadere Reformatie)", *Calvin Theological Journal* 28, 1993, 2, p. 298–327.

72 H. Schilling, "Die 'Zweite Reformation' als Kategorie der Geschichtswissenschaft", [in:] *Die reformierte Konfessionalisierung in Deutschland – das Problem der "Zweiten Reformation"*, hrsg. W. Reinhard, H. Schilling, Gütersloh 1986, p. 387–437.

on the other hand, growing resistance to the established religion[73]. Thus, Haigh measures both visions of Reformation (respectively, that of Henry VIII and that of Edward VI), treated primarily as political phenomena, against the Protestant Reformation ("later Reformation") under Elizabeth I. What seems to be the outcome of Haigh's research is that, while analysing the history of denominations of sixteenth-century England, one ought to simultaneously take into consideration a number of parallel, frequently overlapping and often contradictory currents of religious changes and reforms[74]. Instead of critiquing unified English Reformation, we rather ought to discuss a diverse range of reformations in sixteenth-century England that led to widespread social atomisation[75].

A corresponding attitude to chronology and periodization is to be found in the scholarship of Felicity Heal, the author of a history of reformation in England and Ireland[76]. Encompassing the period of 1530–1600, the volume is divided into two parts, the latter of which is devoted to the reign of Elizabeth I and, as such, focuses on the processes pertaining to the reformation of the Anglican Church, its clergy and the laity[77]. One cannot resist the impression that the creation of novel forms of Evangelical religious life in line with the newly-introduced precepts of the Crown – be they Anglican or oppositional, Puritan (Presbyterian), in the latter part of the sixteenth century, which Haigh and Heal appear to be contrasting with the earlier, "political" reformations, namely Henrician and Edwardian – may be, to a certain extent, coterminous with processes dubbed by German scholars "*die Konfessionalisierung*" and "*die zweite Reformation*"[78].

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73 Ch. Haigh, *English Reformations – Religion, Politics, and Society under the Tudors*, Oxford 1993.

74 "*Jedenfalls ist es klar, daß man nicht von einer einzigen Reformation reden kann, die sich in direkter Linie von der Ausschaltung des Papstes zur calvinistischen Kirche der 90er Jahre entwickelte.*", G. R. Elton, "Auseinandersetzung und Zusammenarbeit zwischen Renaissance und Reformation in England", [in:] *Renaissance – Reformation. Gegensätze und Gemeinsamkeiten. Vorträge*, hrsg. A. Buck, Wiesbaden 1984, p. 217.

75 Ibidem, the final chapter of the work is entitled "The Reformations and the Division of England".

76 F. Heal, *Reformation in Britain and Ireland*, Oxford 2003, Oxford History of the Christian Church.

77 Ibidem, chapter 10: "Reforming People and Community: Church, Clergy, and Laity, 1558–1600".

78 H. Schilling, *Die "Zweite Reformation"*, p. 387–437; idem, "Confessionalization in the Empire. Religious and social change in Germany between 1555 and 1620" [in:] *Religion, political culture and the emergence of early modern society. Essays in German and Dutch History*, Leiden 1992, p. 205–245, (first published in: HZ 246, 1988, p. 1–45).

In this context, what seems of particular interest is the strand of scholarship on the situation of English Catholics that is an integral component of British historiography, serving also as an addendum to research on the English Reformation at large. With Charles I in power, at the end of the epoch that some of historians regard as typified by Reformation, the Catholics constituted a significant social group. Despite systemic efforts on the part of the reformers, Catholic sympathies retained their influence, especially among the higher estates. Aristocratic families were natural leaders and protectors of local Catholic communities – the importance of the Catholic nobility is corroborated by statistics; for instance, in 1641 Catholics constituted approximately 20% of all the peers of the House of Lords[79]. For that reason alone, Michael C. Questier's recently published treatise is especially noteworthy. In his monograph, which provides a case study of the Browne family headed by the 1st and 2nd Viscount Montague of Sussex, Questier comprehensively analyses the living conditions of the Catholic minority in England in the latter part of the sixteenth century and the first half of the seventeenth century. Admittedly, not every English Catholic was a recusant, subjected to – especially in times of war with Spain – severe restrictions and ruthless repression. A significant number of them, while remaining steadfast followers of the Church in Rome, attended Anglican masses and were thus treated as "conformists". Still, in practice, even recusants, as proved by the above-mentioned research, managed to lead uninterrupted provincial lives[80]. One cannot fail to notice distinct parallels between the English reality and the analogous relevance of influential noble families in the history of Polish and Lithuanian Protestantism.

There now is a substantial body of work on the debate over the chronology of religious history and denominational changes in sixteenth-century England[81] that leads to a conclusion similar to that above: it would be premature to establish precise dividing lines with regard to the chronology of the Reformation and its immediate consequences, in particular the social consequences in England (and probably elsewhere). To a lesser or greater extent, this also applies to other European states, even "the homeland of Reformation" – the Holy Roman Empire, although in this case synthetic works and textbooks tend to agree on the year

79 L. Stone, *The Crisis of Aristocracy*, Oxford 1965, p. 742.
80 M. C. Questier, *Catholicism and community in early modern England. Politics, aristocratic patronage and religion, c. 1550–1640*, Cambridge 2006, p. 42nn.
81 Ch. Haigh, "The Recent Historiography of the English Reformation", *Historical Journal* 25, 1982, p. 995–1007, reprint: *The English Reformation revised*, ed. Ch. Haigh, Cambridge 1987, p. 19–33 and in: *Reformation to revolution. Politics and Religion in Early Modern England*, ed. M. Todd, London 1995, p. 13–32.

1555 as the end point of the Protestant Reformation[82]. However, monographs and studies concerning the subsequent period, i.e., the Age of Confessionalization, produced over the last decades offer many, often contradictory, conclusions, including some on periodization[83].

In the 1980s Heinz Schilling proposed that the period of post-Reformation confessionalization in the Holy Roman Empire be dated between the Peace of Augsburg (1555) and the outbreak of the Thirty Years' War (1618)[84]. Later, however, as the meaning of the "paradigm of confessionalization" broadened and the term began also to be used in research on the interdenominational relations in Eastern Europe, Schilling posited an extension of the timeframe in which the paradigm functioned to the years 1550–1650[85]. This was the *ante quem* watershed adopted by Anton Schindling and Walter Ziegler, who published a series of volumes on interdenominational relations in Reformation-era Germany, which ended at the year 1650[86]. Over the recent years, some have even suggested that, while the basic timeframe of the Age of Confessionalization should remain at the years 1550–1650, an extended timeframe of 1520–1700 should be considered[87]. In this way, the period would not only overlap with the "classical period" of the Reformation, or the first half of the sixteenth century, but also extend forward into the second half of the seventeenth century.

Yet another periodization of interdenominational relations in sixteenth- and seventeenth-century Germany was posited by the American researchers Joel F. Harrington and Helmut Walser Smith. In their analysis of the relations between the confessionalization of society and Early Modern German statehood, they

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82 A. Bues, *Historia Niemiec XVI–XVIII w.*, trans. I. Kąkolewski, Warszawa 1998, p. 74; I. Mieck, "Periodisierung und Terminologie der Frühen Neuzeit. Zur Diskussion der letzten beiden Jahrzehnte", *Geschichte in Wissenschaft und Unterricht* 19, 1968, p. 357–373.

83 P. Blickle, *Neuorientierung der Reformationsforschung?*, HZ 262, 1996, p. 481–491.

84 H. Schilling, *Confessionalization in the Empire*, p. 205–245.

85 Idem, "Das konfessionelle Europa. Die Konfessionalisierung der europäischen Länder seit Mitte des 16. Jahrhunderts und ihre Folgen für Kirche, Staat, Gesellschaft und Kultur", [in:] *Konfessionalisierung in Ostmitteleuropa. Wirkungen des religiösen Wandels im 16. und 17. Jahrhundert in Staat, Gesellschaft und Kultur*, hrsg. J. Bahlcke, A. Strohmeyer, Stuttgart 1999, p. 13–62.

86 *Die Territorien des Reichs im Zeitalter der Reformation und Konfessionalisierung. Land und Konfession 1500–1650*, hrsg. A. Schindling, W. Ziegler, Bd. 1–7, Münster 1992–1997.

87 J. Małłek, "Trzy konfesjonalizacje doby nowożytnej: katolicka, luterańska, kalwińska. Stan i perspektywy badań", [in:] *Sztuka i dialog wyznań w XVI i XVII w.* Materiały Sesji Stowarzyszenia Historyków Sztuki, Wrocław, listopad 1999, ed. J. Harasimowicz, Warszawa 2000, p. 45–50.

propose that the standard periodization of the history of the German Protestant Reformation be modified. They distinguish three main periods: the popular and urban Reformation until 1525, "the magisterial Reformation" until 1555, and "the territorial Reformation" up until 1618, thus incorporating into the Reformation the period earlier described by Heinz Schilling as the "Second Reformation" or the "Confessionalization Age"[88]. In this way, their approach pushes the Age of Confessionalization, which in the Holy Roman Empire followed Reformation, well into the seventeenth century, and extending it over the first half of the eighteenth century[89].

Another work analysing the processes of confessionalization in the *longue durée* is the interesting study by Ronnie Po-Chia Hsia on social discipline in Central Europe (in practice especially within the Holy Roman Empire), which analyses the period 1550–1750[90]. And, while Heinz Schilling stands by the year 1650 as the end point of the processes of confessionalization in Europe, he is not unwilling to regard the second half of the seventeenth century as connected to the previous period, considering it a time of internal consolidation of religious systems in particular European countries after the stabilisation of international relations, which was expected after the Peace of Westphalia[91]. This would be true of France in particular, where the year 1685 is an unquestioned watershed in the history of interdenominational relations. Furthermore, many accept Heinz Durchhardt's view that in Europe the end of the seventeenth century is, at the same time, the end of an era when religious conflicts were the decisive or a major factor in international relations – after that, they would be no more than a pretext[92].

In contrast with England and Germany, France is an example of the durability of traditional periodization[93]. The basic chronological divisions, present in the

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88 H. Schilling, "The Rise of Early Modern Burger Elites during the Sixteenth and Seventeenth Centuries", [in:] idem, *Religion, Political Culture*, p. 155nn.

89 J. F. Harrington, H. Walser Smith, *Confessionalization, community, and state building in Germany, 1555–1870*, "The Journal of Modern History" 69, 1997, 1, p. 77–101.

90 R. Po-chia Hsia, *Social discipline in the Reformation: Central Europe, 1550–1750*, London-New York 1989.

91 H. Schilling, *Die neue Zeit. Vom Christenheitseuropa zum Europa der Staaten. 1250 bis 1750*, Berlin 1999, p. 497, Siedler Geschichte Europas.

92 H. Duchhardt, *Gleichgewicht der Kräfte, Convenance, europäisches Konzert*, Darmstadt 1976, p. 85–90.

93 S. Grzybowski, *Badania nad Odrodzeniem i Reformacją we Francji. (Przegląd literatury)*, OiRwP 3, 1958, p. 171–190.

now classical study by Joseph Lecler on religious toleration in the Reformation era[94], were not questioned in Jean Delumeau's works on the transformations of Christianity in the sixteenth and seventeenth centuries[95]. Thus, the religious history of France distinguishes the period of unofficial influence of Reformation before 1560 and the era of religious wars, divided into several sub-periods and ended by the 1598 Edict of Nantes. The conversion of Henry of Navarre to Catholicism at the end of the sixteenth century was tantamount to the silent acceptance, also by Huguenots, of the principle that the French crown and the French state would remain Catholic. Thus, a strong foundation was laid for later efforts to ensure a Catholic confessionalization of French society, strengthened by the terms of the Peace of Alès and the Edict of Nîmes in 1629, which substantially weakened the Huguenot community.

The French "Grand Siècle", considered the classic period of Counter-Reformation and a counter-example to the significance of confessionalizing processes for the formation of the Early Modern absolutist state[96], is divided in contemporary scholarship into two parts. The first half of the seventeenth century saw interdenominational relations dominated by the tradition of "politicians", embodied by Cardinal Richelieu[97]. The second, as Louis XIV headed the coalition against the Protestant Maritime Powers, brought the domestic victory of the *dévots*, resulting in the enforcement of belated Catholic confessionalization, sealed by the 1685 Edict of Fontainebleau[98]. It must be noted, however, that a political victory over the Huguenots did not mean their social marginalisation; as late as 1660–1670, the community was almost 800,000 souls strong, with several hundred churches at their disposal.

Although traditionally and stereotypically imagined as wealthy burghers, the overwhelming majority (almost 73%) of late seventeenth-century Huguenots

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94   J. Lecler, *Historia tolerancji w wieku reformacji*, trans. L. i H. Kühn, vols. 1–2, Warszawa 1964, vol. 2, p. 6–173.

95   J. Delumeau, *Naissance et affirmation de la Réforme*, Paris 1965; idem, *Catholicisme entre Luther et Voltaire*, Paris 1971, trans. J. M. Kłoczowski jako: *Reformy chrześcijaństwa w XVI i XVII w.*, vols. 1–2, Warszawa 1986.

96   P. Benedict, "Confessionalization in France? Critical Reflections and New Evidence", [in:] *Society and culture in the Huguenot world 1559–1685*, ed. R. A. Mentzer, A. Spicer, Cambridge 2002, p. 44–61.

97   J. Bérenger, op. cit., p. 90; cf. J. Baszkiewicz, *Richelieu*, Warszawa 1984, p. 98–99.

98   H. Schilling, "Konfesionelle und politische Identität im frühneuzeitlichen Europa", [in:] *Nationale, ethnische Minderheiten und regionale Identitäten in Mittelalter und Neuzeit*, hrsg. A. Czacharowski, Toruń 1994, p. 108–112.

were peasants, which was essential to the survival of French Protestantism after 1685[99]. This is analogous to the history of the Protestant community in the Polish-Lithuanian Commonwealth. Here, the peasant congregations in the Grand Duchy of Lithuania were the ones which best weathered the age of an already very limited toleration in the first half of the eighteenth century.

Thus, between 1520 and 1585 the French experienced a complex process of transformations of interdenominational relations, from the peaceful questioning of the *un roi, un foi, une loi* principle by supporters of the Reformation before 1560 to an attempt to find an armed resolution to the problem of many denominations in one country in the period of religious wars. Subsequently, acceptance of a Catholic two-denominational state was imposed on them in 1598[100], to be superseded in the second half of the seventeenth century by efforts to recreate a denominational monolith along the lines of *ubi unus dominus, ibi una religio*[101], an ideal held by mediaeval theoreticians of state and law.

It is typical that – regardless of the actual situation, best documented by the fate of the 1702–10 Camisard revolt[102] – freedom of conscience, granted to adherents of "Religion Pretendue Réformée" by the 1685 Edict, was abolished by Louis XIV in 1715, several months before his death. Until 1787, French authorities would refuse to officially acknowledge the fact that there were still some Protestants living in France[103].

Interestingly, in contrast with the denominational history of the Holy Roman Empire, changes in denominational relations in France manifest certain – perhaps superficial – analogies to the denominational chronology of the Kingdom of Poland and the Grand Duchy of Lithuania (after 1569 the Polish-Lithuanian Commonwealth), with the obvious exception of the French Wars of Religion. Not unlike France, Poland in the first half of the sixteenth century experienced a period of the unofficial (grassroots) development of Reformation, the ideology

99   P. Benedict, "The Huguenot Population of France, 1600–85", [in:] idem, *The Faith and Fortunes of France's Huguenots, 1600–85*, Aldershot 2001, p. 42, tab. 2.1.

100   P. Benedict, "Un roi, une loi, deux fois: parameters for the history of Catholic Reformed co-existence in France, 1555–1685", [in:] *Tolerance and Intolerance in the European Reformation*, ed. O. P. Grell, B. Scribner, Cambridge 1996, p. 65–95; É. Labrousse, "Calvinism in France, 1598–1685", [in:] *International Calvinism, 1541–1715*, ed. M. Prestwich, Oxford 1988, p. 285–314.

101   J. Bérenger, op. cit., p. 95.

102   M. Richard, *Życie codzienne hugonotów od edyktu nantejskiego do Rewolucji Francuskiej*, trans. E. Bąkowska, Warszawa 1978, p. 114–120.

103   J. Delumeau, *Reformy chrześcijaństwa*, vol. 1, p. 159.

of which had disseminated from Germany and took root first in the North-West (Royal Prussia, Greater Poland) and subsequently in the South (Lesser Poland); the ideas of the Reformation also spread from Royal Prussia to the Grand Duchy of Lithuania[104].

Sigismund I the Old, who reigned as King of Poland and the Grand Duke of Lithuania between 1506 and 1548, took stringent measures with a view toward opposing the impact of the ideas of the Reformation spreading from the neighbouring Holy Roman Empire. As far as the king's handling of internal affairs was concerned, the most drastic was the 1526 execution of the leaders of the burghers' rebellion in Gdańsk, who overtly embraced the tenets of Lutheranism[105]. Truth be told, Sigismund I's policy in this regard – not unlike the policy of the French monarchs of the period – was rather inconsistent, which may point to the fact that the king favoured the raison d'état over the interests of Catholicism. With regard to foreign affairs, Polish politicians, much as their French counterparts, often regarded German Protestants as allies, the symbol of which is the historical consent given by Sigismund I to the secularization of the Monastic State of the Teutonic Knights in Prussia, which was led by the last Grand Master Albert of Hohenzollern. Having converted to Lutheranism and become the Duke of Prussia, a secular ruler of Prussia (from this moment known as the Duchy of Prussia), he paid public homage to the Polish Catholic king in Kraków in 1525.

However, the Protestant Reformation as an open social movement in Poland is usually assumed to start in the 1540s, its development spurred by the accession of Sigismund II Augustus in 1548. This is yet another analogy to the changes brought to the supporters of the Reformation in France by the death of Henry II in 1559, followed by the sudden demise of his son Francis II in 1561. But questions concerning the periodization of later developments and the end point of the Protestant Reformation in the Commonwealth may be problematic. After all, the lack of precision in the periodization of the Reformation in Poland and the Grand Duchy of Lithuania, so distinct from the German historiographical tradition, has a long and noble tradition.

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104 H. Wisner, *Reformacja a kultura narodowa: Litwa*, OiRwP 20, 1975, p. 69–79; I. Lukšaitė, "Die reformatorischen Kirchen Litauens bis 1795", [in:] *Die reformatorischen Kirchen Litauens. Ein historischer Abriß*, hrsg. A. Hermann und W. Kahle, Erlangen 1998, p. 34–44; eadem, *Reformacija Lietuvos Didžiojoje Kunigaikštystėje ir Mažojoje Lietuvoje. XVI a. trečias dešimtmetis – XVII a. pirmas dešimtmetisi,* Vilnius 1999, p. 84–111.

105 A. Jobert, *Od Lutra do Mohyły. Polska wobec kryzysu chrześcijaństwa 1517–1648*, trans. E. Sękowska, Warszawa 1994, p. 15–29.

The first synthetic history of the Polish Reformation, *Historical sketch of the rise, progress and decline of the Reformation in Poland* (London 1838–1840), written by Walerian Krasiński and translated into German and French in the nineteenth century, discusses the period between the introduction of Christianity into Poland in the tenth century and the fall of the Commonwealth in the late eighteenth century. It is clear therefore that Krasiński identified the Reformation with the history of Protestantism in the Kingdom of Poland and the Commonwealth. It is worth noting that the book, with its openly sectarian (Protestant) approach, has been granted a long presence on the market, with a Polish translation being published at the beginning of the twentieth century and reprinted a dozen or so years ago[106]. Nineteenth-century writers analysing the Polish Reformation, such as Wincenty Zakrzewski or Father Julian Bukowski, did not usually go beyond discussing the events of the sixteenth century[107], possibly because they focused on the origin and development of the Reformation rather than on its decline, a tendency which appears to have continued into the twentieth century[108].

Władysław Konopczyński, the author of possibly the most influential synthetic history of Early Modern Poland, written in the early twentieth century (first published in 1936), was quite specific about the chronology of the early stages of the Reformation in Poland, though he made few definitive judgments

106 W. Krasiński, *Zarys dziejów powstania i upadku reformacji w Polsce*, publisher: J. Bursche, vols. 1–2, Warszawa 1903–1905, reprint Warszawa 1986.

107 W. Zakrzewski, *Powstanie i wzrost reformacji w Polsce*, Lipsk 1870; J. Bukowski, *Dzieje reformacyi w Polsce od wejścia jej do Polski aż do jej upadku*, vols. 1–2, Kraków 1883–86.

108 K. Kolbuszewski, "Przegląd prac z zakresu piśmiennictwa reformacyjnego w Polsce za czas 1914–1925", *Pamiętnik Literacki* 22/23, 1925/26, p. 686–702; idem, *Z badań nad dziejami reformacji w Polsce*, ibidem 25, 1927, 1–2, p. 216–227; idem, *Przegląd prac z zakresu dziejów reformacji w Polsce*, ibidem, 27, 1930, p. 160–170; oraz 29, 1932, 1, p. 529–537; Ł. Kurdybacha, *Historia reformacji w Polsce. Stan badań i postulaty*, RwP 11, 1948–52, 41/44, p. 5–36; L. Hajdukiewicz, *Przegląd badań nad dziejami reformacji i kontrreformacji w Polsce w latach 1939–1952*, ibidem 12, 45/50, 1953–55, p. 150–214; O. Bartel, "Reformacja w Polsce. Stan badań i postulaty", [in:] *Księga jubileuszowa z okazji 70-lecia urodzin ks. prof. dr Jana Szerudy*, Warszawa 1959, p. 7–18; J. Tazbir, *Recherches sur l'histoire de la réforme en Pologne (1945–1958)*, APH 2, 1959, p. 133–153; idem, *Powojenne badania nad tolerancja religijną w Polsce*, PH 60, 1969, 3, p. 554–561; G. Schramm, "Die polnische Nachkriegsforschung zur Reformation und Gegenreformation", *Kirche im Osten* 13, 1970, p. 53–66. Cf. also: J. Szeruda, "Bibliografia polsko-ewangelicka XIX i XX w.", Warszawa 1925, print from *Rocznik Ewangelicki* 1, 1925; A. Kotarska, "Bibliografia reformacji za lata 1945–1960", *Archiwum Historii Filozofii i Myśli Społecznej* 9, 1963, p. 169–202.

concerning its latter stage or its end; it appears he regarded the Sandomierz (Zebrzydowski) rebellion, ultimately defeated in 1608[109], as the final point. Contemporary historians, too, differ in assessing the duration of the Polish Reformation, with some subscribing to a "long" and others to a "short" timeframe. In his work on the attitude of the Polish nobility (*szlachta*) to the Reformation, the German scholar Gottfried Schramm adopted a timeframe similar to Konopczyński's (1548–1607)[110]. More recently, another German historian, Christoph Schmidt, divides the Reformation in Poland into three stages: persecutions prior to 1548; partial recognition after 1548; and the onset of the Counter-Reformation with the arrival of the Jesuits in the Kingdom of Poland in 1562/63[111]. Alfons Brüning, who focuses on the later period, considers the times of relatively high toleration, based on the principles of the Warsaw Confederation, to end in 1648; furthermore, he regards (after Heinz Schilling and Michael G. Müller) the seventeenth century as the era of the Catholic confessionalization of the Commonwealth's "political nation", or the nobility (*szlachta*)[112].

In contrast, in one of his works on the Protestant Reformation as an intellectual movement in Poland, Janusz Tazbir, the preeminent expert in Old Polish culture and interdenominational relations in the Commonwealth, puts its closing point as late as 1658[113]. On the other hand, Maria Bogucka, the author of a popular and often-reprinted synthetic history of Poland, restricts the history of the Reformation to the sixteenth century[114].

Ambroise Jobert, the French author of a work on Poland during the Early Modern crisis of Christianity, evaded the periodization problem by dividing his work into two parts. While the first was devoted to the development of Protestantism, or to the Reformation proper, in the years 1520–1573, the second was devoted to the Catholic Reform, or the renewal of Catholicism between 1573 and

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109 W. Konopczyński, *Dzieje Polski nowożytnej*, vol. 1, Warszawa 1986, p. 205.

110 G. Schramm, *Der polnische Adel und die Reformation 1548–1607*, Wiesbaden 1965.

111 Ch. Schmidt, *Auf Felsen gesät. Die Reformation in Polen und Livland,* Göttingen 2000, p. 34–64.

112 A. Brüning, *Unio non est unitas. Polen–Litauens Weg im konfessionellen Zeitalter (1569–1648)*, Wiesbaden 2008, p. 9–10, Forschungen zur Osteuropäischen Geschichte, Bd. 72.

113 J. Tazbir, "Reformacja jako ruch umysłowy", [in:] idem, *Szlachta i teologowie. Studia z dziejów polskiej kontrreformacji*, Warszawa 1987, p. 31–52.

114 M. Bogucka, *Dawna Polska. Narodziny, rozkwit, upadek*, Warszawa 1998, p. 213–224; eadem, *Dzieje kultury polskiej do 1918 roku*, Wrocław 1987, p. 121–129.

1648[115]. Here, the year 1573 is an important watershed, as it is in Janusz Małłek's periodization proposed several years ago for research into religious toleration in Poland. The stages he distinguishes are: in the years 1517–1548, the partly clandestine development of the Protestant Reformation restricted by the repressions of the authorities; full toleration under the rule of Sigismund I Augustus between 1548 and 1573, toleration typified by elements of the Counter-reformation (1573–1658), and the time of a successful Catholic confessionalization based on the ideology of Sarmatism between 1658 and 1768[116].

The division proposed by Małłek is (with several modifications concerning terminology, of which more below) perfectly acceptable, although not so much with respect to denominational toleration (which, as we tried to show above, is extremely difficult to define) as to research into the history of interdenominational relations. Furthermore, it has to be noted that contemporary Lithuanian historians researching the Reformation and its direct consequences in the Grand Duchy of Lithuania often utilise a chronology which differs in some details from that of other researchers, as well as a distinct periodization. An example is the recent work by Ingė Lukšaitė, which outlines the history of the Lithuanian Reformation between the 1530s until the first decade of the seventeenth century[117].

At this point, it is worth reiterating the differences in interdenominational relations in the two countries that comprised, as of 1569, the Polish-Lithuanian Commonwealth, differences that are often glossed over in synthetic works. Already in 1663, Sigismund I Augustus issued a privilege to the Grand Duchy of Lithuania in which he granted equal rights for nobility (*szlachta*) of all Christian denominations[118]. Moreover, Eastern Orthodox Christians as well as Protestants played a vital part in the social and political life of the Grand Duchy of Lithuania under the rule of Sigismund I Augustus; it is enough to recall the prominence of the mostly Calvinist Radziwiłł family in the political elite of the Duchy[119]. As a result, over the final decades of the sixteenth century the differences in the

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115 A. Jobert, *La Pologne dans la crise de la Chrétienté 1517–1648*, Paris 1974.

116 J. Małłek, "Tolerancja religijna a konfesjonalizacja w Polsce i Szwecji w XVI i XVII w.", *Przegląd Humanistyczny* 43, 1999, 2/3, p. 25–29.

117 I. Lukšaitė, *Reformacija*, p. 50–56.

118 *Monumenta Reformationis Polonicae et Lithuanicae. Zabytki z w. XVI*, Wilno 1911, p. 14nn.

119 M. Liedtke, "Szlachta ruska Wielkiego Księstwa Litewskiego a reformacja. Część II: przyczyny przyjmowania nowych wyznań, aktywność reformacyjna oraz motywy porzucania konfesji protestanckich", *Białoruskie Zeszyty Historyczne* 19, 2003, p. 54–76.

actual situation of non-Catholics in Poland and in the Grand Duchy of Lithuania were preserved to the advantage of those in the Grand Duchy. As a symbol of this, state protection was, in the spirit of the Warsaw Confederation, legally extended over non-Catholic churches and parishes; the text of the Confederation was incorporated into the legal code of the Grand Duchy of Lithuania, passed in 1588 as the so-called Third Statute of Lithuania[120].

Regardless of the divergent details in the various periodization schemes, the years 1520–1540 must of course be considered a preliminary period, when the ideology of the Reformation filtered into Poland and Lithuania. As an open social and political movement, the Reformation begins in 1540s with a period that closes in 1573, the year of the Confederation of Warsaw, a watershed and a date that is pivotal to subsequent interdenominational relations in the Commonwealth[121].

The next stage in interdenominational relations in the Commonwealth is thus an era of equal rights and a fragile equilibrium between the Catholic Church, the Protestants united under the Sandomierz Consensus, the Eastern Orthodox Church, and the Church of Polish Brethren, which broke away from the Reformed Church. This particularly interesting period falls between 1573 and 1606; describing it, one should note that the intense work over the Reform of Polish and Lithuanian Catholicism[122] could not be matched by a similar effort on the part of the Protestants. The Catholic Church did not just counteract Protestant influence, but worked to strengthen the denominational identification of its adherents, laying foundations for a Catholic confessionalization, in particular in areas owned by the Church and the King[123]. At the same time, the Protestant community, united politically but diverse with regard to denominations, had their hands tied by the Sandomierz Consensus.

The next epoch in the history of interdenominational relations in Poland and Lithuania (1606–1648) is marked by a period of toleration of non-Catholic

120 J. Bardach, *Statuty Wielkiego Księstwa Litewskiego – pomniki prawa doby Odrodzenia*, KH 81, 1974, p. 768.

121 S. Salmonowicz, *Geneza i treść uchwał konfederacji warszawskiej*, OiRwP 19, 1974, p. 7–30; J. T. Maciuszko, *Konfederacja Warszawska 1573 roku. Geneza, pierwsze lata obowiązywania*, Warszawa 1974. Cf. S. Grzybowski, *Edykty tolerancyjne w Europie Zachodniej*, OiRwP 19, 1974, p. 31–50.

122 S. Litak, "Kościół w Polsce w okresie reformacji i odnowy potrydenckiej", [in:] H. Tüchle, C.A. Bouman, *Historia Kościoła*, ed. L. J. Rogier, R. Aubert, M. D. Knowles, vol. 3: *1500–1715*, trans. J. Piesiewicz, Warszawa 1986, p. 383–402.

123 W. Sobieski, *Nienawiść wyznaniowa tłumów za rządów Zygmunta III*, Warszawa 1902; H. Schilling, *Konfesionelle und politische Identität*, p. 111.

minorities, who were – more clearly than before – losing their political footing in the Commonwealth. At the same time, Catholics were gaining political leverage. The palpable shift from religious equality towards the Catholic majority's toleration of dissenters is symbolised by a semantic change happening at that time. More frequently, Catholic pamphleteers in particular and assorted majority writers wrote about *dissidentes de religione* rather than, as they previously had, about *dissidentes in religione*. Innocuous as the change in preposition may seem, it is of crucial importance here: the phrase no longer referred to all Christians of different denominations but rather targeted dissenters, labelling them as the ones who dissented from the faith and, by implication, from the Catholic religion – the only true and righteous denomination[124]. Later, in the 1630s, these linguistic manipulations grew in strength. The sermons of Jesuit Wojciech Cieciszewski (who would become the court chaplain of King John II Casimir Vasa) contain the following faux etymology of *dissidentes*, construed as "sitting separately"/"those who sit separately", and complemented by *distantes* – "for the *distantia* of their faith from ours is greater than that between the heavens and the earth" and *discordantes* – "as though of many hearts concerning matters of the faith"[125].

At the beginning of the period, in 1607, the Lutheran Synod in Miłosław acknowledged the Augsburg Confession (*Confessio Augustana Invariata*) as the norm of Polish Lutheranism, which in practice entailed rescission of the Sandomierz Consensus[126]. It was only then that Protestant activity to strengthen the foundation of confessional identity started to come to the fore[127], though it bore fruit only in those few areas where Protestants still remained in power. These included the Lutheran circles of major towns in Royal Prussia, namely Gdańsk, Elbląg and Toruń, all of which were preoccupied with the rivalry between the

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124 Z. Ogonowski, *Filozofia polityczna w Polsce XVII w. i tradycje demokracji europejskiej*, Warszawa 1992, p. 87–88.

125 "Dyskursy dysydentom różnym służące zebrane z kazań księdza Wojciecha Cieciszewskiego…", U. Augustyniak, *Non de fide, sed de securitate pacis. Wiara i polityka w poglądach ewangelików w Rzeczypospolitej w latach 1631–1632*, OiRwP 44, 2000, p. 95.

126 J.T. Maciuszko, *Proces konfesjonalizacji w Europie i w Polsce. Kontekst wyznaniowy synodu generalnego toruńskiego z roku 1595*, "Czasy Nowożytne" 2, 1997, p. 17–26.

127 E. W. Zeeden, *Die Entstehung der Konfessionen. Grundlagen und Formen der Konfessionsbildung im Zeitalter der Glaubenskämpfe*, München-Wien 1965, p. 95; idem, "Grundlagen und Wege der Konfessionsbildung in Deutschland im Zeitalter der Glaubenskämpfe", p. 85–134, [in:] *Gegenreformation*, hrsg. E. W. Zeeden, Darmstadt 1973, p. 85–134, Wege der Forschung, Bd. 311.

Lutherans and the Reformed[128], as well as Reformed communities on lands belonging to Protestant magnates: the Leszczyński Family in Korona (the Kingdom of Poland) and the Reformed branch of the Radziwiłł Family in the Grand Duchy of Lithuania[129].

Two subsequent eras in interdenominational relations in the Commonwealth (of nobility) are the years 1648–1768, which demarcate the belated Catholic confessionalization, which – dressed up in a Sarmatian ideological costume – found it increasingly difficult to tolerate the weakening Protestant communities[130], and the years 1768–1794, a period of Enlightenment transformation in relations between the state and Christian churches. In the context of the transformation, it is important to note that the dating of the origins of the Enlightenment in Poland is even more problematic than deciding on a closing date for the Polish Reformation. The decades-long debate on its origin and initial stage has so far led to one conclusion – a clear-cut division into periods is now out of the question – and efforts to establish an exact starting point for the Polish Enlightenment have (fortunately) been abandoned. It does, however, seem that the origin of the Polish Enlightenment as well as its character in the context of the debate concerning the so-called Catholic Enlightenment needs thorough research[131].

The present chapter is an attempt to prove that research on interdenominational relations in the Polish and European reality of the Early Modern period ought to focus on events of the late sixteenth century and the entire seventeenth

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128 M.G. Müller, *Zweite Reformation und städtische Autonomie im königlichen Preußen. Danzig, Elbing und Thorn in der Epoche der Konfessionalisierung (1577–1660)*, Berlin 1993.

129 S. Tworek, *Przymus wyznaniowy na terenie Wielkiego Księstwa Litewskiego w XVI–XVII w.*, OiRwP 19, 1974, p. 161–164; U. Augustyniak, "'Druga reformacja' w Wielkim Księstwie Litewskim w 1 połowie XVII w. W poszukiwaniu tożsamości wyznaniowej", [in:] *Sztuka i dialog wyznań w XVI i XVII w.* Materiały Sesji Stowarzyszenia Historyków Sztuki, Wrocław, listopad 1999, ed. J. Harasimowicz, Warszawa 2000, p. 223–233.

130 M. Wajsblum, *Ex regestro arianismi. Szkice z dziejów upadku protestantyzmu w Małopolsce*, Kraków 1937–1948.

131 J. Maciejewski, *Dylematy wolności. Zmierzch sarmatyzmu i początki Oświecenia w Polsce*, Warszawa 1994, p. 126–135; J. A. Gierowski, *The Polish-Lithuanian Commonwealth in the XVIIIth century. From Anarchy to Well-organized State*, transl. H. Leeming, Kraków 1996, p. 147–166; W. Kriegseisen, "Zmierzch staropolskiej polityki, czyli o niektórych cechach szczególnych polskiej kultury politycznej przełomu XVII i XVIII w.", [in:] *Zmierzch kultury staropolskiej. Ciągłość i kryzysy (wieki XVII–XIX)*, ed. U. Augustyniak and A. Karpiński, Warszawa 1997, p. 15–39.

century. However, wherever necessary, it is crucial to return to the depths of the sixteenth century or to fast forward to the eighteenth century. Although this formula has been necessitated by a scholarly sine qua non, there are also notable precedents that justify this approach. For instance, Ronnie Po-Chia Hsia uses a similarly broad chronological scope (i.e., 1550–1750) in his research on interdenominational relations and religiousness in Reformation Germany. It is also worth highlighting the fact that, with regard to the periodization of the history of interdenominational relations in Poland, we are often able to draw interesting comparisons with interdenominational relations in other European countries. In this context, perhaps the most intriguing issue is the phenomenon of the delay in terms of confessionalization processes in countries as geographically remote and culturally disparate as Poland and France in the latter part of the seventeenth century.

Chapter 2: Before the Reformation

For a long period of time, the Middle Ages was considered –by Renaissance historians in particular and then by Enlightenment and Positivist historians – an epoch marked by intolerance and persecution of representatives of various heterodoxies. The allegedly omnipotent and omnipresent Inquisition, regardless of the fact that its activities often caused – and cause to this day – feelings of horror and fear, has become a sweeping symbol of fabled "mediaeval atrocity" and has been misconstrued and misinterpreted as such[1]. Assuredly, the scope of the present monograph, i.e., the Early Modern Age, does not oblige me to rectify these quite persistent stereotypes, though it is worth emphasising that they are still to be found on the pages of various popular/non-academic books dedicated to the Inquisition[2]. What ought to be highlighted here, however, are the basics, namely the views expressed by Late Antiquity and mediaeval theologians, whose expertise would be cited in the centuries to come, as well as the fact that, in mediaeval thought, the question of what attitude ought to be taken toward religious dissenters, including pagans and heretics, was inextricably linked with the thorny issue of Church-state relations or, to be more precise, relations between Church and secular authorities (spiritual and temporal powers).

Leaving aside the intellectual debates on the Old Testament genesis of Christian intolerance, construed by Karl Barth as resistance against relativism or agnosticism[3], as well as the relation between toleration and Christian exclusivism with regard to salvation[4], one feels compelled to stress that, in the Middle Ages, European Christianity, even though it ruthlessly attempted to eradicate

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1   P. Kras, *Ad abolendam diversarum haeresium pravitatem. System inkwizycyjny w średniowiecznej Europie*, Lublin 2006, p. 19–22.

2   A case in point being Józef Putek's *Mroki średniowiecza* (1935). Entitled *Mediaeval Darkness* and reprinted numerous times (the last was in 1985), this book is a curious and mystifying addition to the body of Polish scholarship. Szymon Wrzesiński's *Inkwizycja na ziemiach polskich* (Zakrzewo 2009) offers a similar level of historical expertise.

3   K. Barth, *Kirche und Kirchen*, Basel 1929, p. 15. Cf. M. Czajkowski, "Czy Biblia uczy tolerancji?" [in]: *Tolerancja i wielokulturowość – wyzwania XXI wieku*, eds. A. Borowiak and P. Szarota, Warszawa 2004, p. 28–38.

4   W. E. H. Lecky, *Dzieje wolnej myśli*, p. 2; Cf. T. Wojak, "Uwagi o tolerancji w Polsce na tle polemiki wyznaniowej w XVI w.", [in:] *Wkład protestantyzmu do kultury polskiej. Z zagadnień protestantyzmu w Polsce*, ed. T. Wojak, Warszawa 1970, p. 46–47.

manifestations of heterodoxy and relentlessly persecuting "heretics" even after their demise[5], was not blind to the practice of toleration of non-Christians and normalised it canonically starting in the twelfth century. As a result, the canonical rule that stipulated abandoning the imposition of mandatory conversion onto "internal dissenters" led to the postulation of comprehensive practical toleration of the Jews and Muslims[6].

The case of Saint Ambrose (Aurelius Ambrosius), who worked as a consular prefect and then was appointed archbishop of Milan in the latter-half of the fourth century A.D., provides a fitting example of the ambivalence that typified relations with religious dissenters towards the end of Antiquity. Saint Ambrose lived at a time when Caesarean authority appeared integral and undivided; the idea of the division of power along secular (lay) and religious (clerical) lines was yet to be formulated: under Arian Emperor Constantius II and then under Julian the Apostate – the last heathen Emperor – pagans and "heretics" lived alongside Christians. As a clerk, politician and eventually archbishop, Aurelius Ambrosius had to wrestle with the practical consequences of the situation. On principle, he did not find a community composed of pagans, Jews and Christian "heretics" feasible. To him, Christian orthodoxy constituted the number one factor legitimising a rightful ruler, and "heresy" was construed to be more menacing than the heathen vestiges, which explains why Arianism in Italy was, at this time, being systematically suppressed; there were also strong-arm attempts to adjust the instruments of state politics so as to engineer Catholicism-driven religious homogenisation. On the other hand, however, the archbishop of Milan publicly expressed the idea of extending high levels of toleration to pagans and "heretics", an

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5   Pope Alexander IV's decree (dated approx. 1258) concerning the cessation of burials of heretics in cemeteries, *Corpus iuris canonici*, ed. B. Schilling, C. F. F. Sintenis, Bd. 2, Leipzig 1837, p. 821; See: P. Kras, op. cit., p. 398–403.

6   L. Winowski, *Innowiercy w poglądach uczonych zachodniego chrześcijaństwa XIII–XIV w.*, published by K. Orzechowski, Wrocław 1985, p. 133; theory and practice of Judeo-Christian relations from antiquity to the eighteenth century has been discussed in detail by J. R. Marcus, *The Jew in the Medieval Morld. A source book 315–1791*, N. York-Philadelphia 1960, p. 101–182. Cf. U. Berner, "Toleranz und Intoleranz in den nichtchristlichen Religionen", [in:] *Die Anfänge der Inquisition im Mittelalter*, publ. P. Segl, Köln-Weimar-Wien 1993, p. 269–284, Bayreuther Historische Kolloquien, Bd. 7; J. Strzelczyk, "Z dziejów teorii i praktyki tolerancji", [in:] *Aetas media, aetas moderna. Studia ofiarowane profesorowi Henrykowi Samsonowiczowi w siedemdziesiątą rocznicę urodzin*, ed. H. Manikowska, A. Bartoszewicz, W. Fałkowski, Warszawa 2000, p. 580–589.

idea that was motivated not only by political considerations and diplomacy, but also by a moral imperative – after all, religious dissenters were fellow humans[7].

Mediaeval intellectuals, however, drew primarily not on the concepts of Saint Ambrose but on the precepts established at the turn of the fourth and fifth centuries A.D. by the "doctor of mercy" Augustine of Hippo (Saint Augustine). According to the rules governing Church-state relations that he advocated, religious coercion (*coërcitio*) of heretics was considered a "permissible evil" as long as authorities consciously relied on the Evangelical directive of *compelle intrare* ("make them come in"). Saint Augustine's views on how heretics were to be treated crystallised as a result of his experience with representatives of Donatism, and the rules that he favoured were supposed to serve as a practical middle ground, located between fruitless persuasion applied by the clergy under him and top-down coercion institutionalised by the state. The Bishop of Hippo Regius (Hippone) objected to the torture and capital punishment to which the Donatists were routinely exposed, but he condoned standard flogging and confiscation of assets[8]. This stance was thus also a type of compromise, as characterised by Herbert Butterfield: "He was converted to persecution, partly because he had come to know people who, after enforced conversion, had ended by expressing gratitude for the compulsion that had brought them to the truth. His ideas and his change of ideas, were to be of very great importance, since his influence remained so strong for over a thousand years."[9]

It is worth remembering that Saint Augustine took this stance at a time when lay authority was dominant in the Roman Empire, where Church-state relations were founded upon the decrees of Constantine the Great issued in 311–314. Relations of this kind, often labelled as "caesaropapism", were to last longer only

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7   K. Ilski, *Idea jedności politycznej, społecznej i religijnej w świetle pism Ambrożego z Mediolanu*, Poznań 2001, p. 8, 21–24, 307–324.

8   A. Jóźwiak, *Państwo i Kościół w pismach św. Augustyna*, Lublin 2004, p. 131–134, 151–155; P. Kras, op. cit., p. 57–60. Cf. F. W. Loetscher, "St Augustine's Conception of the State", *Church History* 4, 1935, 1, p. 16–42; K. Schreiner, "'Tolerantia'. Begriffs- und wirkungsgeschichtliche Studien zur Toleranzauffasung des Kirchenvaters Augustinus", [in:] *Toleranz im Mittelalter*, ed. A. Patschovsky, H. Zimmermann, Sigmaringen 1998, p. 335–389, Vorträge und Forschungen hrsg. vom Konstanzer Arbeitskreis für mittelalterliche Geschichte, Bd. 45.

9   H. Butterfield, *Toleration in Early Modern Times*, "Journal of the History of Ideas" 38, 1977, 4, p. 575. Cf. T. Szczech, *Państwo i prawo w doktrynie św. Augustyna, Marcina Lutra i Jana Kalwina*, Łódź 2006, p. 17–18.

in the Eastern (later called the "Byzantine") Empire[10]. In the West, where the constantly growing barbarian menace markedly diminished the influence and prestige of the emperors residing in Constantinople as early as the pontificate of Innocent I (d. 417) and Leo the Great (d. 461), tendencies to emancipate the ecclesiastical authorities emerged, which undoubtedly eventually led to more strict measures taken against religious dissidents and pagans. Of equal importance was the fact that, at that time in the West, heresies were not universally treated as a serious threat. The only confirmed record of capital punishment meted out against a "heretic" was the case of Priscillian, the Bishop of Ávila, who was accused of Manichaeism and burnt at the stake in 385 or 386. When the Visigothic King Reccared converted to Catholicism in 587, the last bastion of Arian heresy fell and, in the subsequent centuries, not even a single Western heretic was mentioned by chroniclers[11].

Earlier, however, at the end of the fifth century, Pope Gelasius I (d. 496) authored one of the most widely known theories regulating Church-state relations, namely "the doctrine of two swords" or "the doctrine of two powers" (*Duo Sunt*). Elected in 492, the Bishop of Rome chose not to inform the Byzantine Emperor Anastasius I, who resided in Constantinople, of his theory regarding the equality of secular and ecclesiastical powers[12], and it was only two years later that he sent him a letter in this regard. This doctrine was antithetical to the tradition cultivated by Constantine the Great and ran counter to the regulations of the Council of Chalcedon (451). Furthermore, the letter's phrasing was strikingly unorthodox given that Church authority preceded the state: "duo sunt quippe, imperator auguste, quibus principaliter mundus hic regitur, auctoritas sacra pontificum et regalis potestas, in quibus tanto grauius pondus est sacerdotum quanto etiam pro ipsis regibus hominum in diuino reddituri sunt examine rationem."[13]

Not only was Pope Gelasius I convinced of the existence of two powers – the Church and the state – but he firmly believed that both ought to be autonomous in their own domains. Both were to also extend mutual assistance. To his mind, dogma and canon law were supposed to be the exclusive domain of the bishops, which posed a challenge to the binding principle according to which it was the

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10 D. J. Geanakoplos, "Church and State in the Bizantine Empire. A Reconsideration of the Problem of Cesaropapism", *Church History* 34, 1965, 4, p. 381–403.

11 P. Kras, op. cit., p. 62–63.

12 W. Ullmann, *Gelasius I. (492–496). Das Papstum an der Wende der Spätantike zum Mittelalter,* Stuttgart 1981, p. 178–212.

13 *Quellen zur Geschichte des Papstums und des Römischen Katholizismus,* ed. C. Mirbt, K. Aland, Bd. 1: *Von den Anfängen bis zum Tridentinum*, Tübingen 1967, p. 222.

emperor's duty to force his subjects to adhere to Church dogma and to instruct pagans and heretics in the ways of the Lord. Pope Gelasius I retained these imperial obligations, but introduced the auspices of the Church, which put a strain on relations given that Emperor Anastasius I, the addressee of the contested letter, was a follower of Monophysitism, which Rome regarded as heresy. "The doctrine of two swords", which was supposed to advocate the "Gelasian equilibrium" – a state of equality between Church and state –, tipped the scales in favour of the clergy, providing Rome with a more – at least potentially – secure footing and greater political leverage[14].

Pope Gelasius I was at liberty to make his concepts public only because of his alliance with the then ruler of Italy – Arian Theoderic the Great, the King of the Germanic Ostrogoths – who strove to weaken ties between Italy and Constantinople. The practice of *Renovatio imperii* under Justinian I (Justinian the Great) and the fall of the Ostrogothic Kingdom in Italy resulted in the restitution of Caesaropapism in Rome-Constantinople relations, the latter of which (under Justinian I and his successors) seized control over the papacy and henceforth had the final word as far as dogmatic disputes in Christendom were concerned. As a result, the "Gelasian equilibrium" would remain mere theory for a considerable period of time. However, already during the pontificate of Gregory I/Gregory the Great (590–604), in direct response to the Lombardian conquest of parts of Italy, the bishops of Rome became practically independent from the state. Furthermore, due to Gregory the Great's personal interest in missionary work among Germanic tribes, the Church took over responsibility for upholding the purity of dogma and resultant religious education[15].

The very fact that indeed it was the barbarian Catholic monarchs that turned out to be the key political associates of the Church in the West at that time did not automatically mean that tensions eased between the clergy and the state. On the contrary, the Christological ideology of power that typified Germanic Christian monarchs (i.e., they believed in the divine origins of their authority) provided more room for confusion and entanglement[16]. The political practice of *renovatio imperii* in the West, symbolised by the imperial coronation of Charlemagne on 25 December 800, was construed by Rome twofold: as the dawn of

14 W. Wójcik, "Doktryny średniowieczne o stosunku dwu władz i udzielaniu pomocy świeckiej", *Prawo Kanoniczne* 10, 1967, 1–2, p. 105–142; K. Schatz, *Prymat papieski od początków do współczesności*, trans. E. Marszał, J. Zakrzewski SJ, Kraków 2004, p. 80.

15 R. A. Markus, *Grzegorz Wielki*, trans. P. Nehring, Warszawa 2003, p. 103–135.

16 E. H. Kantorowicz, *Dwa ciała króla. Studium ze średniowiecznej teologii politycznej*, trans. M. Michalski, A. Krawiec, ed. J. Strzelczyk, Warszawa 2007, p. 36–71.

the epoch of equality (duality) and as the emergence of the dualism of influence divided between the clergy and the secular state. This, along with the fact that power was not to be shared bilaterally (the Papacy was to take limited precedence over emperors) violated the principles that Charles the Great was advocating. Specifically, Karolus Imperator Augustus was adamant that his sovereignty over the Church was analogous to the jurisdiction of his Byzantine predecessors and, clearly practising what he preached, he firmly held executive and legislative powers over Rome. This type of politics was continued by his successors from the Ottonian Dynasty/the Saxon Dynasty (the Liudolfings). For instance, Otto I the Great believed that, as the anointed king, he was the successor of Christ himself and that the bishops were the successors of the disciples of Jesus[17]. At the very heart of the Carolingian-Ottonian idea of power was the theocratic king – the literal head of Christianity, aided by the clergy in his cultivation of the cardinal virtues[18].

Walter Ullmann argued that "such a theocratic ruler was undoubtedly a hybrid, half a man of the Church and half a man of the secular state and these two halves were seemingly at cross-purposes with regard to the methods of holding the office and rules of their incumbency."[19] Conflict was to be dealt with by the reform initiated by Pope Leo IX and continued by Pope Gregory VII, both of whom conformed to rules drawn up by the Benedictine monks of the Congregation of Cluny. The reformist proposals put forward by Gregory VII, of which *Dictatus papae*[20] is the most widely known, hinged upon the following: (1) the division of the Kingdom of Heaven from the Earthly Kingdom within Christian communities, i.e., the separation of clerical authority from lay power; (2) return to the aforeproposed dualism, which in practice involved the primacy of the Papacy over the Empire and the sovereignty of the clergy over the secular state. As a result, a secular ruler would be obliged to comply with papal decrees

17 W. Wójcik, op. cit., p. 114.

18 G. Ryś, "Chrześcijańska ideologia władzy w Polsce w XIV–XVI w.", *Nasza Przeszłość* 76, 1991, p. 45–81.

19 W. Ullmann, *Średniowieczne korzenie renesansowego humanizmu*, trans. J. Mach, Łódź 1985, p. 56.

20 *Das Register Gregors* VII, ed. E. Caspar, Bd. I, Berlin 1920, p. 201–208, *Monumenta Germaniae Historica*, Ep. sel. II, 1; Polish edition: W. Semkowicz, *Walka cesarstwa z papiestwem w świetle źródeł*, Kraków 1924, p. 13–14.

concerning the defence of the Church against religious dissenters and pagans. Failure to obey the Pope's commands would result in excommunication[21].

The ideas espoused by Gregory VII and his associates were supposed to pave the way for the doctrine of hierocracy – the primacy of clerical authority over secular authority – one of whose most renowned representatives was French abbot Saint Bernard of Clairvoux. He endorsed the Gelasian notion of "two swords", but he believed at the same time that both swords belonged to the Church – the ecclesiastical and the secular, the latter of which was leased to the state by the clergy[22]. Similar views concerning the sovereignty of the Church over the state were advocated by Archbishop of Canterbury Thomas Becket's close associate and later Bishop of Chartes – John of Salisbury (d. 1180), author of a treatise entitled *Policraticus sive de nugis curialium et vestigiis philosophorum*[23]. In this work, he wrote about the state as a political community whose members, including the monarchs, are bound by divine law and a sense of justice[24]. John of Salisbury's hierocratic doctrine was a twelfth-century intellectual intermediary between the concepts of Saint Augustine, the political theology of the thirteenth-century decretalists, and Thomas Aquinas[25].

Interestingly, the ideas of the Clunian reforms dating back to the eleventh century (in particular, calls for a return to the practice of Evangelical ideals in clerical life) might have contributed, quite typically of the twelfth century, to the development of tendencies within the Church that favoured voluntary poverty and moderation. Not infrequently, these phenomena were folk heretic in nature and generated an impressive following. As a response to this peril, and with a view toward stamping out heretics, the Third Council of the Lateran held in March 1179 produced *De haereticis*, a constitution that was approved jointly by Pope Alexander III and Emperor Frederick I Barbarossa, and that provided bishops with a mandate to track, detect and denounce heretics. In 1184, Pope Lucius III

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21 W. Ullmann, *The Growth of Papal Government in the Middle Ages. A Study in the Ideological Relation of Clerical to Lay Power*, London 1962, 2nd impression, p. 262–309.

22 W. Ullmann, *The Growth*, p. 426–437.

23 In the course of my research, I used the following English translation: John of Salisbury, *Policraticus of the Frivolities of Courtiers and the Footprints of Philosphers*, ed. C. J. Nederman, Cambridge 1990, Cambridge Texts in the History of Political Thought. Cf. Polish translation: Jan z Salisbury, *Policraticus albo o paplaninie dworaków i przekazach filozofów*, trans. M. Kruk, preface, ed. L. Dubel, Lublin 2008.

24 E. H. Kantorowicz, op. cit., p. 73–156.

25 Ibidem, p. 420–426; idem, "The Influence of John Salisbury on Medieval Italian Jurists", *English Historical Review* 59, 1944, 234, p. 384–392.

issued his bull *Ad abolendam*, in which he condemned heresy, treating it as a public offence prosecuted *ex officio*. As an indictable offence, heresy fell within the remit of dioceses. Anyone accused of heresy who failed to show contrition and forswear their mistaken beliefs in the presence of the official representative of a bishopric was to be handed over to lay authorities to be processed and duly punished[26].

It is quite a scholarly challenge to find a clear-cut distinction between the remit of the Church and that of lay authorities in this particular era. According to Ernst Kantorowicz, the epoch was typified by a fluid borrowing of symbols, insignia, prerogatives and procedures on the part of both the Church and the secular state. The sphere of *sacerdotium* gained an imperial dimension, while the empire was becoming significantly clerical (ecclesiastical), as symbolised by the insignia and regalia that were in constant use: the golden crown on the papal tiara and the imperial purple of the Pope's mozzetta. Equally symbolic and telling was the ceremonial papal mitre placed underneath an imperial crown and the pontificate-like nature of the imperial attire, featuring sandals and a bishop's ring. The beginning of the thirteenth century saw a form of "saturation" (overload) as the state was even more visibly than before attempting to construct and position itself as a *quasi*-church, a type of *corpus mysticum* founded on the rational and verifiable rules of law[27]. This era also witnessed a tendency to return to the practice of undisputed imperial authority and the subjection of the Church to the will of the emperor, which is perhaps best illustrated by the views of the grandson of the (in)-famous Roger II of Sicily, Rex Tyrannus (d. 1154)[28], namely Holy Roman Emperor Frederick II of the House of Hohenstaufen (d. 1250). His points of view were chronicled in *Liber augustalis*, published in Melfi in 1231, whose first chapter constitutes a theoretical disquisition on caesarean entitlements and prerogatives with regard to rulemaking and on responsibilities and duties with regard to the defence of, and compliance with, the law[29].

These imperial tendencies to revive Caesaropapism were vociferously and systemically opposed by the papacy and decretalists, who were lawyers working on behalf of the Church. As one reads in *Decretum Gratiani* (which was the most popular mediaeval collection of canon law, and was compiled around 1140

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26 P. Kras, op. cit., p. 65nn., 126–138.

27 E. H. Kantorowicz, op. cit., p. 157–158.

28 H. Wieruszowski, "Roger II of Sicily, Rex-Tyrannus, in Twelfth-century Political Thought", *Speculum* 38, 1963, 1, p. 46–78.

29 E. H. Kantorowicz, op. cit., p. 80–117; E. W. Wies, *Cesarz Fryderyk II mesjasz czy antychryst?*, trans. J. Antkowiak, Warszawa 2002, p. 148–153.

by a Benedictine jurist), papal decrees were tantamount to decrees passed by councils/synods. In contrast, decisions made by secular monarchs that violated canon law, papal decrees and even social decorum were instantaneously made null and void. In short, lay authorities were supposed to obey the clergy[30]. In 1202, Pope Innocent III, in his decretal entitled *Pax venerabilium*, proclaimed himself the final instance of appeal in political disputes; all elections of future emperors were to be authorised and accepted by the papacy so as to prevent, at least formally, a pagan or heretic from becoming the sovereign of Christians. In this era, the competence of ecclesiastical courts encompassed all cases involving the clergy, disputes between the clergy and the laity, and all matters involving cardinal sins, which meant that all royal and imperial subjects were tried in ecclesiastical courts for certain offences and some subjects (the clergy) were exclusively tried in ecclesiastical courts. To decretalists, the crime of heresy was supposed to be treated, in accordance with the tradition of Roman law, as the offence against the majesty, and in court hearings and proceedings, the principal role was to be played by the clergy. The Church authorities' function was to remonstrate with heretics, to excommunicate the most obstinate of them, and only then to hand them over to lay authorities, whose function in this legal procedure was ancillary in nature. In his bull entitled *Vergentis in senium* (1199), Innocent III confirmed all the above regulations and set the framework for inquisition proceedings with regard to heresy trials. Later, in 1215, this was sanctioned by the Fourth Council of the Lateran, which exhorted secular authorities to aid the clergy in their struggle against heresies[31].

At this point, strife over *plenitudo potestas* erupted, in which divergent views were justified by opposing parties by the expedient of canon law (scholars working under the auspices of the Church) and Roman law (imperial legists). Both royal and imperial authorities were intent on opposing those who believed that the papacy had a mandate not only to excommunicate but to dethrone rulers as well (not to mention, levy taxes). Understandably, the growing tendency among secular sovereigns to question clerical authority was to become a cornerstone of modern statehood[32]. However, this open rivalry between secular and ecclesiastic authorities involved the subjugation of heretics only to a limited degree – late twelfth century and early thirteenth century also saw the emergence of secular legislation targeting heretics. As early as 1198, Peter II of Argon, who was also

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30 B. Łapicki, *Ideologia rzymska w średniowieczu Europy Zachodniej,* Łódź 1964, p. 31–33.

31 P. Kras, op. cit., p. 380.

32 M. Oakeshott, *O postępowaniu* człowieka, trans. M. Szczubiałka, Warszawa 2008, p. 239–249; W. Wójcik, op. cit., p. 122–124.

aptly called Peter the Catholic, considered it his royal duty to wage war against heretics and obligated the courts to sentence them to capital punishment. In 1226, Louis VIII of France decreed that royal clerks had to assist bishops in the prosecution of heretics. Later, in 1228, his son Louis IX ordered secular authorities to independently indict heretics and punish them with infamy and confiscation of assets[33].

In the thirteenth century, during the ongoing feud between Pope Gregory IX and Emperor Frederick II Hohenstauf, the significance of hierocracy was temporarily bolstered, though this development was unrelated to the urgent need to suppress the then growing heretic centres, particularly in northern Italy and southern France. Hierocratic concepts were soon put into practice; nobody, including ruling monarchs, was exempt, as illustrated in 1245 when Pope Innocent IV dethroned Sancho II, the allegedly heretic king of Portugal. Similarly, numerous endeavours to depose Frederick II undertaken by the papacy were justified on the grounds of his putative tyranny and his supposed disregard for Church law[34].

However, it was Frederick II's legislation that was of paramount importance with regard to the prosecution of purported heretics. Also in this respect, Frederick II dusted off the Late Classical paradigm of emperorship, bringing to the fore the concept of the Caesar as Defender of the Faith – *fidei defensor*. For this reason, secular authorities seized the initiative in the war on "heretics", construed as traitors and disturbers of public peace[35]. Between 1200 and 1239, Frederick II issued a series of documents regulating the treatment of people accused of heresy on territories under his control. For instance, "hardened heretics" were inevitably punished by death, and even those who renounced their former views and declared contrition were to be incarcerated. Severe punishment was also introduced as a deterrent meted out to advocates of heresy, while the progeny of heresy convicts were to be disinherited. The Emperor commanded secular authorities to cooperate with the clergy, with the said authorities being obliged to apprehend any accused singled out by the ecclesiastical administration. Due to such rigid anti-heretic legislation and similarly stringent regulations concerning the Jews, Ernst Kantorowicz deemed Frederick II the least tolerant sovereign in

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33 P. Kras, op. cit., p. 385–386.

34 E. W. Wies, op. cit., p. 123–130; B. Szlachta, *Konstytucjonalizm czy absolutyzm? Szkice z francuskiej myśli politycznej XVI wieku*, Kraków 2005, p. 28.

35 R. I. Moore, *The Formation of a Persecuting Society. Power and deviance in Western Society, 950–1250*, Oxford 1987, p. 123.

the history of Western Europe[36]. Still, one ought to remember that these particular imperial orders were approved by Pope Gregory IX, who endorsed capital punishment for heretics on the pages of his 1231 bull entitled *Excommunicamus*. Frederick II's legislation was further endorsed by Pope Innocent IV in his two 1252 bulls – *Cum adversus haereticam* and *Ad extirpanda*. From now on, "hardened heretics" were to be sentenced to death by secular courts and non-ecclesiastical authorities alike[37].

The second half of the thirteenth century saw a radical shift in mediaeval political thought, which was characterised by Walter Ullmann in the following way: "The cosmological revolution which the absorption of Aristotle wrought in the thirteenth century, displayed its greatest effects in the sphere of governmental science. […] Aristotle's concept of the State as a body of citizens sufficing for the purposes of life seems innocuous enough, but nevertheless introduced new dimensions into thought concerning society and its government."[38] The post-1260 popularity of the Latin translation of Aristotle's *Politics* provided the foundation for Dominican Thomism, a liminal philosophical current located between hierocracy, which was contingent upon canon law, and an outlook that relied on the Roman law of the legists working on behalf of the secular administration.

Thomas Aquinas, the second (after Saint Augustine) pillar of mediaeval Christian theology read, researched and resorted to Aristotelian works available through the renderings of William of Moerbeke (d. approx. 1286). Political issues were not Aquinas' main intellectual concern, but – apart from remarks scattered in *Summa Theologiae* – he left us a short and unfinished treatise purposefully devoted to matters of authority. Entitled *De regno ad regem Cypri*, it was most probably addressed to Hugh II of Cyprus/Hugues II de Lusignan (d. 1267)[39]. Generally, the Dominican theologian stated, in accordance with the dialectic propensity for acknowledging the duality of things already present in mediaeval philosophy[40], that two parallel and perfect communities were at work – one ecclesiastic and one secular – which constitute the Church and the state,

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36 E. W. Wies, op. cit., p. 107–112.

37 P. Kras, op. cit., p. 386–393.

38 W. Ullmann, *Law and Politics in the Middle Ages. An Introduction to the Sources of Medieval Political Ideas,* London 1975, p. 269.

39 Two Polish translations of the text are at our disposal: "O władzy", [in:] Św. Tomasz z Akwinu [Aquinas], *Dzieła wybrane,* trans. and ed. J. Salij, Poznań 1984, p. 133–154; Św. Tomasz z Akwinu [Aquinas], *O królowaniu – królowi Cypru*, trans. and commentary M. Matyszkowicz, Kraków 2006.

40 E. H. Kantorowicz, op. cit., p. 112.

respectively. In turn, a human being is simultaneously an individual (a member of a community) and a person, existing as a two-dimensional being: socially and personally. On a social level, as a member of society, a human being is a subaltern governed by the state and as such is obliged to obey secular authorities. On a personal and a far more important level, a human being answers exclusively to the Almighty and, in practice, to the ecclesiastic powers. Aquinas also believed in the superiority of the divine law, which might be equated with natural law, thereby imposing on secular authorities the obligation to comply with the axionormative paradigm established by the Church. Heresy, construed by Aquinas not only as a crime against God but as a crime against public peace as well, provides an exemplary case of cooperation between the secular state and the Church. Such reasoning attests to the philosopher's acceptance of *Ad abolendam*, the 1184 papal bull mentioned above.[41] Also in this respect, Aquinas' philosophy was entrenched as official Catholic doctrine and remained so for a considerable period of time. Upon exhaustion of all means of converting a heretic, the Church, as asserted by Saint Thomas, was supposed to isolate the apostate socially by dint of excommunication and duly mete out further punishment: "Respondeo dicendum quod circa haereticos duo sunt consideranda, unum quidem ex parte ipsorum; aliud ex parte Ecclesiae. Ex parte quidem ipsorum est peccatum per quod meruerunt non solum ab Ecclesia per excommunicationem separari, sed etiam per mortem a mundo excludi. Multo enim gravius est corrumpere fidem, per quam est animae vita, quam falsare pecuniam, per quam temporali vitae subvenitur. Unde si falsarii pecuniae, vel alii malefactores, statim per saeculares principes iuste morti traduntur; multo magis haeretici, statim cum de haeresi convincuntur, possent non solum excommunicari, sed et iuste occidi. Ex parte autem Ecclesiae est misericordia, ad errantium conversionem. Et ideo non statim condemnat, sed post primam et secundam correctionem, ut apostolus docet. Postmodum vero, si adhuc pertinax inveniatur, Ecclesia, de eius conversione non sperans, aliorum saluti providet, eum ab Ecclesia separando per excommunicationis sententiam; et ulterius relinquit eum iudicio saeculari a mundo exterminandum per mortem."[42]

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41 R. I. Moore, op. cit., p. 8.

42 *Sancti Thomae de Aquino Summa Theologiae*, pars II–II, quaestio XI, art. 3, Romae 1895, www.corpusthomisticum.org. Polish translation: *Suma teologiczna. Wiara i nadzieja, II–II, q. 1–22*, vol. 15, trans., ed. P. Bełch OP, Londyn 1966, q. 11, art. 3, p. 113: "Heretics ought to be analysed twofold: from their own perspective and from the vantage point of the Church. As heretics, they commit a sin qualifying them not only to be excommunicated, but to be expelled from the world of the living as a result of the capital punishment. It is a far more criminal act to be spoiling the faith that provides the soul

The very act of punishment, as asserted by Aquinas, remained within the remit of secular authorities, which might be even ordered by the Church to extinguish all fires of heterodoxy engulfing the territory under their jurisdiction[43]. Yet, Saint Thomas, who overtly condemned "hardened heretics", showed a rather pragmatic attitude towards non-Christians and declared: "Sic igitur, quamvis infideles in suis ritibus peccant, tolerari possunt vel propter aliquod bonum quod ex eis provenit, vel propter aliquod malum quod vitatur."[44] It is worth highlighting that mediaeval thought explained, assessed and – later on – tolerated prostitution in a similar way, interpreting it as a "lesser evil."[45]

In the aforementioned passage, which specifically treats of the royal authority, Aquinas also delineates all of the secular administration's responsibilities and, clearly under the influence of Aristotle, analyses ensuing dangers. First, secular authorities are a necessity for a Christian community so as to, as affirmed above, aid the Church in guiding members of Christendom to salvation. Second, they also have to take care of its temporal condition – the people ought not to merely seek redemption in heaven, but live morally on Earth[46]. Secular powers are not subject to positive law since lay authorities themselves are the catalyst for the law as such, but those authorities are at the same time inextricably – *vis directiva* – tied to the law of nature, by which they ought to voluntarily

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with life than to forge money that provides one with temporal comforts. If secular rulers on principle justly punish forgerers and other criminals with death penalty, then all the more heretics ought to be immediately, as soon as they are found guilty of heresy, not only excommunicated, but justly killed as well. The Church extends its mercy, caring about the conversion and return to the fold of the lost; in accordance with the teachings of the Apostle, the Church does not condemn the apostates instantly, but gives them two chances. After the first and the second warning, if the heretic persistly disobeys the Church, then – taking into consideration the salvation of others – the Church excommunicates him and subsequently turns him over to the secular judiciary to be accordingly removed from the world of the living"; cf. P. Kras, op. cit., p. 392.

43 B. Łapicki, op. cit., p. 39; E. W. Böckenförde, "Wolność religijna w polu napięcia między kościołem a państwem", [in:] idem, *Wolność – państwo – kościół*, trans. P. Kaczorowski, Kraków 1994, p. 46–47.

44 *Sancti Thomae de Aquino*, op. cit., quaestio X, art. 11. Polish translation: *Suma teologiczna*, ed. cit., vol. 15, q. 10, art. 11, p. 109: "So, although the apostates commit a sin due to their conduct, it may be tolerated – either because of some expected good or because of some evil that may be thus avoided"; Cf. J. Lecler, op. cit., vol. 1, p. 109.

45 I. Bejczy, "'Tolerantia': A Medieval Concept", *Journal of the History of Ideas* 58, 1997, 3, p. 365–384.

46 M. Matyszkowicz, "Wstęp" [Introduction], [in:] Św. Tomasz z Akwinu [Aquinas], *O królowaniu*, p. 24.

abide[47]. And it is here that one reaches one of the Dominican theologian's most interesting considerations devoted to the violation of the law of nature on the part of secular authority and resultant submission to tyranny.

The ancient meanings of lexemes "tyrant" and "tyranny" differ profoundly from their mediaeval and Early Modern definitions[48]. The early mediaeval concept of political law, built upon the doctrine of Saint Augustine at least since the times of Isidore of Seville (d. 636), specified that "tyrant" was synonymous with "usurper". Eventually, another view gained prominence: a tyrant was no longer just a usurper, but any sovereign who abused available prerogatives, for instance, by forcing his subjects to commit a sin[49]. In contrast, John of Salisbury maintained that, formally speaking, rulers – being legislators – were exempt from law. It does not, however, imply that kings and princes constituted "rulers of law" since the title of *dominus legis* was reserved solely for God. A good sovereign ought to be bound by his own decrees. Wielding power in accordance with the law is more righteous and just than unlimited power since the prolonged continuity of any authority is contingent upon its gravitas. What this entailed in practice was simply the subordination of every ruler to the law. Thus, whoever disobeyed the law ought to be considered a tyrant, even if lawfully crowned or appointed[50].

However, a practical problem emerged – a question fraught with political consequences: should Christian teachings regarding obedience to authority be applied to sovereigns who flout the law, i.e., tyrants? John of Salisbury, whose *Policraticus* is dedicated to Thomas Becket, a victim of royal violence, provided an answer universally regarded as a turning point in the history of political thought[51], as a consequence of which he was considered – for a long period

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47 E. H. Kantorowicz, op. cit., p. 111.

48 Arystoteles, *Polityka*, trans. L. Piotrowicz, Warszawa 2004, p. 156–157; W. Lengauer, *Starożytna Grecja okresu archaicznego i klasycznego*, Warszawa 1999, p. 57–63; W. Parsons, "The Mediaeval Theory of the Tyrant", *Review of Politics* 4, 1942, 2, p. 129–143.

49 For an overview of the works of the main mediaeval theoreticians as well as a comprehensive bibliography see: R. W. Dyson, *Normative Theories of Society and Government in Five Medieval Thinkers: St. Augustine, John of Salisbury, Giles of Rome, St. Thomas Aquinas, and Marsilius of Padua*, Lewiston 2003, Mediaeval Studies vol. 21.

50 M. Boczar, *Człowiek i wspólnota. Filozofia moralna, społeczna i polityczna Jana z Salisbury*, Warszawa 1987, p. 150–152, 155–156, Dissertationes Universitatis Varsoviensis, 288.

51 J. Dickinson, "The Mediaeval Conception of Kingship and Some of its Limitations, as Developed in the Policraticus of John of Salisbury", *Speculum* 1, 1926, 3, p. 308–337;

of time – the philosophical father of tyrannicide[52]. One ought to remember, though, that the English scholar emphasised the fact that an uprising against a tyrant cannot be a solitary act or a form of private vendetta. A subject has a right to disobey a ruler, particularly a ruler who forces his subjects to commit a sin and is a godless individual. Still, the act of resistance ought to be endorsed by the "people" and, in practice, by the clergy, being thus the realisation of the God's condemnation of the tyrant in question and the execution of his divine sentence on earth. Tyrannicide may be justified, i.e., permissible by divine and positive law, only if the despot destroys the welfare of the state[53]. In the light of contemporary discussions, it appears that John of Salisbury did not advocate tyrannicide, but only warned potential tyrants that, owing to God's will, they are bound to meet a bad end; the sixth book of *Policraticus* does not in fact constitute the first treatise on the right of resistance[54]. It does not mean that the mediaeval political practice did not register any acts of rebellion against sovereigns deemed unworthy of the mandate. On the contrary, there are numerous examples – the dethronement of Sancho II in 1247, the removal of Adolf von Nassau from the throne in 1298, the dispossession of Edward II Plantagenet in 1327 and of Wenceslaus IV of Bohemia in 1399[55].

According to Saint Thomas, tyranny deserves condemnation primarily because it deprives Christendom of peace; a tyrant is a ruler who takes the welfare of his subjects lightly: "Si igitur regimen iniustum per unum tantum fiat qui sua commodo ex regimine quaerat, non autem bonum multitudinis sibi subiectae,

L. Kruger Born, "The Perfect Prince. A Study in Thirteenth and Fourteenth-century Ideals", *Speculum* 3, 1928, 4, p. 470–504.

52 R. H. Rouse, M. A. Rouse, "John of Salisbury and the Doctrine of Tyrannicide", *Speculum* 42, 1967, 4, p. 693–709; C. J. Nederman, "A Duty to Kill. John of Salisbury's Theory of Tyrannicide", *Review of Politics* 50, 1988, 3, p. 365–389; J. C. Nederman, C. Campbell, "Priest, Kings, and Tyrants. Spiritual and Temporal Power in John of Salisbury's Policraticus", *Speculum* 66, 1991, 3, p. 572–590.

53 M. Boczar, op. cit., p. 155–163.

54 B. Szlachta, "'Książeczka męża stanu.' Elementy doktryny politycznej Jana z Salisbury", [in:] *Myśl polityczna. Od historii do współczesności. Księga dedykowana Profesorowi Markowi Waldenbergowi,* ed. B. Stoczewska, M. Jaskólski, Kraków 2000, p. 443–461; idem, "Jan z Salisbury, czyli o Aequitas i prawie oraz królu i tyranie", [in:] idem, *Monarchia prawa. Szkice z historii angielskiej myśli politycznej do końca epoki Plantagenetów*, Kraków 2001, p. 126–131.

55 H. G. Walther, *Das Problem des untauglichen Herrschers in der Theorie und Praxis des europäischen Spätmittelalters*, ZHF 23, 1996, 1, p. 1–28.

talis rector tyrannus vocatur…”[56]. However, since it is better to prevent than cure, Saint Thomas suggested curbing royal powers so as to remove any temptation to commit tyranny: “Deinde sic disponenda est regni gubernatio, ut regi iam instituto tyrannidis subtrahatur occasio. Simul etiam sic eius temperetur potestas, ut in tyrannidem de facile declinare non possit.”[57] Should royal authority resort to tyranny, then society must attempt to endure it, Saint Thomas proposed, arguing that tolerance is frequently far more reasonable than the danger posed by a ruler's resistance. Only when tyranny exceeds the limits of social tolerance can there be room for active opposition, though not without reservation. Not unlike the author of *Policraticus*, Saint Thomas provided plenty of proviso: “Et si sit intolerabilis excessus tyrannidis, quibusdam visum fuit ut ad fortium virorum virtutem pertineat tyrannum interimere, seque pro liberatione multitudinis exponere periculis mortis. […] Sed hoc apostolicae doctrinae non congruit. Docet enim nos Petrus ‘non solum bonis tantum et modestis, verum etiam dyscolis dominis reverenter subditos esse’. […] Esset autem hoc multitudini periculosum et eius rectoribus, si privata praesumptione aliqui attentarent praesidentium necem, etiam tyrannorum. […] Videtur autem magis contra tyrannorum saevitiam non privata praesumptione aliquorum, sed auctoritate publica procedendum. Primo quidem, si ad ius multitudinis alicuius pertineat sibi providere de rege, non iniuste ab eadem rex institutus potest destitui vel refrenari eius potestas, si potestate regia tyrannice abutatur.”[58]

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56 Św. Tomasz z Akwinu [Aquinas], “O królowaniu”, p. 42. Polish translation: “O władzy”, [in:] Św. Tomasz z Akwinu, *Dzieła wybrane,* trans. and ed. J. Salij, Poznań 1984, p. 136: “If unjust rule is exercised by a sole sovereign who seeks personal gain and does not strive for the welfare of his subjects, then such a ruler is a tyrant.”

57 Św. Tomasz z Akwinu [Aquinas], “O królowaniu”, p. 66–67. Polish translation: “O władzy”, p. 140–141: “The reign in the kingdom should be structured in such a way so as to prevent the ruler from surrendering to tyranny. His authority ought to be limited so that he cannot easily fall into tyranny.”

58 Św. Tomasz z Akwinu [Aquinas], “O królowaniu”, p. 68–71. Polish translation “O władzy”, p. 141: “If the unlawfulness of tyranny remains unbearable, some believed that one of the virtues of courageous men was to depose the tyrant and to brave the likelihood of death in order to liberate the community […] This, however, runs counter to the teachings of the Apostles. Saint Peter teaches us to ‘respect obey our sovereigns, not just good and lenient ones, but cantankerous as well […]’ It would be detrimental to the community and its rulers, if – driven by our private attitudes – we conducted attempts on the lives of rulers, even if they were tyrants […] It seems that the cruelty of tyrants ought to be opposed not on the basis of one's private assumption, but on the strength of the public authority. Firstly, if a certain community

For theologians tackling politics in the centuries to come, the views of the "Angelic Doctor" became a stable conceptual component and an important point of reference; elements of Aquinasian thought are to be found, for example, in the concepts of sixteenth-century Protestant Reformers. Formulating his Two Kingdoms doctrine, Martin Luther must have thought about the dual nature of the world and the human being as developed by Saint Thomas. And some of John Calvin's ideas concerning the modes of resistance to tyranny also reiterate reservations expressed earlier by the Dominican theologian. There is no doubt that there exits a relationship between late mediaeval thought and the concepts put forward by Protestant Reformers: "Continuities with the medieval past are no less evident in the political ideas to which the Protestant Reformation gave rise than in the religious and theological commitments that characterised it."[59]

Related to the reception of Aristotelian *Politics*, Aquinas's arguments were widely used in polemics connected with the steadily growing power struggle between the Church and the secular state in Western Christendom. The latter was supported by the most prominent representatives of late mediaeval intellectual life, including Dante Alighieri, whose literary output, in addition to the *Commedia divina*, includes a Latin political treatise entitled *De monarchia*[60]. Not agreeing with the Thomists (as followers of Thomas Aquinas began to be called back then[61]), Dante remonstrated with "hierocrats", i.e., supporters of the primacy of the Church over the secular state. Not unlike Saint Thomas, the Italian poet lends credence to lay authorities with the proviso that one of the principal goals of a monarchy ought to be to provide royal subjects a fair and decent life on Earth[62].

It seems appropriate to draw the reader's attention to the fact that, by acknowledging monarchy to be the system of government most conducive to the wellbeing of the sovereign's subjects, Dante drew on an excerpt culled from the

has a right to appoint its own king, then it is not unjust to allow the said community to dethrone or limit a ruler who tyrannically abuses his royal prerogatives."; see: B. Łapicki, op. cit., p. 41, 43–44.

59 F. Oakley, "Christian obedience and authority, 1520–1550", [in:] *The Cambridge History*, p. 159–192; p. 159.

60 Dante Alighieri, *De monarchia*, digital edition, Edizione IntraTextCT 2007, www.intratext.com; Polish translation: Dante Alighieri, *Monarchia,* trans., preface and footnotes W. Seńko, Kęty 2002.

61 E. H. Kantorowicz, op. cit., p. 356nn.

62 Dante Alighieri, *De monarchia*, lib. I, cap. 5, § 7.

Gospel According to Luke[63], which was (and seems to remain so for the foreseeable future) the basis of the commonly held belief that unity, including religious unity, guarantees the state's authority: "Si denique unum regnum particolare, cuius finis est is qui civitatis cum maiori fiducia sue tranquillitatis, oportet esse regem unum qui regat atque gubernet; aliter non modo existentes in regno finem non assecuntur, sed etiam regnum in interitum labitur, iuxta illud infallibilis Veritatis: «Omne regnum in se divisum desolabitur»"[64]. Therefore, all attitudes and actions that served as a catalyst for social division could be deemed detrimental to the state and thus potentially treasonous.

To contemporary minds, the most neuralgic matter, i.e., the genesis of authority and relations between the Church and the secular state, are discussed at length by Dante in the third book of *De monarchia*, where he poses the fundamental question whether the imperial (secular) authority is God-given or of papal origin. What this implies in practice is expressed by the following conundrum of alleged ecclesiastic superiority and lay subordination: "Questio igitur presens, de qua inquisitio futura est, inter duo luminaria magna versatur: romanum scilicet Pontificem et romanum Principem; et queritur utrum auctoritas Monarche romani, qui de iure Monarcha munii est, ut in secundo libro probatum est, inmediate a Deo dependeat an ab aliquo Dei vicario vel ministro, quem Petri successorem intelligo, qui vere claviger est regni celorum."[65] Advocates of hierocracy, known

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63 "Każde królestwo wewnętrznie skłócone pustoszeje i dom na dom się wali" ["Every kingdom divided against itself is brought to desolation; and a house divided against a house falleth."], Luke, 11: 17, *Pismo Święte Starego i Nowego Testamentu w przekładzie z języków oryginalnych*, ed. zespół biblistów polskich z inicjatywy benedyktynów tynieckich [ed. Polish biblists under the auspices of the monks from the Benedictine Abbey in Tyniec], Poznań-Warszawa 1971.

64 Dante Alighieri, *De monarchia*, lib. I, cap.5, § 8; Polish translation idem, *Monarchia*, trans. W. Seńko, Kęty 2002, p. 35: "W końcu w królestwie, którego cel jest taki sam jak państwa, z większą tylko gwarancją bezpieczeństwa, musi istnieć jeden król, który nim kieruje i zarządza, w przeciwnym razie mieszkańcy nie tylko nie zrealizują swych celów, lecz i samo królestwo upadnie, zgodnie z tym, co mówi Nieomylna Prawda: «Każde królestwo wewnętrznie podzielone pustoszeje»".

65 Dante Alighieri, *De monarchia*, lib. III, cap. 1, § 5; Polish translation idem, *Monarchia*, trans. W. Seńko, Kęty 2002, p. 74–75: "Obecna kwestia, której poświęcone będzie nasze rozważanie, obraca się wokół dwóch wielkich luminarzy, mianowicie Papieża i Cesarza rzymskiego i dotyczy pytania, czy władza Monarchy rzymskiego, który z mocy prawa jest władca świata, jak to wykazano w księdze drugiej, pochodzi bezpośrednio od Boga, czy też od jakiegoś wikariusza albo ministra Bożego – rozumiem przez to następcę Piotra, który prawdziwie jest klucznikiem królestwa niebieskiego."

as "monists", asserted that the papacy was the source of all secular authority. Still, Dante sided with the "dualists", who championed the idea of a God-given mandate of both powers – two mutually independent authorities to the extent that the Emperor and kings should not be considered papal subjects: "Positis et exclusis erroribus quibus potissime innituntur qui romani Principatus auctoritatem dependere dicunt a romano Pontifice, redeundum est ad ostendendum veritatem huius tertie questionis, que a principio discutienda proponebatur: que quidem veritas apparebit sufficienter si, sub prefixo principio inquirendo, prefatam auctoritatem immediate dipendere a culmine totius entis ostendero, qui Deus est. Et hoc erit ostensum vel si auctoritas Ecclesie removeatur ab illa – cum de alia non sit altercatio – vel si «ostensive» probetur a Deo immediate dependere."[66]

Acknowledging the direct divine legitimation of secular authority without the intermediary of the papacy does not, however, mean total sovereignty of lay rulers, since – in Dante's view – they ought to be bound by obedience in terms of spirituality. Also, they were expected to show filial respect. This stance was contrary to the position taken by canonists who justified demands on the part of ecclesiastic authorities, such as the full subjugation of the secular state to the Church, i.e., the primacy of the Pope over the Emperor and other monarchs. On the other hand, it was a relatively moderate stance grounded in the philosophy of Aquinas[67].

The papal-imperial dispute over *plenitudo potestas* turned into one of the most pressing matters to beset Christianity in the late Middle Ages. Justifying the validity of the superiority of secular authority over the bishops of Rome, imperial jurists referred to traditions stemming from the Roman law, according to which the imperator is the ultimate sovereign. However, Church canonists questioned this long-time rule, which in the late thirteenth- and early fourteenth century

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66 Dante Alighieri, *De Monarchia*, lib. III, cap. 12, § 1–2; Polish translation idem, *Monarchia*, trans. W. Seńko, Kęty 2002, p. 92–93: "1. Po przedstawieniu i odrzuceniu błędów, którymi posługują się ci, którzy utrzymują, że władza cesarza rzymskiego zależy od papieża, przechodzimy obecnie do wykazania prawdziwości trzeciej kwestii, którą postawiliśmy sobie do rozpatrzenia na początku naszego dzieła. Prawda ta ukaże się nam dostatecznie jasno, jeśli po przyjęciu ścisłej zasady badawczej wykażemy, że władza cesarska zależy bezpośrednio od tego, który jest szczytem wszystkiego, co istnieje, czyli od Boga. 2. Tezy tej będę dowodził w dwojaki sposób, najpierw wykazując, że władza kościelna (bo inna nie wchodzi tu w rachubę) nie jest źródłem władzy cesarskiej, a po wtóre dowodząc wprost, że władza cesarska pochodzi bezpośrednio od Boga."

67 E. H. Kantorowicz, op. cit., p. 356–390; B. Łapicki, op. cit., p. 52–61; W. Ullmann, *Średniowieczne korzenie*, p. 186–190.

resulted in the escalation of the conflict: the dispute ceased to be a mere rivalry between two powers vying for universal authority and metamorphosed into fierce competition between Pope Boniface VIII and Philip IV of France (Philip the Fair). The most dangerous enemy of the Universalist ambitions espoused by the bishops of Rome was not another universal sovereign – the Emperor – but one of the many kings of Europe. Correspondingly, the most important issue now became relations between the Church and the secular administration. Boniface VIII, acting among others on behalf of the French clergy, objected to Philip the Fair's taxation of the ecclesiastics. To this end, in 1296 the Pope issued *Clericis laicos*, a bull in which he argued against the levy of taxes, using as his intellectual and theological ancillary legislation introduced by the Fourth Council of the Latern, which was convened by Pope Innocent III in 1215. Confronted with the staunch resistance of the king of France, the Pope issued two further bulls in 1301, namely *Salvator mundi* and *Ausculta fili*, the latter of which contains particularly severe chastising of Philip the Fair as a subject gone astray. In response, in 1302 in Paris, Philip organised the First Meeting of the Estates-General (*États-Généraux*) of the Kingdom of France, which provided him with absolute support and issued a doctored version of the papal bull, complemented with a preface containing the following scurrilous phrase: "Sciat maxima tua fatuitas in temporalibus non alicui non subesse."[68] When the Pope eventually condemned Philip, deeming him his disobedient subject in the 1302 bull entitled *Unam sanctam*[69], the French resorted to physical force – royal legist Gillaume de Nogaret imprisoned the Pope, who died shortly thereafter as a result of trauma induced by his incarceration.

The theoretical groundwork behind the programme of subjugating the Church to the King of France was carried out by yet another one of Philip the Fair's legists, Pierre Dubois, who – relying on the thought of Aristotle and Aquinas – waged a war against papal universalism. In Dubois' view, Philip, as the rightful sovereign of France, had undisputed jurisdiction over the entire territory of France, which meant that all authorities – including ecclesiastic authorities – answered directly to him. Although he was not "the highest priest", he was "the highest lawgiver" and the defender of the faith against heretics. Such reasoning led to his seemingly surprising royal suggestion to secularise (and in practice

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68 "Let your high stupidity be notified that we answer to no one in terms of temporal matters", R. Palacz, *Ockham*, Warszawa 1982, p. 139.

69 "Unam sanctam", [in:] Dante Alighieri, *Monarchia*, trans., preface and footnotes W. Seńko, Kęty 2002, p. 99–100.

seize) Church assets in France, which in the light of the king's interests was perfectly reasonable[70].

By contrast, the Dominican Thomist Jean de Paris (Jean Quidort, Johannes de Soardis) was avowedly less pragmatic. In his treatise *De regia potestate et papali*[71] (dated approximately 1302), this French critic of the dominant authority of the ecclesiastic power returned to the idea of "Gelasian equilibrium", arguing in the spirit of the moderate doctrine of Saint Thomas both against hierocrats and radical royalists. To Jean de Paris, the Church ought to concentrate on three core principles: dissemination of the Christian Gospel, liberating believers from sin through the sacrament of penance, and finally edifying Christians by means of remaining sacraments. The papacy was not authorised to use coercion against a secular power except when a lay ruler was found guilty of heresy. In such a case, ecclesiastic authorities were obliged to excommunicate the said sovereign, from which dethronement should ensue. However, for the balance of power to be upheld, an incumbent Pope might be ousted by decision of the council[72].

Aegidius Romanus (Giles of Rome, Egidio Colonna), yet another pupil of Saint Thomas, actively participated in a discussion spurred by the theses elaborated in papal *Unam sanctam*. This erstwhile tutor of Philip the Fair, for whom he even authored a ruler's manual[73], proved himself to be the most argumentative and prominent advocate of the subordination of secular authority to the Church. Prior General of the Order of Saint Augustine (from 1292) and Archbishop of Bourges, he was known in his time as "doctor fundatissimus" and accordingly sided unquestionably with Pope Boniface VIII in his quarrel with Philip the Fair. Due to the overt dependence of ideas and phrasing of the 1302 bull on his 1301 treatise *De ecclesiastica potestate*[74], he is regarded the co-author of papal bull

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70 B. Szlachta, *Konstytucjonalizm czy absolutyzm? Szkice z francuskiej myśli politycznej XVI wieku*, Kraków 2005, p. 35–39.

71 Johannes 'Parisiensis', *Über königliche und päpstliche Gewalt. De regia potestate et papali*, edit. F. Bleienstein, Stuttgart 1969, Frankfurter Studien zur Wissenschaft und Politik, Bd. 4.

72 B. Tierney, *Foundations of the conciliar theory. The contribution of the medieval canonists from Gratian to the Great Schism*, Leiden 1998 (2nd impression), p. 143–161; Cf. B. Szlachta, *Konstytucjonalizm*, p. 59.

73 Aegidius Romanus, *De regimine principum libri III recogniti et una cum vita auctoris in lucem ed. per Hieronymum Samaritanium*, Aalen 1967, reprint of the 1607 Roman edition; S. Fiutak, "Idzi Rzymianin i jego rola", *Studia Gnesnensia* 1, 1975, p. 99–109.

74 Aegidius Romanus, *De ecclesiastica potestate*, edit. R. Scholz, Aalen 1961 (2nd impression); Aegidius 'Romanus', *On Ecclesiastical Power. A Medieval Theory of World Government*, ed. and transl. R. W. Dyson, New York 2004.

Unam sanctam[75]. Giles of Rome asserted that papal authority was universal and unquestionable, and that it was the papal prerogative to sanction, ergo dethrone, secular rulers. Furthermore, in striking contrast to Aquinas, Aegidius Romanus championed the papacy's right to depose non-Christian sovereigns, though this did not mean that Bishops of Rome were to directly perform the duties of a secular sovereign. Following in the footsteps of Bernard of Clairvoux, Giles of Rome stated that such power should be exercised by princes and kings, though on the strength of papal delegation (authorisation)[76].

At the beginning of the fourteenth century, during the pontificate of Clement V, the papacy was relocated to Avignon and taken over by French authorities. The period of the Avignon Papacy (1309–78), often referred to as "the Avignon Captivity of the Papacy" (a reference to the biblical "Babylonian captivity of the Israelites"), caused a deep and long-lasting crisis of papal authority and within the Church, which – as it turned out – never regained dominance over the secular state. Taking place in the later decades of the fourteenth century, disputes between advocates of the dominance of secular authority and the gradually weakening hierocrats, all in the midst of theoretical reflections carried out in theological and law university departments, meant that the idea of the supremacy of lay imperial power over the papacy began to gain strength, with the concept of the dual origin of the secular power – God-given (divine justification) as well as mandated by "the people" – even gaining currency. This mediaeval manifestation of "a civil society" emerged in the legal doctrine of fourteenth-century jurists, including the most outstanding of them, Baldus de Ubaldis (d. 1400), a lecturer at the University of Bologna and the University of Padua as well as an advocate of the sovereignty of imperial authority[77].

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75 W. Ullmann, *Średniowieczne korzenie*, p. 204.

76 G. McAleer, "Giles of Rome on Political Authority", *Journal of History of Ideas* 60, 1999, 1, p. 21–36; A. Boureau, *La religion de l'état. La construction de la République étatique dans le discours théologique de l'Occident médiéval (1250–1350)*, Paris 2006, p. 218–224 – I want to extend my thanks to Prof. Halina Manikowska for drawing my attention to this particular publication.

77 W. Ullmann, *The Origins of the Great Schism. A Study in Fourteenth-century Ecclesiastical History*, London 1948, p. 143–160; J. Canning, *The political Thought of Baldus de Ubaldi*, Cambridge 2003, p. 30–55, 72–74, Cambridge Studies in Medieval Life and Thought, Fourth Series, no. 6; idem, "A Fourteenth-century Contribution to the Theory of Citizenship. Political Man and the Problem of Created Citizenship in the Thought of Baldus de Ubaldis", [in:] *Authority and Power. Studies on Medieval Law and Government Presented to Walter Ullmann on his Seventieth Birthday*, ed. B. Tierney, P. Linehan, Cambridge 1980, p. 197–212.

In the first half of the fourteenth century the dispute between the Church and secular authority gained new impetus as a result of the political victories experienced by Bavarian prince Ludwig von Wittelsbach (Louis IV, Louis the Bavarian), who was crowned King of Germany in Aachen in 1316 and in subsequent years attempted to conquer Italy. His rise to power galvanised France into action: Pope John XXII – "the Avignon Pontiff" – excommunicated Wittelsbach, proclaiming him to be an adherent of heresy. Truth be told, King Louis the Bavarian gave shelter and political backing to Spiritual Franciscans, the General of that Order, Michael of Cesena, and the most prominent philosopher of the era, William of Ockham, both of whom took refuge at his imperial court in 1328. In 1324, Louis IV convened a synod with a view toward, among other things, examining the validity of John XXII's authority. Already King of Germany, he was crowned King of Italy in Milan in 1326, and in 1328 he was presented with the imperial crown by "a representative of the people of Rome". He also appointed Antipope Nicholas V, who subsequently resided in Pisa, and he established an intellectual centre (a mediaeval think tank) at his court in Munich, where scholars developed the theory of "the people's law" and argued in favour of the independence of secular authorities from the Church[78].

It was there that William of Ockham, the nominalist and founder of "new scholasticism" (*via moderna*), created one of the most popular political treatises of the epoch – *Dialogus*[79]. In this work, Ockham defended the legitimacy of theologians' qualifications to adjudicate matters of heresy, against Church canonists' claims to the contrary; he defined the notion of heresy and subsequently discussed – in the context of the Spiritual Franciscans' dispute with John XXII – the pontiff's hypothetical heresy[80]. Ockham believed that, should such an event arise, only an ecumenical council would be qualified to make an appropriate and valid decision. However, with regard to the majority of political scenarios, Ockham's view did not diverge from the doctrines of Aquinas: as an objector to papal theocracy, he supported the division of powers, claiming that secular matters should fall within the remit of lay authorities. To him, monarchy was the perfect system

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78 R. Palacz, op. cit., p. 136–148; Ch. Dawson, *Podział chrześcijaństwa na Zachodzie*, trans. L. Bieńkowski, Warszawa 1967, p. 19–21.

79 Digital edition: William of Ockham, *Dialogus*. Latin text and English translation: ed. J. Kilcullen et al., British Academy 2002–06, www.britac.ac.uk/pubs/dialogus; Polish translation: W. Ockham, *Dialog, część pierwsza*, trans. and ed. J. Surzyn, Kęty 2005.

80 Ibidem, liber V, cap. 1; Cf. Ch. C. Bayley, *Pivotal Concepts in the Political Philosophy of William of Ockham*, "Journal of the History of Ideas" 10, 1949, 2, p. 199–218; Cf. B. Tierney, *Ockham, the Conciliar Theory, and the Canonists*, ibidem 15, 1954, 1, p. 39–70.

of government, where the king was exempt from positive law but was obliged to obey the law of god and natural law, and to uphold public welfare. When juxtaposed with Aquinas, Ockham emphasised the importance of individual liberty (free will), a gift from god and natural law. He also believed that the state worked by the expedient of its representatives – "the people". For instance, the Holy Roman Empire was represented by electors. As a result, monarchs reigned because of the mandate bestowed upon them by "the people", while popes did so due to the decision of the council. To Ockham, any sovereign violating human freedom was a tyrant, an assertion that, to this day, is acknowledged as the genesis of the idea of individual rights and the right of resistance (rebellion)[81].

The theory of the right of resistance, as far as late mediaeval political thought is concerned, is grounded in nominalist philosophy, whcih on its own bears an affinity to later ideas of Protestant Reformers and intellectually corresponds to the concepts of another outstanding courtier of Louis IV and precursor of Humanism – Marsilius of Padua (Marsilio dei Mainardi)[82]. The second chapter of the third volume of his 1324 treatise entitled *Defensor pacis*[83] contains the crucial theses[84] that were to make this book one of the indispensable texts used not only by conciliarists, but by subsequent generations of political theorists as well. Advocates of the idea of an ecumenical council that would make "the Western schism" null and void held sections 2 and 33 of this résumé in highest esteem, since they included arguments in favour of the ecumenical council (convened by the secular authorities) as the only instance competent enough to reach a verdict concerning the articles of faith[85]. Furthermore, section 14 posed a particular danger to the institutionalised Church, given that this specific excerpt from *Defensor pacis* sounded the death knell for the primacy of ecclesiastic jurisdiction over both the clergy and laity[86]. Equally devastating were section 22 (the organisation and administration of Church authorities on a given territory is decided by its secular sovereign) and section 27 (upon satisfying the needs of the clergy, the sick and the poor, secular authorities are allowed to avail themselves of Church assets). According to this doctrine, clergy under the jurisdiction of

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81   R. Palacz, op. cit., p. 149–160; B. Łapicki, *Ideologia,* p. 68–76; A. S. McGrade, "Ockham and the Birth of Individual Rights", [in:] *Authority and Power*, p. 149–165.

82   W. Ullmann, *Średniowieczne korzenie*, p. 181–184.

83   Marsyliusz z Padwy [Marsilius of Padua], *Obrońca pokoju*, trans., ed. and preface W. Seńko, Kęty 2006.

84   Marsyliusz z Padwy [Marsilius of Padua], op. cit., p. 430–434.

85   Cf. ibidem, p. 293–310; cf. B. Łapicki, op. cit., p. 68–76.

86   Cf. ibidem, p. 175.

a secular state were confined to the role of teachers and spiritual advisors – as long as their expertise was sufficient[87].

Similarly radical was Marsilius' theory of the sovereignty of "the people", which was not surprisingly condemned by Pope John XXII in 1327. Based on Aristotelian thought, the theory stipulated that any authority ought to work in such a way so as to maintain the welfare of the "political people", i.e., full citizens (citizens in possession of full rights)[88]. At the time, the definition of "political people" excluded women, children, foreigners, slaves and indentured workers and corresponded to an understanding of "the people of God" subsequently endorsed by Protestant Reformers[89]. Marsilius defined "the people" as a sovereign legislator at liberty to depose and even punish rulers who failed to fulfil their duties[90], but his views regarding heretics were even more radical. In tune with the practice of the era, Marsilius stated that heretics were to be punished by secular authorities upon the pronouncement of their heresy by the clergy. Still, no one was to be punished only because of divergence from Church doctrine; legal repression and ensuing punishment stemmed from a breach of secular positive law committed by a heretic[91].

The views of Williams of Ockham and Marsilius of Padua led directly to the last grand mediaeval intellectual current – namely conciliarism. "The Great Schism of the West" negatively impacted the authority of the Pope and the Church at large; conciliarists, i.e., advocates of the Council and its primacy over the papacy, endeavoured to counter the erosion of the Church and resultant "heresies" of John Wycliffe and Jan Hus (John Huss). To do so, they attempted to establish councils – on their own unique (*sui generis*) Christian parliaments. This idea originated with Sorbonne theologians, was practised during "national councils" convened in Paris in 1395 and 1406, and was realised more widely at the ecumenical councils in Pisa (1409) and Constance (1414–18), the latter of which

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87 Ibidem, p. 139–151, 178–179, 185, 404; cf. M. Löffelberger, *Marsilius von Padua. Das Verhältnis zwischen Kirche und Staat im Defensor pacis*, Berlin 1992, passim.

88 A. Wójtowicz, *Model władzy państwowej Marsyliusza z Padwy*, Katowice 1977, p. 32–59, Prace naukowe UŚ nr 187.

89 For liberty and "the people" in modern political theory see: A. Grześkowiak-Krwawicz, *Staropolska koncepcja wolności i jej ewolucja w myśli politycznej XVIII wieku*, KH 113, 2006, 1, p. 57–83.

90 Marsyliusz z Padwy [Marsilius of Padua], op. cit., p. 76–79, 113–115.

91 Ibidem, p. 194–201.

ended "The Great Schism of the West" in 1415[92]. Paying intellectual homage to the output of fourteenth-century theologians[93], the main late fourteenth-century conciliarists included Sorbonne lecturers; Conrad of Gelnhausen, Pierre d'Ailly, and his protégé Jean Charlier de Gerson. Gerson, being the most prominent of them all, played the decisive role in the Council of Constance and, alongside Nikolaus Krebs and John Fortescue, is universally acknowledged as the most exceptional political thinker of the fifteenth century.

Gerson contributed to the passing of the *Haec sancta*[94] decree in Constance on 6 April 1415, which not only asserted the dominance of the Council over the Papacy but also enabled the deposition of three concurrent incumbents: John XXIII (Pisa), Gregory XII (Rome), and Benedict XIII (Avignon), sealing the victory of conciliarists over papalists[95]. Correspondingly, the events were coterminous with Gerson's thought as the scholar emphasised the dual nature of the Church: (1) the mystical and apolitical nature of *corpus Christi*, whose head is the Pope appointed by Christ; (2) the visible institutional structure presided over by popes upon being appointed by the Christian community. The latter stipulates that a pope's responsibilities equal those of a secular sovereign, as he is obliged to act for the sake of the entire community. Should he fail to do so, his subjects are legally allowed – bearing in mind the virtue of prudence, as recommended by Aquinas – to rebel. Thus, not unlike a secular tyrant, every pope was answerable to the law and might be legally dethroned. Gerson also maintained that authority should be curtailed and that the monarchic element in a commended (i.e., mixed) system of government ought to be counterbalanced by the aristocratic factor, as construed by Aristotle. This role was performed in the Kingdom of France by parliaments, while in the Church it was played by their ecclesiastic counterparts – councils[96].

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92 A. J. Black, "What was conciliarism? Conciliar Theory in Historical Perspective", [in:] *Authority and Power*, p. 213–224.

93 Q. Skinner, *The Foundations of Modern Political Thought*, vol. 2: *The Age of Reformation*, Cambridge 2005 (12th impression), p. 36–47.

94 *Dokumenty Soborów Powszechnych*, vol. 3, ed. A. Baron, H. Pietras, Kraków 2003, p. 47–49.

95 K. Schatz, op. cit., p. 162–173.

96 There are numerous publications regarding Gerson, see: *A Companion to Jean Gerson*, ed. B. P. McGuire, Leiden 2006; Gerson's conciliarism is analysed by G.H.M. Posthumus Meyjes, *Jean Gerson – Apostle of Unity. His Church Politics and Ecclesiology*, transl. J. C. Grayson, Leiden 1999.

The first synthesis of the conciliarist outlook was provided by one of the participants in the Council of Constance, Cardinal Franciscus Zabarella, who asserted that, even in the absence of "the visible head" of the Church, ecclesiastic authority over *corpus mysticum Christi* was maintained by the community of acolytes by way of council, which was in turn invested with authority by "the people of Rome". The Pope might be also demoted by representatives of the Christian community upon convincing him of negligence and acting to the detriment of the Church[97].

After the conciliarists' sweeping victory in Constance, papalists appeared to have been ultimately subdued, but already at the Council of Basel in 1431 there erupted a schism pregnant with consequences. The conciliarists declared the dominance of the synod over the papacy in their decree *Sacrosancta* and then – to no avail – attempted to remove the contrarian Pope Eugene IV[98]. In its twilight, conciliarism equated popes, with regard to their political powers, with secular sovereigns. Acting on that contention, conciliarism stated that the Church, not unlike an efficiently governed state, ought to exist as a type of *monarchia mixta*, in which the incumbent ought to be restricted by the organs of authority representing "the people". Such ideas were disseminated by nominalists, who included the German philosopher Gabriel Biel, and were opposed by papalists, of whom the most notable was Cardinal Tommaso de Vio, known as Gaetanus[99], who was an important theological and philosophical figure in his own right in the early anti-Reformation movement. Proponents of the revival of hierocracy actively fought against the principle according to which ecclesiastic authority was political in nature, arguing that the sovereignty of the papacy was ordained by Christ and not appointed by "the people". For that reason alone, papal power could not be legally disputed. Nor was ousting the pope justified, and anyone attempting to do so was automatically charged with being on a slippery

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97 W. Ullmann, *The Origins*, p. 191–231; B. Tierney, *Foundations*, p. 199–214; T. E. Morrissey, "The Call for Unity at the Council of Constance. Sermons and Adresses of Cardinal Zabarella, 1415–1417", *Church History* 53, 1984, 3, p. 307–318.

98 K. Schatz, op. cit., p. 167–169; the conflict between Eugene IV and the Basel Council was even compared by British historians to the dispute between Charles I and Parliament in the seventeenth century, Z. Rueger, "Gerson, the Conciliar Movement and the Right of Resistance (1642–1644)", *Journal of History of Ideas* 25, 1964, 4, p. 467–486.

99 H. A. Oberman, *Forerunners of the Reformation. The Shape of Late Medieval Thought*, New York 1966; S. Świeżawski, *Między średniowieczem a czasami nowymi. Sylwetki myślicieli XVI w.*, Warszawa 2002, p. 199–215 (Biel), 258–275 (de Vio). See: idem, *Eklezjologia późnośredniowieczna na rozdrożu*, Kraków 1990.

slope toward Hussite heresy, according to which the subjects were at liberty to punish corrupt and nefarious rulers.

Regardless of further developments affecting the idea of conciliarism, its exponents managed to instill in their contemporaries the necessity of Church reform and popularise the thesis that authority was derived from, and sanctioned by, "the people"; that authority should be duly limited by the representative element; and that the ruling sovereign ought to take into account "the people's" right of resistance. Interestingly, this heritage of mediaeval concepts was to be approached by sixteenth-century theologians and politicians: in this sense, the roots of the Reformation are grounded not only in late mediaeval *devotio moderna*[100], but in nominalist *via moderna*[101] as well as in the political theory that leads from "the Aristotelian turn" of the thirteenth century to the Reformation, and that culminates in Modern Age constitutionalism.[102]

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100   For recent research on the topic see: *Die "Neue Frömmigkeit" in Europa im Spätmittelalter*, edit. M. Derwich, M. Staub, Göttingen 2004.

101   J. Kłoczowski, *Dzieje chrześcijaństwa polskiego*, Warszawa 2007 (revised edition), p. 101; Q. Skinner, op. cit., p. 23–27; H. A. Oberman, "Via antiqua and via moderna. Late Medieval Prologmena to Early Reformation Thought", *Journal of History of Ideas* 48, 1987, 1, p. 23–40

102   Q. Skinner, op. cit., p. 114–123.

Part II: Conceptions

Chapter 1: Reformers, or Salvation

The range of practical application of the mediaeval notion of tolerance, as discussed in the first chapter of this book, remains an interesting issue but one that is, at the same time, of little use as a comparative tool for scholars of early modern religious relations. The Reformation, whose ground-breaking contribution to the process of modernisation of European states and societies has not ceased to be the subject of academic debates[1], resulted in a significant change in the status of, and matters pertaining to, denominations as such. It was the first time (excluding the episode of Aryan Visigothic kingdoms in the early Middle Ages[2]) that the issue of Christian dissenters had been brought to light in Western Europe, involving not just mere commoners with pretences to heterodoxy but officials wielding legitimate political power as well. With regard to Church-state relations, the Reformation, alongside processes of confessionalization, started slowly to secure the footing of secular authorities that was not limited only to countries that chose Protestantism[3]. Already in the fifteenth century lay rulers questioned the independence of the clergy on their territory, giving rise to the procedure by which ecclesiastic powers were subordinated by the state, by dint of, among other things, overriding jurisdiction that – to a large extent – was erstwhile reserved for ecclesiastic courts. Already in 1448, in Central Europe, on the basis of the Concordat of Vienna, the Archdukes of Austria managed to liberate themselves from papal jurisdiction (*potestas iurisdictionis*), while Casimir IV Jagiellon, the King of Poland and the Grand Duke of Lithuania, gained the

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1   B. Hamm, *Wie innovativ war die Reformation?*, ZHF 27, 2000, 4, p. 481–497; cf. H. Schilling, "Reformation – Umbruch oder Gipfelpunkt eines Temps des Réformes?" [in:] *Die frühe Reformation in Deutschland als Umbruch. Wissenschaftliches Symposon des Vereins für Reformationsgeschichte 1996*, Gütersloh 1998, p. 13–24, Schriften des Vereins für Reformationsgeschichte, 199; idem, "Die Reformation – ein revolutionärer Umbruch oder Hauptetappe eines langfristigen reformierenden Wandels", [in:] *Konflikt und Reform*, hrsg. W. Speitkamp, H.-P. Ullmann, Göttingen 1995, p. 26–40, Festschrift für Helmut Berding.

2   E. Potkowski, "Kościoły terytorialne i państwowe we wczesnym średniowieczu", [in:] *Katolicyzm wczesnośredniowieczny*, ed. J. Keller, Warszawa 1973, p. 59–65. Cf. also: J. Strzelczyk, *Goci – legenda i rzeczywistość*, Warszawa 1984; H. Wolfram, *Historia Gotów*, trans. R. Darda-Staab, I. Dębek, K. Berger, Warszawa-Gdańsk 2003.

3   A. Mączak, *Rządzący i rządzeni. Władza i społeczeństwo w Europie wczesnonowożytnej*, Warszawa 2002, p. 82; H. R. Guggisberg, *Wandel der Argumente*, p. 457.

right to nominate bishops. Subsequently, the nobility (*szlachta*) of the Kingdom of Poland rose against clerical jurisdiction. Understandably, these processes were more conspicuous in countries where the Reformation had won. Widespread seizure of Church assets was accompanied by the gradual subjugation of ecclesiastic powers, which culminated in 1555 when, as a consequence of the Peace of Augsburg, the territorial sovereigns of the Holy Roman Empire were authorised (due to the implementation of what was to be later recognised as the doctrine of *cuius regio, eius religio*) to decide upon (in practise, select) the denomination of their subjects[4].

In the sixteenth century the problem of dissenting Christians did not thus involve only adherents of the Eastern Orthodox Church, deemed in Western Europe to be a somewhat "exotic" and outlandish community, or relatively marginal groups, such as Czech Utraquists or the Waldensians of Savoy, but it concerned entire communities and their state officials (lay authorities), which – taking into consideration the tradition of the divine right of kings (the tenet of God-given royal and political legitimacy) – would be of paramount importance in subsequent history. Mediaeval political theology was founded upon a holdover from Antiquity, namely the assertion of the sacred nature of royal power, and – at least since the times and reign of Charlemagne – upon "the monarch's responsibility for the salvation of his subjects became a primary ideological and political postulate."[5]

The very dawn of the Reformation saw the emergence of a noticeably ambivalent attitude toward religious toleration, construed as the acknowledgement of the existence of dissenters and awareness of their activities and leading not only to division among the people of God but to the interference of its relations with the sovereign. All parties participating in the debate tended to apply the principle that was to be expressed in the nineteenth century by Thomas Babington Macaulay as follows: "I am in the right, and you are in the wrong. When you are the stronger, you ought to tolerate me; for it is your duty to tolerate truth. But when I am the stronger, I shall persecute you; for it is my duty to persecute error."[6] In this situation, the attitude to dissenting religious beliefs ceased to exist solely as

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4   M. Oakeshott, *O postępowaniu człowieka,* trans. M. Szczubiałka, Warszawa 2008, p. 250–251.

5   R. Michałowski, *Zjazd gnieźnieński. Religijne przesłanki powstania arcybiskupstwa gnieźnieńskiego*, Wrocław 2005, p. 197; idem, *Podstawy religijne monarchii we wczesnym średniowieczu zachodnioeuropejskim. Próba typologii*, KH 105, 1998, 4, p. 3–34.

6   T. B. Macaulay, *Critical and historical essays*, vol. 1, London 1916, p. 310, (*Edinburgh Review* 304, 1835).

the domain of theologians and began its lifecycle as a derivative of Church-state relations, thereby constituting a political problem.

a) Martin Luther and Lutherans

To this day, the views of the first of a legion of great Protestant reformers, whose focus was the rights and prerogatives of the state with regard to the Church and its members as well as the extent of freedom the latter, remain the subject of debates, despite the fact that all modern biographers of Martin Luther – ranging from Julius Köstlin to Martin Brecht[7] – tackled this evasive topic. Synthetic monographs still favour the opinion that Luther was the advocate of the subordination of the Church to the state, which in effect was to become one of the staples of Lutheran ecclesiology. The Wittenberg reformer was confronted with many adversaries, of whom Thomas Münzer[8] was the most vocal in his accusations of Luther's servility and downright surrender to lay authorities, which was believed to facilitate despotism and strong-arm authoritarianism. However, the matter is far more complex given that Luther's outlook on the Church-state relations, and on the range of freedom granted to dissenters, evolved gradually. What remains beyond a shadow of a doubt is the fact that both Luther and his associates counted on the support of the state as a chance to undertake and implement the reform of Christianity. This does not mean, however, that they wanted to be subordinate to the state[9].

Seemingly, the conditions of cooperation between the state and the Church, as preferred by Luther, are easy to pinpoint, because in early 1522 the Wittenberg theologian published his treatise on the Christians' attitude toward authority entitled *Eyn trew vormanung Martini Luther tzu allen Christen, sich tzu vorhuten fur auffruhr unnd emporung* (Wittenberg, 1522). Luther's biographer, Richard Friedenthal, criticised the work severely, stating that it contained no coherent doctrine and that the reformer "knew virtually nothing about the state."[10] Luther's thought might be bogged down by traces of peasant patriarchal consciousness, in

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7   J. Köstlin, *Luthers Leben*, Leipzig 1882; M. Brecht, *Martin Luther*, Bd. 1–3, Stuttgart 1981–1987.

8   D.M. Whitford, "Cura religionis or Two Kingdoms. The late Luther on Religion and the State in the Lectures on Genesis", *Church History* 73, 2004, 1, p. 41.

9   J. M. Estes, *Peace, order and the glory of God. Secular authority and the church in the thought of Luther and Melanchthon 1518–1559*, Leiden-Boston 2005, p. 1–52.

10 R. Friedenthal, *Marcin Luter. Jego życie i czasy*, trans. C. Tarnogórski, Warszawa 1991, p. 384.

which obedience to authority is analogous to reverence based on *pater familias*: nothing justifies lack of respect for the head of one's family. Similarly, the state power ought to be unquestioningly obeyed.[11] As Bernhard Lohse observed, this logic faces a barrier: attempting to determine one's political opinions on the basis of one's theological output is specious and subsequently casts considerable doubt on whether Luther would recognise – not to mention endorse – his own thoughts as interpreted and critiqued by later commentators and researchers[12].

Friedenthal ignored the fact that Luther was a graduate of a nominalist school of the followers of Gabriel Biel and, as such, he remained under the intellectual influence of Johann von Staupitz, which qualified him to discuss matters of the state in a nuanced way that far exceeded the confines of the paternalist mould[13]. For that reason, Luther's thought abounds in postulates previously formulated by William of Ockham – primarily, the assertion that lay authorities ought to remain independent of the Church, but also the simultaneous conviction that the secular power should not wield direct control over ecclesiastic institutions[14]. This expressively meant, among other things, that the papacy was not authorised to dethrone lay sovereigns even if they committed an act of heresy. In such a case the Bishops of Rome were obliged to rely on the will of the "people" – the collective overlord of all rulers who, in turn, reigned in the people's name[15].

Indeed, in his early commentary on Apostle Paul's *Epistle to the Romans* (dated 1515 and 1516) Luther renounced the possibility of opposing lay authorities: "Graecus sit habet: Quo autem sunt potestates a Deo ordinate potestatem [13, 2]. Itaque qui resistit potestati quacunque specie libertatis vel titulo iusticie Dei ordinationi resistit. Qui autem resistunt ordinacioni Dei ipsi sibi damnationem acquirunt. [...] Nam principes habentes potestatem huiusmodi non sunt timori

11 Ibidem, p. 454, 462.

12 B. Lohse, *Martin Luther's Theology: its Historical and Systematic Development*, transl. and ed. R. A. Harrisville, Edinburgh 1999, p. 3–6.

13 S. Świeżawski, *Między średniowieczem a czasami nowymi. Sylwetki myślicieli XV wieku*, Warszawa 2002, p. 199–215; B. Hamm, *Johann von Staupitz (ca. 1468–1524) – spätmittelalterlicher Reformer und 'Vater' der Reformation*, ARG 92, 2001, p. 6–42.

14 J. M. Estes, op. cit., p. 6; L. W. Spitz, "Luther's ecclesiology and his concept of the princes as Notbischof", *Church History* 22, 1953, 2, p. 113–141, dependence of Luther on Ockham, p. 117–118.

15 B. Szlachta, "Wilhelm z Ockham, czyli o Dominium i wielu innych kwestiach", [in:] idem, *Monarchia prawa. Szkice z historii angielskiej myśli politycznej do końca epoki Plantagenetów*, Kraków 2001, p. 239–247; S. Ch. Tornay, "William Ockham's Political Philosophy", *Church History* 5, 1935, 3, p. 214–223.

ad timorem, seu ut terreant boni operis…"[16]. One can hardly classify the above statement as a relic of "peasant mentality" given that, clearly, the Luther's passage is contingent upon a standard theological argument in favour of obedience to secular authority, which – Luther reminds us – has been ordained by God to do good[17].

In *Eyn trew vormanung* (1522), the aforementioned admonition written in connection with the insurgence led by Francis of Sickingen (Franz von Sickingen), Luther argued against the practice of spontaneous imposition of the Reformation, which – as he feared – was likely to incite riots that would compromise the concept of edifying the Church, which constituted the obligation of legitimate authorities. To Luther's mind, whenever the incumbent refused to conduct the mandatory reforms, a serious problem occurred: "Sprichstu aber: was sollen wyr denn thun, so die uberkeytt nicht ansahen wyll? Sollen wyrs noch lenger gedulden unnd yhren muttwillen stercken?' Anttwortt: Neyn, du sollt der keynitz thun. Dreyerley solltu datzu thun. Das erst, du sollt erkennen deyn sund, wilche gottis strenge gerechtigckeyt mitt solchem End christenlichen regimentt geplaget hatt, […] Es ist eyttel unser schuld, alles was der Bapst mitt den seynen an unserm gut, leyb und seel than hatt. […] Mitt gewallt werden wyr yhm nichts abbrechenn, ia mehr yn stercken, wie es bis her vielen ergangen ist."[18]

Luther did not delineate which of the authorities in the Holy Roman Empire were vested with the power to conduct the Reformation, so one can safely assume that the theologian placed the onus on the "intermediary" administration, i.e., primarily dukes and other territorial lords but also municipal authorities within the Holy Roman Empire[19]. C. Scott Dixon stated the matter unequivocally: "From the Wittenberg movement to the last days of his life, Luther never departed from his belief that the territorial prince had the authority to implement the

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16 M. Luther, "Divi Pauli apostoli ad Romanos epistola", [in:] *D. Martin Luthers Werke. Kritische Gesamtausgabe*, Abteilung Schriften, Bd. 57, Weimar 1939, p. 107–108.

17 J. M. Estes, op. cit., p. 6; see: J. L. Farthing, *Thomas Aquinas und Gabriel Biel: Interpretations of St. Thomas Aquinas in German nominalism in the eve of the Reformation*, Durham-London 1988.

18 M. Luther, "Eine treue Vermahnung zu allen Christen, sich zu hüten vor Aufruhr und Empörung", [in:] *D. Martin Luthers Werke. Kritische Gesamtausgabe*, Abteilung Schriften, Bd. 8, Weimar 1889, p. 682–683.

19 K. Holl, "Luther und das landesherrliche Kirchenregiment", [in:] idem, *Gesammelte Aufsätze zur Kirchengeschichte*, Bd. 1, Tübingen 1948, p. 326–380.

Reformation"[20]. However, the following sentences taken from the already quoted *Eyn trew vormanung* seem to suggest that the reformer eventually ceased to uphold the idea of absolute obedience; naturally, he doubted authorities who objected to the Word of God and stubbornly resisted the process of Reformation: "Also, die lugner, die vorstockte tyrannen, magstu woll hartt antasten unnd frey thun wydder yhr lere und werck, denn sie wollten nit horen."[21] Taking into consideration Luther's numerous reservations and disclaimers that he, as it were, footnoted his main thesis with, it appears that it was political reality that modified the reformer's doctrine of observance – Holy Roman Emperor Charles V of Habsburg was averse to the Reformation, while Francis of Sickingen was an advocate of the movement[22].

Conceived in the years 1522–23, Luther's new concept of Church-state relations was a thesis that drew on Thomist dialectics and became known as the "Zwei-Reiche-Lehre"[23] – the "doctrine of two kingdoms". According to this theory, humanity exists simultaneously on two planes: (1) *coram Deo* ("in the presence of the Almighty"), i.e., in the Kingdom of God/Heaven ("geistliche Reich"); and (2) *coram hominibus*, i.e., in the Kingdom of Earth ("weltliche Reich"). Still, one must not overlook the fact that Luther also posited the theory "of two governments" ("Zwei-Regimente-Lehre") – the flip side, as it were, of "Zwei-Reiche-Lehre". "Das geistliche Regiment" constitutes the secular authority that manifests its power through the dissemination of the Word of God and administration of the sacraments. Correspondingly, "das weltliche Regiment" is the lay authority that – through legislation and coercion – curtails the results of human iniquity[24].

Christians belonging to the Kingdom of God are governed by Jesus Christ through the intermediary of the Holy Spirit. If all members of the Church were God-fearing Christians, lay authorities would need no sword or would even turn

20 C. Scott Dixon, "The Princely Reformation in Germany", [in:] *The Reformation World*, ed. A. Pettegree, London-New York 2006, p. 151.

21 M. Luther, *Eine treue Vermahnung*, p. 687.

22 E. Hildebrandt, *The Magdeburg Bekenntnis as a Possible Link between German and English Resistance Theory in the Sixteenth Century*, ARG 71, 1980, p. 228.

23 B. Lohse, *Luthers Theologie in ihrer historischen Entwicklung und in ihrem systematischen Zusammenhang*, Göttingen 1995, p. 172.

24 D. M. Witford, op. cit., p. 41–62; cf. W. J. D. Cargill Thompson, "The 'Two Kingdoms' and the 'Two Regiments'. Some problems of Luther's Zwei-Reiche-Lehre", *Journal of Theological Studies* 20, 1969, p. 164–185; R. J. Best, *From Two Kingdoms to Two Tablets. The Ten Commandments and the Christian magistrate*, ARG 89, 1998, p. 79–95.

them into ploughshares. Yet genuine "Christian sheep" are few and far between – the majority of the population are "wolves and lions" prone to wickedness. Therefore, God ordains lay authorities, bestowing upon them the sword of justice so as to enable them to counter the descent of humanity into the abyss of chaos and crime, the fall from grace into the pit of iniquity. For that reason alone, Christians are obliged to conform to the authority of the state in terms of secular matters. However, since people's souls are ruled only by the commands of the Lord all efforts undertaken by secular authorities to foist upon their subjects observance of the Church of Rome are doomed to fail[25]. To Luther, the institutionalised Church has its rightful place in a secular kingdom but rather as a congregation of the faithful (*congregatio fidelium*) than a structure of power. The clergy are not qualified to judge temporal matters, while the laity hold no sovereignty with regard to spiritual matters – both powers are ordained by God but they ought to act separately[26]. Luther was very careful, and he scrupulously differentiated between the tasks of the dukes and the duties of the bishops, the latter of whom were obliged to counter heresies[27].

The doctrine "of two kingdoms" was unveiled in *Von welltlicher Uberkeytt, wie weyt man yhr gehorsam schuldig sey*, a treatise started in the autumn of 1522 and published in Wittenberg in the March of 1523. Dedicated to the devout Protestant John the Constant (the Steadfast), Elector of Saxony and member of the House of Wettin[28], the disquisition was devoted in large part to the issue of the limits of Christian, i.e., Protestant, obedience to Catholic authorities in the face of pressures imposed on dissenters. It is worth emphasising that Luther analysed the matter at hand from a theological standpoint rather than from the perspective of a jurist: "Actually Luther did not understand the concept of the 'state' as a legal, political and social entity in the modern sense."[29] Because of Catholic religious coercion implemented by the state on some of the territories ruled directly

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25 W. D. J. Cargill Thompson, *The Political Thought of Martin Luther*, ed. Ph. Broadhead, Sussex 1984, p. 36–61. The long-term consequences of these beliefs and their influence on the "German mentality" were, especially after WWII, subjects of major intellectual debates, see: E. W. Gritsch, "Martin Luther and Violence. A Reappraisal of a Neuralgic Theme", *Sixteenth Century Journal* 3, 1972, 1, p. 37–55.

26 Q. Skinner, *The Foundations of Modern Political Thought*, vol. 1: *The Age of Reformation*, Cambridge 2005, p. 14.

27 J. M. Estes, op. cit., p. 40–41.

28 *D. Martin Luthers Werke. Kritische Gesamtausgabe*, Abteilung Schriften, Bd. 11, Weimar 1900, p. 245–280; see: J. M. Estes, op. cit., p. 38–42.

29 L. W. Spitz, op. cit., p. 115.

by the House of Habsburg, as well as in Bavaria, the Margraviate of Mussein and the County of Marck, and because of efforts to force royal subjects to attend the mass and the widespread confiscation of Protestant books (primarily Luther's translation of the New Testament), Luther argued against the tyranny of the authorities. He expressed himself very clearly: "Wenn nu deyn furst oder welltlicher herr dyr gepeut, mit dem Bapst zu hallten, sonst oder so zu glewben, oder gepeutt dyr bücher von dyr zu thun, solltu also sagen: 'Es gepürtt Lucifer nicht, neben Gott zu sitzen, Lieber herr, ich bynn euch schuldig zu gechorchen mit leyb unnd gutt, gepietet myr nach ewr gewalt maβ auff eden, so will ich folgen. Heysst yhr aber mich glewben unnd bücher von myr thun, so will ich nicht gehorchen.'"[30] Nonetheless, the only means of opposition against religious coercion condoned by Luther was passive resistance: "Frevel soll man nicht widderstehen sondern leyden, Man soll yhn aber nicht billichen noch datzu dienen oder folgen odder gehorchen mit eyn fuβtritt odder mitt eynem finger. Denn solch Tyrannen handelln, wie welltlich fursten sollen. Es sind welltliche fursten, Die wellt aber Gottis seynd, darumb müssen sie auch thun was Gott widder, der wellt eben ist, das sie ja nicht ehrloβ werden, sondern welltliche fursten bleyben. Darumb laβ dichs nicht wundern, ob sie wider das Evangelion toben unnd narren, Sie müssen yhrem tittel unnd namen gnüg thun."[31] On that account, Luther exhorted his acolytes to practise passive resistance, to patiently bear the brunt of the consequences of their actions and to have faith in the triumph of divine justice.

The reformer's reserve regarding ceding control over all Church affairs to the secular state, primarily still Catholic, is by all means understandable. However, when in 1525 Luther's protector, Frederick III of Saxony – who was also known as Frederick the Wise and who remained Catholic almost until his death – died and his brother, the Protestant John the Constant, was enthroned, Luther decided to act as the new incumbent's political advisor. Writing in accordance with long-standing tradition, he elaborated on the sovereign's duties with regard to faith and the Church[32]. Monarchical responsibilities included: (1) endorsement of the teaching of the Gospel, (2) systemic battle against everything that disrespects God, (3) banning the dissemination of false religious doctrine, (4) making

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30 M. Luther, "Von weltlicher Oberkeit, wie weit man ihr Gehorsam schuldig sei", [in:] *D. Martin Luthers Werke. Kritische Gesamtausgabe*, Abteilung Schriften, Bd. 11, Weimar 1900, p. 267.

31 Ibidem.

32 H. Kunst, *Evangelischer Glaube und politische Verantwortung. Martin Luther als politischer Berater seiner Landesherrn und seine Teilnahme an den Fragen des öffentlichen Lebens*, Stuttgart 1976, p. 97–107.

subjects familiar with the tenets of the genuine, i.e., Protestant, faith. In reality, however, religious relations in the Holy Roman Empire were cemented by political developments. In particular, by the events of the German Peasants' War in 1524–25 (*Deutscher Bauernkrieg*), which not only led to Luther's conservatism but also resulted in similar calcification in the thinking of his most prominent followers. Both Philipp Melanchthon and Andreas Bodenstein (Karlstadt), as well as Andreas Osiander, the reformer of Nuremberg, and Johannes Brenz, the reformer of Schwäbisch Hall, shared Luther's then stance on the subjects' duties towards their sovereign.[33]

Luther's reluctance was not limited to his condemnation of public disturbance of peace manifested as armed resistance against sovereignty. In 1525, in an epistle written to Elector of Saxony John the Constant, Luther reminded the ruler that sanctioning the practice of public masses of different denominations would eventually instigate rebellion. Correspondingly, Luther maintained that, for the sake of public peace, only the genuine Gospel, i.e., Protestantism, ought to be advocated. Eventually, in his *Von dem gruwel der Stillmyssen, de me den Canon nömet* (Wittenberg, 1525), Luther would classify the practice of the holy mass as a form of blasphemy, thereby depriving members of the Church of Rome of the right to public worship: "Wilchs yhn eyn unleydlich ding ist, Wenn es [the demand of the right to worship – WK] schwacheyt und unverstand were, so wolten wyr durch die finger sehen, und yhn zu gut halten. Weyl sie aber verstockt sind, und nicht verstehen wollen, lassen es unter uns gehen, und uns zu sehen, das sie Gott so lestern und schenden, so kunden wyr und sollen nymer gedult tragen. Denn weyl sie mit uns ynn eyner stad und gemeyne wonen, und aller eusserlicher gemeynschafft mit uns geniessen, wuerden wyr zuletzt yhre wissentliche lesterunge auch auff uns tragen muessen, als die dreyn verwilligeten, und nichts dazu thetten, wie wyr wool kunden, als Paulus Rom. 1, 32 Vulg. Ro. 2. spricht, Sie sind des todts werd, auch die, so dreyn verwilligen."[34]

Luther's refusal was of dual nature. Apart from withholding toleration for an unacceptable cult, his denial in effect presupposed that such a persuasion constituted a menace to the righteous Christian community and as such required

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33 Ch. Peters, "Das Widerstandsrecht als Problem reformatorischer Theologie. Stimmen lutherischer Theologen aus dem Umfeld des Bauernkriege", [in:] *Widerstandsrecht in der frühen Neuzeit. Erträge und Perspektiven der Forschung im deutsch-britischen Vergleich*, hrsg. R. von Friedeburg, Berlin 2001, ZHF Beiheft 26, p. 113–139.

34 M. Luther, "Von dem Greuel der Stillmesse, so man den Canon nennet (1525)", [in:] *D. Martin Luthers Werke. Kritische Gesamtausgabe,* Abteilung Schriften, Bd. 18, Weimar 1908, p. 22–23; see: J. M. Estes, op. cit., p. 43–44.

the intervention of secular authorities: "Darumb, lieben Christen, last uns fur solchem grewel fliehen, und der sach eynis werden, das man kan durch ordenliche gewalt dise Gottes lesterung abthun, das wyr nicht fremdde sunde auff unsern hals laden, Denn die oeberkeyt schuldig ist, solche offentliche Gottes lesterung zu weren und straffen, leydet sie es aber und sihet zu, wo sie es weren kann, wird doch Gott nicht durch die finger sehen, und mit grewlichem ernst beyde die lesterer, und so dazu verwilligen, straffen, das yhn zu schwer werden wird. Ich habe das meyne than, trewlich geratten, und yderman gewarnet."[35] Thus, the Catholic cult was to be banned and made punishable by law on all territories governed by Protestants. However, one issue remained unclear – how to officially interpret a particular key phrase, namely, "offentliche Gottes lesterung"? Did it entail the toleration of private Catholic worship or – in accordance with the previously quoted fragment – did Luther grant the dissenters only the freedom of belief?

This conundrum forced Luther to take a clear-cut stance on the thorny issue of toleration; in fact, this particular lexeme was immortalised in the German language by Luther[36]. His notion of "Tollerantz" may be analysed in three inter-related ways. Firstly, as a theological concept, best summarised by Luther in his 1525 commentary on the Bible: "Adeo infinita est distantia peccati in fidem et verbum et peccati in charitatem et opus. Charitas omnia suffert, omnia tolerat, fides nihil suffert et verbum nihil tolerat sed perfecte purum esse debet verbum, sana per totum doctrina semper, ut scopus sit vitae et operum dirigendorum."[37] Founded upon revelation, faith does not condone toleration and in this sense every Church likewise grounded ought to be intolerant[38]. Secondly, on a political plane, there exists a potential for mutual toleration between Catholics and Protestants on the basis of the public law (*ius publicum*) of the Holy Roman Empire[39]. Finally, on a personal level, just as in 1522, upon his return from Wartburg to Wittenberg, Luther declared his desire to disseminate his opinions but not to

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35 M. Luther, ibidem, p. 36.

36 H.-J. Müller, *Irenik als Kommunikationsreform. Das Colloquiums Charitativum von Thorn 1645*, Göttingen 2004, p. 64.

37 M. Luther, "Deuteronomion Mosi cum annotationibus (1525)", [in:] *D. Martin Luthers Werke. Kritische Gesamtausgabe*, Abteilung Schriften, Bd. 14, Weimar 1895, p. 669.

38 J. Kühn, *Toleranz und Offenbarung. Eine Untersuchung der Motive und Motivformen der Toleranz im offenbarungglaubigen Protestantismus. Zugleich ein Versuch zur Neueren Religion- und Geistesgeschichte*, Leipzig 1923, p. 5, 72–74; G. Ebeling, "Die Toleranz Gottes und die Toleranz der Vernunft", *Zeitschrift für Theologie und Kirche* 78, 1981, p. 442–464.

39 H.-J. Müller, op. cit., p. 64.

inflict his beliefs on anybody. In practice, he refrained from pressuring those whose beliefs – Luther was adamant about this – "were of devilish provenance"[40].

Nevertheless, a few years later Luther asked the Elector of Saxony to assume the mantle of Church inspector and, ever since the highest authority of the German Reformation acknowledged the right of secular powers to the so-called *inspectio ecclesiae*, the question of the attitude of the Lutherans to dissenters at large became somewhat officially a derivative of the subtle state-Church relations. In the preface to *Instruction of the Inspectors to the Pastors in the Electorate of Saxony*, edited by Philipp Melanchthon and published in 1528, Luther repeated his earlier reservations with regard to the secular state's interference into ecclesiastic matters. Truth be told, however, he arrived at the conclusion that parochial clergy were obliged to comply with the recommendations of visiting inspectors. In case of the clergy's refusal, secular authorities were to resort to coercion[41].

As the conflict between Charles V of Habsburg and Lutheran princes and municipalities of the Holy Roman Empire allied in the Schmalkaldic League began to loom large, the question of the Protestants' limits of opposition and forms of resistance to Catholic sovereignty was becoming more and more pressing[42]. This issue is yet to be the subject of an in-depth analysis. At this point, however, it seems appropriate to remember that before 1530 both Luther and Melanchthon consistently endorsed the right to passive resistance. Afterwards, the theologians' erstwhile mutually compatible opinions started to diverge. Luther opted not to make his intentions explicit, perhaps believing that the issue in question was juristic – and not theological – in nature. Persuaded by Saxon jurists, Melanchthon, who was conversant in jurisprudence[43], angled towards the opinion that defence against religious oppression (as any other act of self-defence) is consistent with natural law and cannot be considered a violation of the obligation to obey legitimate authority[44]. Eventually, in 1536, Luther consented, and three

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40 R. Friedenthal, op. cit., p. 339, 345.

41 J. M. Estes, *The Role of Godly Magistrates*, p. 472–473.

42 R. J. Bast, *From Two Kingdoms to Two Tablets. The Ten Commandments and the Christian Magistrate*, ARG 89, 1998, p. 79–95.

43 G. Strauss, *Law, Resistance, and the State. The opposition to Roman Law in Reformation Germany*, Princeton 1986, p. 224–239.

44 „Nur der Widerstand aus Notwehr erhält einen Platz in dem System Melanchthons, wobei das Evangelium unerwähnt bleibt, aber auf das römische Recht Bezug genommen wird. Sonst ist jeder tätliche Widerstand gegen die Obrigkeit zu verwerfen", H. Lüthje, "Melanchthons Anschauung über das Recht des Widerstands gegen die Staatsgewalt", *Zeitschrift für Kirchengeschichte* 47 (10), 1928, 4, p. 535. Cf. J. M. Estes,

years later he granted the princes of the Holy Roman Empire the right to rise against the Caesar, i.e., Charles V of Habsburg, whom he considered the defender of the Pope – the antichrist[45].

An absolute reversal of roles had taken place. Now, instead of the Emperor, it was the Protestant princes that became the genuine *defensores fidei christianae*. Furthermore, as a result of Luther's questioning of the clergy's immunity and his renouncement of papal canon law, and because the general competence of Church authorities was being scaled back, there came into existence a vast public space, which was soon administered by the secular state. This in practice meant that the next phase in the rivalry between *regnum* and *sacerdotium* was dominated by lay powers. Still, in the words of Luther, mandatory obedience to the sovereign is legally binding only if the ruler wields his power for the sake of "the people", securing the subjects' welfare in accordance with divine law, as interpreted by the clergy. If the secular authority questions its vocation, the statutory obedience ceases to hold its power over "the people" since the will of God takes precedence over the will of rulers on Earth.[46]

Although the practical scope of the princes' prerogatives, i.e., the secular *cura religionis* in sixteenth-century Lutheran ecclesiology, is still the subject of scholarly discussion, one can safely assume that it did not involve acceptance of religious voluntarism on the part of secular authorities. Johannes Heckel stated clearly: "Eine Theorie des landesherrlichen Kirchenregiments ist der lutherischen Theologie des 16. Jahrhunderts völlig fremd."[47] Thus, a complex question arises: how was *ius reformandi* – the right of secular authorities to engineer religious relations (known since the seventeenth century as the doctrine of *cuius regio eius*

"The Role of Godly Magistrates in the Church. Melanchthon as Luther's Interpreter and Collaborator", *Church History* 67, 1998, 3, p. 463–483.

45 E. Hildebrandt, op. cit., p. 231. It is difficult t assess Luther's expertise in terms of international relations but the treatment of Charles V as the defender of the papacy in its then current state, as symbolized by the popes from the Medici family, such as Giovanni (Leo X 1513–21) and Giulio (Clement VII 1523–34), ought to be considered simplification. Relations etween the papacy and the Empire in the times of the Italian wars and the Reformation constitute oone of the "grand themes" of European historiography, cf. L. Ranke, *Dzieje papiestwa w XVI–XIX wieku*, trans. J. Zarański, Z. Żabicki, Warszawa 1974, p. 74–98; M. Fernández Álvarez, *Cesarz Karol V*, trans. J. Antkowiak, Warszawa 2003, p. 109–137.

46 Q. Skinner, op. cit., p. 16–17.

47 J. Heckel, "Cura religionis, Ius in sacra, Ius circa sacra", [in:] *Festschrift Ulrich Stutz zum siebzigsten Geburtstag dargebracht von Schülern, Freunden und Verehren*, Stuttgart 1938, p. 224–298, quote p. 271, Kirchenrechtliche Abhandlungen, Heft 117/118.

religio) ultimately acknowledged and, finally, how was the jurisdiction of secular authorities in matters of the Church accepted?

b) Philipp Melanchthon

Melanchthon's ecclesiological thought, typified by originality that differentiates him much from Luther (for which reason alone he demands separate analysis), may perhaps hold the key to understanding the evolution of the Lutheran stance. Distinctly influenced by Erasmus of Rotterdam[48], Melanchthon – not unlike his numerous peers – was also an advocate of aristocracy as the highest form of governance, which he praised in his 1530 commentary on Aristotle's *Politics*.[49] However, this closest associate of Luther ought not to be treated as an ivory tower scholar, cloistered away and removed from the daily concerns of fellow mortals, given that Melanchthon was Luther's competent substitute in administrative matters, gaining thus valuable political experience[50]. His first treatise on the responsibilities of secular authorities in terms of religious affairs was included in *Oratio pro Martino Luthero theologo* (1521)[51], where – in accordance with Luther's thought – Melanchthon opined that lay sovereigns were obliged to conduct the Reformation following in the footsteps of the kings of Israel, who – not unlike Josiah and Hezekiah – took decisive steps against idolatry. Correspondence between Luther and Melanchthon provides ample evidence that the two theologians discussed together their stance on Church-state relations, which was manifested in their writings published in the early 1520s[52]. In the early version of Protestant theology *Loci communes rerum theologicarum, seu hypotyposes theologicae* (published in 1521 in Wittenberg and Basel), Melanchthon expounded on the theory of a Christian ruler, defining him – with reference to the stone tablets of Mosaic Law – as *custos utriusque tabulae*. This entailed the following

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48 W. Maurer, *Der junge Melanchthon zwischen Humanismus und Reformation*, Bd. 1: *Der Humanist,* Göttingen 1967, p. 171–214; cf. H. Scheible, "Melanchthon zwischen Luther und Erasmus," [in:] *Renaissance – Reformation. Gegensätze und Gemeinsamkeiten*, hrsg. A. Buck, Wolfenbüttel 1984, p. 155–180, Wolfenbütteler Abhandlungen zur Renaissanceforschung 5.

49 H. Scheible, *Melanchthon. Eine Biographie*, München 1997, p. 93; R. Keen, "Defending the Pioup. Melanchthon and the Reformation in Albertine Saxony, 1539", *Church History* 60, 1991, 2, p. 180–195, omówienie komentarza do *Polityki*, p. 189–190.

50 W. Maurer, op. cit., Bd. 2: *Der Theologe*, Göttingen 1969, p. 152–229.

51 Ph. Melanchthon, *Melanchthon's Werke in Auswahl*, hrsg. R. Stupperich, Bd. 1, Gütersloh 1951, p. 56–140.

52 J. M. Estes, *The role of godly magistrates*, p. 468–470.

two responsibilities of secular authorities: establishing public peace (*pax civilis)* and maintaining public welfare (*utilitas publica*)[53]. However, rulers (ordained by God) were to comply with divine law (*ius divinum)* and, in case of negligence, they were liable for breach of the covenant in line with the principle: "Oportet deo magis oboedire quam hominibus"[54].

Another aim of the secular authority was to support the Church in the fulfilment of its principal objective, i.e., the spread of the genuine (Protestant) Gospel. The sovereign was supposed to foster the work of ministers, churches, parsonages, hospitals and – or perhaps in particular – schools. *Praeceptor Germaniae* emphasised the need for the cultivation not only of individual predilections[55]. To him, education was the mutual foundation of both the Church and the state. The study of the Bible was impossible without in-depth philological knowledge; correspondingly, it was inconceivable to rule adequately without sound expertise in rhetoric. In his 1536 speech *De philosophia*, Melanchthon expressed his view that, taking into account both *sacrum* and *profanum*, one ought to strive to preserve the purity and unity (coherence) of scholarship: "Itaque vos, optimi auditores, primum adhortor, ut cogitetis studia vestra vere ad Rempub, et Ecclesiam pertinere, nam doctrinae puritas et concordia, salutem et concordiam hominum, ac praecipue Ecclesiae conservat."[56]

Thus, sovereigns had not just the right but a duty to convert to Protestantism and to exhort others to do the same by means of punishing idolatry, blasphemy and dissemination of false teachings (there was, however, no mention of religious coercion)[57]. To decide justly upon matters within their jurisdiction,

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53 Ch. Peters, "Das Widerstandsrecht als Problem reformatorischer Theologie. Stimmen lutherischer Theologen aus dem Umfeld des Bauernkrieges", [in:] *Widerstandsrecht in der frühen Neuzeit. Erträge und Perspektiven der Forschung im deutsch-britischen Vergleich*, hrsg. R. von Friedeburg, Berlin 2001, ZHF Beiheft 26, p. 113–139; cf. J. M. Estes, *Peace*, p. 53–92.

54 Ph. Melanchthon, *Loci communes 1521. Lateinisch-Deutsch*, übers. und bearb. H. G. Pöhlmann, Gütersloh 1993, p. 366; W. Maurer, op. cit., Bd. 2, p. 139–148.

55 D. Buzogany, "Melanchthon as a Humanist and Reformer", [in:] *Melanchthon in Europe. His Work and Influence beyond Wittenberg*, ed. K. Maag, Carlisle 1999, p. 87–102.

56 Ph. Melanchthon, *Philippi Melanthonis opera quae supersunt omnia*, vol. 11: *Declamationes Philippi Melanthonis*, ed. C. G. Bretschneider, Halae Saxonum 1843, p. 283, Corpus reformatorum, vol. XI; see: T. Grabowski, *Literatura luterska w Polsce wieku XVI 1530–1630*, Poznań 1920, p. 99.

57 P. Hinschius, *Staat und Kirche*, Freiburg i. B. 1883, p. 201.

secular authorities are obliged to become conversant with Protestant doctrine[58]. Obviously, with regard to knowledge of the Protestant canon, Melanchthon did not wish to deprive theologians of their principal competence – to assess the compatibility of opinions with the tenets of the Augsburg Confession (*Confessio Augustana*), established as late as 1530. What Melanchthon rather had in mind was such education of authorities so that they could easily comprehend scholarly theories put forward by intellectual elites, whose calling was to support the sovereign in terms of reducing, first, the threat of tyranny and, second, the peril of democracy in both the Church and the state. With time, the opinions of Melanchthon and Lutherans evolved towards their acknowledgement of *cura religionis*. On the one hand, the genuine menace to the Lutheran cause presented by representatives of the so-called radical Reformation, in particular the Anabaptists (who wanted to establish the Kingdom of God on Earth), was becoming imminent. On the other hand, however, it was evident that the Emperor would refuse to re-build Christianity in the spirit of Protestantism; on the contrary, a war against Protestantism started to loom large[59]. In Nuremberg, in the spring of 1530, before the Diet of Augsburg of the same year, there took place a discussion over the scope of secular authorities' competence with regard to spiritual matters.[60] Dating back to that period, Melanchthon's stance on secular care over the Church (*cura religionis*) was explicated in *Loci communes theologici recens collecti et recogniti a Philippo Melanthone* (Vitebergae/Wittenberg, 1535), whose chapter entitled "De magistratibus civilis et dignitate rerum politicarum" is almost six times longer than its 1521 version, and in which secular sovereigns are, for a change, considered *praecipua membra* and *custodes ecclesiae*[61].

What remains oblique, though, is the dominant in Martin Luther's thought – was it the "doctrine of two kingdoms" or rather Melanchthon's *cura religionis*? To James Estes, at the beginning of the 1530s Luther "began to abandon the Two Kingdoms in favor of the more traditional idea of the *cura religionis*"[62]. Under the direct influence of Melanchthon, Luther is believed to have accepted the decisive direction of secular authorities with regard to religion[63], which was manifested

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58 F. Oakley, "Christian Obedience and Authority, 1520–1550", [in:] *The Cambridge History*, p. 174.

59 Q. Skinner, op. cit., p. 74–81.

60 J. M. Estes, *The Role of Godly Magistrates*, p. 474–475.

61 J. Heckel, *Cura religionis*, p. 224–228; W. Maurer, op. cit., Bd. 2, p. 230–335; cf. Q. Skinner, op. cit., p. 65–73.

62 J. Estes, *The Role of Godly Magistrates*, p. 473n.

63 Ibidem, p. 463–484.

by his commentary on Psalm 101 published in 1535. Although a more detailed comparative analysis of Luther's above-mentioned commentary and Melanchthon's views expressed in *Loci communes*, dated 1535, seems to show that these two closely collaborating theologians differed only in terms of minutiae, i.e., the accentuation of certain aspects – Luther highlighted the role of princes as the servants of the Church more than his younger associate[64]. Similarly, David M. Whitford's research on Luther's 1545 commentary on *The Book of Genesis* (*The 1st Book of Moses*) asserts that Luther remained faithful to "the doctrine of two kingdoms", i.e., the autonomy of secular and ecclesiastic authorities. It seems logical that in the mid-1540s, in the face of the heightened influence of Charles V, Luther remained steadfast, claiming once again that secular authorities (in particular, the Emperor) were not qualified to judge matters of the conscience and that religious coercion was an instance of unavailing abuse[65].

Melanchthon unveiled his mature understanding of Church-state relations in two treatises published in 1539. In the first, *De ecclesia autoritate et de veterum scriptis libellus* (Vitebergae, 1539) – reprinted in 1540 in the German translation of Justus Jonas entitled *Von der Kirchen, und alten Kirchenlereren*[66] – Melanchthon discussed relations between lay rulers and theologians and addressed moderate Catholic theologians. Hardly an advocate of subjugating the clergy to the secular state, Melanchthon paved the way for the Lutheran ecclesiology, deeming lay sovereigns *praecipua membra ecclesiae*[67].

His second treatise, *De officio principum, quod mandatum Dei praecipiat eis tollere abusus Ecclesiasticos* (Vitebergae, 1539), was published in the following year in German as *Das die Fürsten aus Gottes beuelh und gebot schuldig sind, bey iren unterthanen abgötterey, unrechte Gottes dienst und falsche lehr abzuthun, und dagegen rechte Gottesdinst und rechte Christliche lehr uff zurichten*[68]. Created as a result of the pressing need to justify Protestant religious coercion introduced in Albertine Saxony after the demise of Catholic Duke of Saxony and Margrave of Meissen George the Bearded (a member of the House of Wettin), Melanchthon's treatise constituted an elaboration on his 1530 views, already contained in his commentary on Aristotle's *Politics.* According to Melanchthon's core thesis, the

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64 Ibidem, p. 478–480; cf. M. Brecht, *Martin Luther*, Stuttgart 1987, p. 15–16.

65 D. M. Witford, op. cit., p. 60–62.

66 *Melanchthons Werke in Auswahl. Studienausgabe,* hrsg. R. Stupperich, Bd. 1, Gütersloh 1951, p. 324–386.

67 R. Keen, "Political authority and ecclesiology in Melanchthon's 'De Ecclesia Autoritate'", *Church History* 65, 1996, 1, p. 1–14.

68 *Melanchthons Werke in Auswahl. Studienausgabe*, Bd. 1, p. 384–410.

Emperor was not an efficient protector of the Gospel, so *ius reformandi* ought to be administered by territorial lords[69]. Thus, collaboration between rulers and theologians was necessary since only the latter were competent enough to secure a consensus in terms of the articles of faith and aptly defend the Protestant Church against false prophets: "Etsi enim Episcopis sua reverentia debetur, tamen tota Ecclesia mandatum habet, ut caveat pravas opiniones, et dogmata diiudicet, ut inquit Christus: Cavete a Pseudoprophetis."[70]

The assumption that territorial lords are subordinate to the Church, along with the conviction that there exists only one genuine confession (*Confessio Augustana*), provide not only the foundation of the law but the source of the righteous (Protestant) authority's duty to counter dissenters, for instance, Catholics or Anabaptists, construed as blasphemous[71]. The ruler was also duty-bound to regulate communal religious relations and was, therefore, obliged to issue decrees and Church ordinances (*Kirchenordnung*), drawn up by theologians collaborating with the sovereign[72]. A case in point is the Lutheran Church Ordinance commissioned by Albert of Prussia (Albrecht von Hohenzollern) and subsequently published, also in Polish, for use in the first officially Protestant country in Europe, namely, the Duchy of Prussia[73].

Despite divergent interpretations of Luther's and Melanchthon's thought, it is universally assumed that the first generation of Lutheran theologians were in full agreement regarding the basic tenets of political theology. Firstly, they acknowledged the doctrine of universal priesthood, which weakened the authority of the clergy in favour of the community whose key members were secular sovereigns. Secondly, the two theologians drew a distinction between the authority of a sovereign as an official and his authority as a member of the Church. Thirdly, they

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69 R. B. Huschke, *Melanchthons Lehre vom ordo politicus. Ein Beitrag zum Verhältniss von Glauben und politischen Handeln bei Melanchthon*, Gütersloh 1960, p. 133–138; see: R. Keen, *Defending the Pious*, p. 180–195.

70 Ph. Melanchthon, "De officio principum (1539)", [in:] idem, *Philippi Melanthonis opera*, vol. 11: *Declamationes Philippi Melanthonis*, ed. cit., p. 434, Corpus reformatorum, vol. XI, see: T. Grabowski, op. cit., p. 99.

71 J. M. Estes, *Peace*, p. 93–118.

72 A. L. Richter, *Die evangelischen Kirchenordnungen des sechzehnten Jahrhunderts*, Bd. 1–2, Weimar 1846, reprint 1967; cf. H.-W. Krumwiede, *Zur Entstehung des landesherrlichen Kirchenregiments in Kursachsen und Braunschweig-Wolfenbüttel*, Göttingen 1967, Studien zur Kirchengeschichte Niedersachsens 16.

73 *Ustawa albo porządek kościelny* (1571), trans. H. Malecki, Królewiec 1615; see: T. Wojak, *Ustawy kościelne w Prusach Książęcych w XVI* wieku, Warszawa 1993; T. Grabowski, op. cit., p. 58–59.

accepted "the doctrine of two kingdoms", which legitimated secular authorities but simultaneously deprived them of competence with regard to spiritual matters – that is, to questions of faith and conscience. Fourthly, they came to the conclusion that the form of church ceremony did not constitute an article of faith and, as such, was open to modification as long as any change was in line with the Word of God. Finally, the fifth tenet – perceived by dissenters as the most important one – advocates of false doctrines gained a right to private worship but not to disseminate their false doctrines publicly[74].

What ought to be also highlighted is the fact that even Melanchthon's radical reading of *cura religionis* still had little in common with the later doctrine of *cuius regio eius religio*. In the latter part of the seventeenth century Lutherans developed Melanchthon's thought so as to show visible appreciation for secular authorities, construed as *praecipua membra ecclesiae.* Kings, princes and members of city councils were thus treated in the Church as first among equals (*primus inter pares*), and not as formal sovereigns. It was not until the early seventeenth century that the doctrine of *cuius regio eius sit religio*, which gave the secular authority full judicial sovereignty over the Church, i.e., *iurisdictio spiritualis*, was formulated by Joachin Stephani (d. 1623), a Lutheran jurist from the University of Griefswald. Stephani put forward the theory in his *Institutiones juris canonici*: "Hodie religionem regioni cohaerere dici potest, ut cuius sit Regio, hoc est ducatus, principatus seu ius territorii, eius etiam sit Religio, hoc est ius episcopale seu iurisdictio spiritualis."[75].

Thus, the beginning of the seventeenth century saw the maturation of the new concept of Church-state relations in Lutheran theology. Deviating from Melanchthon's thought, the novel theory took shape most probably in the cauldron of political events happening on the verge of the Thirty Years' War, under the influence of the Episcopalian strand of Lutheran ecclesiology and as a consequence of the disputes between Lutherans and Calvinists[76]. The process culminated under the auspices of the eminent dogmatic theologian from the University of Jena, Johann Gerhard (d. 1637), who posited his theory of *ecclesia particularis*, i.e., the idea of the territorial Church governed by a local political sovereign. To this end, Gerhard used the following typology of two authorities within one Lutheran Church: internal (clerical) and external (secular). At this point, it seems appropriate to note that in 1608 David Pareus, an eminent Reformed theologian from

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74 J. M. Estes, *Christian Magistrate and State Church. The Reforming Career of Johannes Brenz*, Toronto 1982, p. 19–28; idem, *The Role of Godly Magistrate*, p. 467.

75 Quoted from J. Heckel, op. cit., p. 234, footnote 31.

76 P. Hinschius, op.cit., p. 202–203.

Heidelberg, also drew a distinction in a similar way between *potestas ecclesiastica interna* and *potestas ecclesiastica externa*[77].

Particular differences notwithstanding, Lutheranism since its inception has distinctly differentiated between freedom of religion and freedom of worship – with the former being granted to dissenters and the latter denied without any exception. Religious dissidents (in the sixteenth century primarily Catholics, Calvinists and Anabaptists) occupying territories governed by Lutherans were not prosecuted as "heretics" but only deprived of the right to spread their teachings, which were considered blasphemous (primarily Catholics and Calvinists) and a menace to public peace (primarily Anabaptists). Often, they were obliged to attend Lutheran sermons with a view to learning the tenets of the genuine faith[78]. The most resistant were subjected to banishment, which – in comparison with mediaeval jurisprudence regarding heresy – was a considerable improvement[79].

This situation was perhaps a direct result of the fact that, in many parts of the Holy Roman Empire (but also, for instance, in the Kingdom of Poland), the attitude of Lutherans toward religious dissenters was, from the beginning, markedly influenced by the political context. Even in areas typified by relative Lutheran success in the mid-sixteenth century (i.e., in Greater Poland and Royal Prussia), followers of Luther had to reckon first with the Catholics and then with the Calvinists. In the seventeenth century Lutheranism in the Kingdom of Poland became a thing of the past – a minority confession whose adherents, with the exception of Royal Prussia, constituted plebs with no political leverage, most of them immigrants from the Holy Roman Empire, who found refuge from the repercussions of the Thirty Years' War in the South-West of Greater Poland[80].

A different narrative unfolded in the three major towns of Royal Prussia, where – thanks to privileges granted by King Sigismund Augustus – the legal dominance of the Augsburg confession was warranted[81]. This legal status quo was not challenged even in the late sixteenth century, when Reformed Protestants, riding the crest of the wave of the so-called Second Reformation, gained

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77 J. Heckel, op. cit., p. 272–279.

78 J. Lecler, *Historia tolerancji w wieku reformacji*, trans. L. and H. Kühn, Warszawa 1964, vol. 1, p. 176–180.

79 J. Tazbir, *Dzieje polskiej tolerancji*, Warszawa 1973, p. 18–19.

80 M. Bogucka, *Miasta w Polsce a reformacja. Analogie i różnice w stosunku do innych krajów*, OiRwP 24, 1979, p. 5–20.

81 M. Bogucka, "Luter a Gdańsk. Społeczne przesłanki zwycięstwa luteranizmu w Gdańsku w XVI w.", *Rocznik Gdański* 43, 1983, 1, p. 55–63.

considerable influence in the region[82]. So, in the most affluent and major municipalities of the Crown – in Gdańsk (Danzig), Toruń (Thorn) and Elbląg (Elbing) – it was the Catholics, the Calvinists, the Bohemian Brethren, the Polish Brethren and the Mennonites that constituted dissenters who were – depending on the era in question – tolerated to one degree or another by dominant Lutheranism. Even the consequences of the Tumult of Thorn (Thorner Blutgericht) in 1724 did not alter the state of affairs. On the basis of a Sejm court ruling, the Catholics of Toruń were granted not just equality in terms of holding municipal office but also a privileged position, in light of the fact that 50% of the city council of Lutheran Toruń was to be comprised of Catholic councillors. However, in practice the situation was different: in all three major towns of Royal Prussia non-Lutherans played a marginal role until the dissolution of the Republic of Poland in 1795[83].

c) Ulrich Zwingli

Before we move on to discuss Calvinism (which was far more popular in the Kingdom of Poland and the Grand Duchy of Lithuania in the latter half of the sixteenth century) along with its stance on Church-state relations and its attitude toward dissenters, let us consider the thoughts on these matters of the first great reformer of the Swiss strand of the Reformation – Ulrich Zwingli. Remaining under the substantial influence of Erasmian Humanism[84], Zwingli became in

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82 M.G. Müller, *Zweite Reformation*, Berlin 1993.

83 S. Salmonowicz, "O problematyce politycznej i prawnej tzw. tumultu toruńskiego z 1724 roku", *Czasopismo Prawno-Historyczne* 24, 1972, 1, p. 223–237; idem, *O toruńskim tumulcie z roku 1724*, OiRwP 28, 1983, p. 161–184.

84 C. Augustijn, "Zwingli als Humanist", [in:] idem, *Erasmus. Der Humanist als Theologe und Kirchenreformer*, Leiden 1996, p. 197–219, Studies in Medieval and Reformation Thought LIX. With regard to Zwingli, not unlike the case of other Reformers (Luther, Melanchthon, Bucer), the question of the relationship between Humanism and the Reformation has long been the subject of research. Cornelis Augustijn, as well as Walther Köhler, who earlier wrote about Zwingli (*Huldrych Zwingli,* Stuttgart 1952, 2. Aufl., p. 264), thought that Humanism was a key factor in the shaping of Zwingli's mentality. For recent research, see: A. Levi, *Renaissance and Reformation. The intellectual genesis*, New Haven-London 2002, p. 350–355. Other scholars, e.g., Artur Rich (*Die Anfänge der Theologie Huldrych Zwinglis*, Zürich 1949), or Gottfried W. Locher (*Die Zwinglische Reformation in Rahmen der europäischen Kirchengeschichte*, Göttingen-Zürich 1979) believed that Zwingli was educated in opposition to Humanism. See: G.W. Locher, "The Change in the Understanding of Zwingli in Recent Research", *Church History* 34, 1965, 1, p. 3–24.

1518 a minister at the Collegiate Church of the Grossmünster in Zurich, a relatively small town (in 1519 inhabited by circa 5000 residents, of whom 1000 were citizens), which since the early fifteenth century had been ruled by representatives of craft guilds and whose welfare was dependent on the artisan trades and on the exploitation of the subordinate rural population (circa 50 000 people). In 1521, in recognition of his talent, Zwingli was made a canon and subsequently, as a consequence of his own studies and Lutheran inspiration, he launched his Reformation initiative, the direct effect of which was the revocation of the Mass by the authorities of Zurich in 1525.[85]

The start of the Reformation in Zurich brought with it the dissolution of monasteries, closure of church foundations and, finally, legal reform that would introduce divorces and a more disciplinarian approach to family life and sexuality. The ecclesiastical court, which ruled on the basis of canon law, was supplanted by a consistory court comprised of 2 laymen and 4 pastors. In Zurich, and later in many other Swiss towns, consistories became organs of social control that made house owners responsible for the conduct of their residents[86]. Much earlier than Calvinist Geneva, Zurich became a Puritan city where Zwingli, as a spiritual leader of the municipal community, was a ruthless enemy of all dissenters, in particular those of an Anabaptist persuasion[87].

As observed by Zwingli's biographer, the Swiss reformer's success was contingent upon his forcefully disseminated belief that control over public worship and religious practice was the sole responsibility of secular authorities, and not ecclesiastical ones[88]. To Zwingli, the ideal governance constituted *respublica christiana*, whose lay sovereigns, while being guided by the teachings of the "prophets" (i.e., ministers), managed to subjugate the clergy. In 1523, Zwingli published his programmatic political treatise *Von göttlicher und menschlicher Gerechtigkeit*[89], in which he reminded readers that divine justice set the benchmark of justice on earth. Consequently, secular legislators and judges ought to act in congruity with the Bible. Not unlike Luther, Zwingli championed the absolute division of ecclesiastic and lay offices. "The people of the Word" and "the people of the sword" ought to work independently, though always in accordance with the principle

85 N. Birnbaum, "The Zwingli Reformation in Zurich", *Past nad Present* 15, 1959, p. 27–47.

86 W. Köhler, *Zürcher Ehegericht und Genfer Consistorium*, Bd. 1: *Das Zürcher Ehegericht und seine Auswirkung in der Deutschen Schweiz zur Zeits Zwinglis*, Leipzig 1932.

87 R. Friedenthal, op. cit., p. 525–526.

88 G. R. Potter, *Zwingli*, trans. T. Szafrański, Warszawa 1994, p. 117.

89 *Huldreich Zwinglis sämtliche Werke*, Bd. 2, ed. E. Egli, G. Finsler, Zürich 1908, p. 458–525, Corpus reformatorum, vol. LXXXIX.

that, while secular authorities should adhere to the ministers' teachings in spiritual matters, the clergy should follow the rulings of lay sovereigns in earthly affairs[90].

In practice, since the inception of his Reformation-centered initiatives, Zwingli advocated the need to not undermine (but in fact to emphasise) the relevance of the genuinely Christian, i.e., Protestant, secular sovereignty, with whom the clergy ought to comply. His views made their way into his "Sixty-Seven Articles" ("Schlussreden" or "Concluding Statements"), which were first under public review in Zurich on 19 January 1523 and then, upon disputation, were duly printed.[91] To Zwingli, the highest proof of the legality of secular authority was the fact that the lay sovereign approved of the dissemination of the Gospel. Consequently, as "one ought to listen more keenly to God than to people,"[92] the only reason for refusing to obey one's ruler would be a command violating the Word of God. A Christian country must not remain indifferent; it is obliged to back the champions of truth, i.e., those who approve of and spread the official doctrine[93]. At this point, it is important to emphasise that Zwingli's lack of acceptance for the state's "indifference to" religious matters did not entail programmatic and sustained intolerance. The reformer was aware of the fact that an individual's inner autonomy was at stake, so – to him – while external matters were the domain of secular authorities, one's inner life – one's conscience – was to remain free, given that it constituted the domain of the grace of God. Zwingli opposed religious coercion because he understood that it was futile to endeavour to impose faith on an individual. His disavowal of such enforcement is indisputably evident in one of his statements: "Nun ist doch keine über die conscientzen der menschen herr."[94]

What logically followed the above assertion was Zwingli's staunch endorsement of the right to resist evil, i.e., godless authority. Rulers who deem themselves sovereign and take no heed of divine law succumb to tyranny: "Tyrannidem

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90   H. Schmid, *Zwinglis Lehre von göttlichen und menschlichen Gerechtigkeit*, Zürich 1959, p. 234–242; N. Birnbaum, op. cit., p. 34.

91   U. Zwingli, "Auslegung und Gründe der Schlussreden (1523)", [in:] *Huldreich Zwinglis sämtliche Werke,* Bd. 2, hrsg. E. Egli, G. Finsler, Zürich 1908, p. 1–457, Corpus reformatorum, vol. LXXXIX; J. Lecler, op. cit., vol. 1, p. 315.

92   G. R. Potter, op. cit., p. 135, 489.

93   B. Brockelmann, *Das Corpus Christianum bei Zwingli*, Breslau 1938, p. 35–48, Breslauer Historische Forschungen, Heft 5.

94   Quoted from H. Schmid, op. cit., p. 229.

autem voco, ubi sumitur propria autoritate imperium"[95]. Resistance against tyranny thus constitutes not only a Christian's right but his duty as well. Cowardly people who decide not to rebel against a godless sovereign deprive themselves of the right to complain about its fate[96]. In Article Forty-Two, included in the above-mentioned "Schlussreden", Zwingli states even that the majority are authorised to dethrone an incompetent sovereign[97]. He repeats this view in the 1529 commentary on *The Book of Isiah*, claiming that monarchy is too susceptible to tyranny, democracy is too likely to degenerate into chaos, and aristocracy constitutes the foremost form of governance[98]. Interestingly, Christopher Frey mistakenly infers from the above that Zwingli advocated representative democracy (indirect democracy), since aristocracy entailed the rule of the best based on election[99]. Quite rightly, Heinrich Schmid asserts, however, that Zwingli's acceptance of the "unapologetic" right of resistance did not mean he preferred democracy. Zwingli was in fact an advocate of any form of governance as long as it complied with the law, will and primacy of God[100].

There appears to be no incongruity between these two approaches, though there is an issue of incompatible terminology. Zwingli envisioned the state as a borough, which he thoroughly delineated in his treatise *De vera et falsa religione*

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95 U. Zwingli, "De vera et falsa religione commentarius (1525)", [in:] *Huldreich Zwinglis sämtliche Werke*, Bd. 3, hrsg. E. Egli, F. Finsler, W. Köhler, Zürich 1914, p. 870, Corpus reformatorum, vol. XC; H. Schmid, op. cit., p. 224.

96 U. Zwingli, "De vera et falsa religion", p. 225, 245–248.

97 „So sy aber untrülich und usser der schnür Christi faren wurding, mögend sy mit Got entsetzt werden", U. Zwingli, *Auslegung und Gründe der Schlussreden*, Artikel 41, ed. cit., p. 342–346.

98 U. Zwingli, "Jesaja Erklärung complanationis Isaiae prophetae foetura prima, cum apologia", [in:] *Huldreich Zwinglis sämtliche* Werke, Bd. 14, hrsg. E. Egli et al., Zürich 1956, p. 1–412, Corpus reformatorum, vol. CI; see: W. P. Stephens, *The theology of Huldrych Zwingli*, Oxford 1986, p. 282–310.

99 Ch. Frey, *Etyka protestantyzmu od reformacji do czasów współczesnych*, trans. S. Cinal, Kraków 1991, p. 45.
Aristocracy, construed as an Aristotelian concept (or as the notion that was still in circulation in the sixteenth century), i.e., the authority of the best representatives of the people, could be deemed "a democratic government" only in the illustrative sense, since until the times of Jean-Jacques Rousseau democracy was understood as direct rule of the people (scil. hoi polloi), not as a system of representatives.

100 H. Schmid, op. cit., p. 225; cf. W. Schulze, "Zwingli, lutherisches Widerstandsdenken, monarchomachistischer Widerstand", [in:] *Zwingli und Europa*, hrsg. P. Blickle, A. Lindt, A. Schindler, Zürich 1985, p. 199–226.

commentarius[101], portraying the said state-borough as an ideal Protestant community. He wanted to implement the idea that Robert C. Walton even considered to be an incarnation of Christian theocracy because the function of the ultimate point of reference and the absolute authority in Zwingli's system was reserved for the Gospel, which in turn was to be disseminated by the "prophets"[102]. In contrast, both Heinrich Schmid and Christopher Frey refute the existence of theocratic tendencies in Zwingli's thought. To Schmid, Zwingli espoused the preservation of an equilibrium between the state and the Church as well as between "the people" and the authority. For that reason alone, Zwingli is construed by some as an advocate of secular (state) supremacy and by others as a champion of the primacy of the Church[103]. In comparison, Frey emphasises Zwingli's spiritualism, which in turn led the reformer to highlight the difference between the state and the Church, the latter of which he did not understand as the visible community. To him, the Church of the Spirit, the institutionalised (and visible) Church, and the state constitute separate entities[104].

In fact, in order to lower the clergy's burden of administrative tasks (which rendered "the prophets" ineffective, turning them into mere bureaucrats), and with a view toward protecting the quality of the Church's calling proper (i.e., teaching)[105], Zwingli was eager to hand all of the Church's earthly matters over to secular officials. Zwingli's marked tendency to idealise relations in a Christian community is all the more conspicuous in his preface to a collection of sermons dedicated to the city council of Strasbourg, which contains a description of the organisation of a genuinely Christian community: "Si principes vestri non turgent fastu, sic prophetae commode, fideliter ac erudite docent, sic plebs tranquilla et doctrinam et imperium capit, ut jam dixisse olim non poeniteat Christianum hominem nihil aliud esse quem fidelem, ac bonum civem, urbem Christianam nihil quam ecclesiam Christianam esse."[106]

Such a framework of political relations was perhaps of interest to people during the first, notably idealist and emotionally charged phase of the Reformation,

101   J. Lecler, op. cit., vol. 1, p. 316.
102   R. C. Walton, *Zwingli's Theocracy*, Toronto 1967, p. 158–167.
103   H. Schmid, op. cit., p. 249.
104   Ch. Frey, op. cit., p. 46.
105   H. Schmid, op. cit., p. 254.
106   U. Zwingli, "Jeremiah-Erklärungen", [in:] *Huldreich Zwinglis sämtliche Werke*, hrsg. E. Egli et al., Bd. 14, Zürich 1956, p. 424, Corpus reformatorum, vol. CI; cf. W. P. Stephens, "The Theology of Zwingli", [in:] *The Cambridge Companion to Reformation Theology*, ed. D. Bagchi, D. C. Steinmetz, Cambridge 2004, p. 80–99.

but it failed to serve as a long-term solution to the *real* problems at hand. Nonetheless, this does not mean that the Zurich-based reformer was a doctrinaire who was far removed from the concerns of society at large. The concept of a Christian community viewed (and critiqued) from the vantage point of secular urban communities constitutes a phenomenon typical of theologians living and working in cities, such as Zwingli in Zurich, Martin Bucer (Martin Butzer) in Strasbourg, John Calvin first in Strasbourg and then in Geneva; all of them worked and developed their views steeped in the influential tradition of late-mediaeval *civitas*, i.e., urban community[107].

Eventually, the idea of a Church that was subordinate to municipal authorities took root in Zurich; after Zwingli's death near Kappel in 1531 the role of ministers ceased to be as dominant as before, with the exception of Zwingli's successor in Zurich, Heinrich Bullinger, who was in fact an outstanding and seminal personality[108]. Obviously, Zwingli's insistent support of state dissemination of the Word of God excluded any tolerance with regard to public worship on the part of dissenters. However, due to the specific characteristics of the Swiss *particularis*, Zwingli's ideas would not automatically result in the absolute dominance of the Reformed confession or even the institution of theocracy. At the same time, when the Catholic service was being discarded in Zurich, the supporters of Zwingli and the local Catholics signed a religious consensus in near-by Graubünden, at the 1526 Diet of Ilanz[109]. Randolph C. Head's research corroborates the argument that, despite the growing number of Protestant residents in the canton (in 1600, there were 34 Protestant boroughs and 18 Catholic boroughs in Graubünden), the role and influence of the Reformed pastors was considerably curtailed in 1572 by the "magnates of Chur [Coire]," i.e., the noble families that started to dominate local politics. This in fact gave rise, just as the Thirty Years' War was about to break out, to a temporary political crisis in Switzerland[110].

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107   B. Möller, *Imperial Cities and the Reformation. Three essays*, transl. H. C. E. Middlefort, M. V. Edwards, Philadelphia 1972, p. 89; see also: S. E. Ozment, *The Reformation in the Cities. The Appeal of Protestantism to Sixteenth Century Germany and Switzerland*, New Haven, Conn. 1975.

108   J. Wayne Baker, "Church, State, and Dissent. The Crisis of the Swiss Reformation, 1531–1536", *Church History* 57, 1988, 2, p. 135–152.

109   J. Lecler, op. cit., vol. 1, p. 361.

110   R. C. Head, "Rhaetian ministers from shephards to citizens: Calvinism and Democracy in the Republic of the Three Leagues 1550–1620", [in:] *Later Calvinism. International perspectives*, ed. W. Fred Graham, Kirksville 1994, p. 55–69.

d) John Calvin and Calvinists

Forged ultimately under the influence of the "Genevan prophet", the branch of the Reformation that gave rise to, among others, the Evangelical Reformed Churches and Presbyterianism did not have a unified policy with regard to dissenters in the sixteenth and seventeenth centuries. Thus, the question of Church-state relations was answered on the basis of the local context. This was in fact in line with Calvin's outlook, which was by no means doctrinaire and contained the belief that different situations called for different political means[111]. Thus, it may even seem that some of Calvin's ideas sowed the conceptual seeds for the division of Church and state[112]; indeed the role played by Calvinism in the genesis of modern democracy has been the subject of scholarly debates for a considerable period of time.[113] Nevertheless, one must not forget that some scholars have linked political radicalism, including present-day varieties, to Calvinism.[114] This is an issue that calls for a separate monograph, in part because of the importance of the matters in question to the political history of Central Europe. Due to the scope of the present book, only an outline of Calvin's stance on Church-state relations will be presented here, while the issue of the right of resistance and the reason for the popularity of his views in Poland in the latter part of the sixteenth century will be dealt with in subsequent paragraphs.

Calvin was a jurist by education and a theologian by vocation. In consequence, his carefully formulated political ideas should be construed as but a mere addition to his theological concepts[115]. As Luther and Zwingli's junior, he represented a younger generation of reformers whose task was to find answers to pressing questions concerning the new shape of Christian liberty, expressed using the

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111   W. J. Bouwsma, *John Calvin. A Sixteenth-century Portrait*, New York-Oxford 1988, p. 207.

112   *Constitutionalism and Resistance in the Sixteenth Century. Three Treatises by Hotman, Beza and Mornay*, transl. and ed. J. H. Franklin, New York, b. d., p. 14.

113   R. Ward Holder, "Calvin's Heritage", [in:] *The Cambridge companion to John Calvin*, ed. D. K. McKim, Cambridge 2004, p. 245–273. For an anthology of texts on the topic, see: *Calvin and Calvinism. Sources of Democracy?*, ed. R. M. Kingdon, R. D. Linder, Lexington Mass. 1970 oraz przegląd literatury: H. Vahle, *Calvinismus und Demokratie im Spiegel der Forschung*, ARG 66, 1975, p. 182–212.

114   M. Walzer, *The Revolution of the Saints. A Study in the Origins of Radical Politics*, Cambridge Mass. 1965, p. 47–54.

115   W. R. Stevenson, jr., "Calvin and Political Issues", [in:] *The Cambridge Companion to John Calvin*, p. 173.

language of politics and law[116]. The task did not intimidate Calvin because, given his university education, he was well-versed in the core issues of the dispute between late nominalism and the Humanism of the Early Modern Age. One of his first publications, his edition of Seneca's *De clementia*, was even interpreted as a way of searching for the model of political reform in France, namely, a proposal of the stoic *optimum*, situated between royal authority and Christian liberty[117]. In the early 1530s Calvin was an advocate of religious freedom, considering toleration to be a unique virtue of an ideal sovereign – a Christian stoic[118]. But the autumn of 1534 saw the eruption of "The Affair of the Placards", instigated by Antoine Marcourt, after which a series of repercussions targeting "French Lutherans" started to take their toll[119]. Calvin took refuge in Basel, where – with the visible dominance of Lutheranism – religious pluralism was the order of the day, which enabled him in 1536 to publish there the first edition of *Institutio Christianae religionis*[120].

Calvin's writings are typified by his firmly held belief that a Christian is first a member of the Church and then a citizen of the world. This hierarchy must not be ignored[121] while interpreting his thought, among others his *Institutio*[122], where Calvin – following in the footsteps of Saint Augustine – discusses the indispensability of the state as an institution parallel to the Church, one that works

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116 H. Scholl, *Reformation und Politik. Politische Ethik bei Luther, Calvin und den Frühhugenotten*, Stuttgart-Berlin 1976, p. 48.

117 *Calvin's Commentary on Seneca's De clementia*, ed. F. L. Battle, A. Malan Hugo, Leiden 1969; H. A. Oberman, *Initia Calvini. The matrix of Calvin's Reformation*, Amsterdam 1991, Koninglijke Nederlandse Akademie van Wetenschappen, Mededelingen van de Afdeling Letterkunde, Nieuwe Reeks, Deel 54, No. 4.

118 H. Höpfl, *The Christian Polity of John Calvin*, Cambridge 1982, p. 159.

119 G. Berthoud, *Antoine Marcourt réformateur et pamphlétaire. Du „Livre des marchands" aux placards de 1534,* Genève 1973, Travaux d'Humanisme et Renaissance, vol. 129.

120 A. Ganoczy, "Calvin's life", transl. D. L. Foxgrover, J. Schmitt, [in:] *The Cambridge Companion to John Calvin*, p. 6–8.

121 E. Busch, "Calvin und die Demokratie", [in:] *Bibliothek und Reformation. Miszellen aus der Johannes a Lasco Bibliothek Emden*, hrsg. Ch. Strohm, Wuppertal 2001, p. 117–149, 120–121.

122 *Joannis Calvini opera selecta*, ed. P. Barth, G. Niesel, vol. V: *Institutionis Christianae religionis 1559 librum IV. continens*, Monachii in Aedibus 1936; also, due to lack of a Polish translation of the original, I relied on: J. Calvin, *Unterricht in der christlichen Religion Institutio Christianae Religionis*, übers. und bearb. O. Weber, Neukirchen 1997 (6. Aufgabe) oraz: J. Calvin, *Institutes of the Christian Religion*, transl. H. Beveridge, vol. II, Grand Rapids.

to reduce the woeful consequences of sinful human nature[123]. To Calvin, state order (public peace) is of paramount importance because it provides the foundation upon which a Christian community can build its religious life. Authority is a prerequisite for the maintenance of peace: "cuius usus non minor inter homines quam panis, aqua, solis et aeris"[124]. Peace is in danger when commandments are violated and resultant dissatisfaction becomes a menace to public religious practice: "Calvin hat keinen Zweifel darüber gelassen, daß die Führsorge für die echte Gottesverehrung die vornehmste Aufgabe der Obrigkeit ist."[125]

Nonetheless, one ought to remember that, not unlike Zwingli, Calvin had access to a rather limited political perspective – his point of reference with regard to his understanding of modern government (modern state) was predominantly limited to (and filtered through) Geneva[126]. It was here that – after the year 1541 – his political thought ultimately developed[127]. Interestingly, a palpable correspondence between the political concepts of Calvin and Martin Bucer, which did not escape the scholarly attention of Hans Baron, leads us straight to the reality of yet another municipality – Strasbourg[128]. It was not until the end of Calvin's life – and even more so after his death – that Calvinism managed to liberate itself from the mental shackles of thinking in local, urban terms. Having done so, it began to expand, eventually turning into an ideology to be reckoned with internationally, namely a seminal component of French "great politics" and, thus, of Europe[129].

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123 Św. Augustyn, *O państwie bożym. Przeciw poganom ksiąg XXII*, trans. and edit. W. Kornatowski, vol. 2, Warszawa 1977, księga XIX, chpt. 17; S. Jóźwiak, *Państwo i Kościół w pismach św. Augustyna,* Lublin 2004, p. 66–91.

124 *Joannis Calvini opera selecta*, vol. V, p. 473–474.

125 W. Niesel, *Die Theologie Calvins*, München 1957, (2. Aufl.), p. 230.

126 H. Höpfl, *The Christian polity*, p. 66.

127 A. E. McGrath, *Jan Kalwin. Studium kształtowania kultury Zachodu*, trans. J. Wolak, Warszawa 2009, p. 254; W. G. Naphy, "Calvin's Geneva," [in:] *The Cambridge companion to John Calvin*, p. 25–37; idem, "Calvin and Geneva", [in:] *The Reformation world*, ed. A. Pettegree, London-New York 2006, p. 309–322; see: idem, *Calvin and the consolidation of the Genevan Reformation,* Manchester-New York 1994; R. Oresko, "The Question of the Sovereignty of Geneva after the Treaty of Cateau-Cambrésis", [in:] *Republiken und Republikanismus im Europa der Frühen Neuzeit*, hrsg. H. G. Koenigsberger, E. Müller-Luckner, München 1988, p. 77–99.

128 H. Baron, "Calvinist Republicanism and its Historical Roots", *Church History* 8, 1939, p. 30–41, reprinted as: *Calvin and Calvinism. Sources of democracy?*, p. 50–55.

129 For the scholarship on the importance of Geneva and Calvinism in European politics of the latter half of the sixteenth century, see: R. M. Kingdon, *Geneva and the coming*

Although, as John T. McNeill asserted in the preface to the anthology of Calvin's texts, "Calvin wrote no extended formal treatise on government"[130], his writings on the subject in question seem coherent and unified, and as such they must have influenced Calvin's pupils and – by their proxy – followers of the Reformed Churches including in Eastern Europe. His outlook on Church-state relations and, as a consequence, also on dissenters can be inferred from his *Institutio Christianae religionis*, from *epistola dedicatoria* addressed to Francis I of France and included in the 1536 edition, as well as from fragments strewn throughout his Biblical commentaries – primarily from *The Book of Daniel* and Apostle Paul's *Epistle to the Romans*[131].

Dated August 1535, the dedication to King Francis abounds in Calvin's remarks on sovereigns whom the reformer deemed legal as long as they swore to serve God and the glory of God. However, if monarchs persecuted adherents of "the genuine Gospel", they would be severely criticised by rightful (and righteous) theologians or even accused of usurpation[132]. Calvin devoted 66 lectures – commentaries on *The Book of Daniel* – to his critique and censure of intolerant royal authority. Tellingly, he dedicated all of them to the Protestant faithful of the Kingdom of France persecuted by the Catholic House of Valois[133]. Similarly, Calvin's 1539 commentaries on Apostle Paul's *Epistle to the Romans* include his understanding of the responsibilities of authorities at large: firstly, their goals should focus on the public good (rather than on personal gain); secondly, sovereigns are accountable to God[134].

Read in the broader context of European political theology, these views are not altogether original. Yet they serve as a springboard for *mutua obligatio*, a signature idea for Calvin and his followers, understood as mutual obligation, a concept popularised in the seventeenth-century English language as "covenant". In accordance with this idea, the rules of non-tyrannical governance ought to be prescribed by law. A sovereign is ordained by God to rule in congruity with

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    of the wars of religion in France, 1555–1563, Genève 1956; idem, *Geneva and the consolidation of the French Protestant movement, 1564–1572. A contribution to the history of Congregationalism, Presbyterianism and Calvinist resistance theory*, Madison 1967.

130   J. Calvin, *On God and political duty*, ed. J. T. McNeill, N. York 1950, "Introduction", p. VIII.

131   W. R. Stevenson, jr., op. cit., p. 173.

132   J. Calvin, *On God and political duty*, p. IX–X.

133   Ibidem, p. XX–XXIII.

134   J. Calvin, *Commentaries on the Epistle to the Romans*, Chapter XIII, in: idem, *On God and political duty*, p. 83–87; W. R. Stevenson, op. cit., p. 183–185.

divine law and for the sake of his subjects. For this relation to remain mutual, subjects are obliged to obey any God-ordained authority. Calvin's *mutua obligatio* ought not to be confused with the notion of a legal agreement – with "a contract between the sovereign and the people" introduced by the Monarchomachs in the late sixteenth and early seventeenth centuries. While the former (*mutua obligatio*) is a theological concept, the latter (the Monarchomachic postulate) refers to ideas formulated on the basis of law[135]. This fundamental paradigmatic difference was a hindrance to sixteenth-century commentators and researchers alike, and even today it is frequently not elucidated well enough.

The most precise account of the responsibilities of secular and ecclesiastic authorities is to be found in Calvin's "De politica administratione", the twentieth chapter of the fourth book of the 1559 edition of *Institutio Christianae religionis*[136], which is considered the reformer's definite edition of the work[137]. To Calvin, while a Christian state was the only legally valid state, the highest authority was reserved for God[138]; it does not mean that Calvin stayed aloof from reality, though. In practice, the Church and the state were to act independently but were to be united in their aims – to defend peace and Christian life[139]. As an advocate of balance and equilibrium between the two powers, Calvin opposed the practice of full subordination of the Church to the state. At the same time, he opposed

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135 J. Bohatec, *Calvins Lehre von Staat und Kirche mit besonderer Berücksichtigung des Organismusgedankens*, Breslau 1937, p. 64–75.

136 *Institutio Christianae religionis, in libros quatuor nunc primum digesta, certisque distincta capitibus, ad aptissimam methodum: aucta etiam tam magna accessione ut propemodum opus novum haberi possit Ioanne Calvino authore,* Genevae MDLIX, lib. IV, cap. XX, p. 549–562. Edition with Calvin's foreword, dated Geneva, 1 April 1559; for details of the edition, see: R. Peter, J.-F. Gilmont, *Bibliotheca Calviniana. Les oeuvres de Jean Calvin publiées au XVIe siècle,* vol. 2: *Écrits théologiques, littéraires et juridiques, 1555–1564,* Genève 1994, p. 706–712, Travaux d'Humanisme et Renaissance, vol. 281.

137 H. Höpfl, op. cit., p. 172–173. For an overview of the editions of Calvin's *Institutio*, J. T. McNeill, op. cit., p. X–XII. Anonymous late sixteenth-century Polish translation of Book IV, Chapter XX: [J. Calvin], *O zwierzchności swieckiey porządne według sznuru Pisma świętego opisanie. Zaraz o pożytkach y powinnościach urzędu iey. Z łacinskiego na Polskie wiernie przetłumaczone,* b. m. 1599; see: W. Kriegseisen, *Polski przekład XX rozdziału czwartej księgi Institutio Christianae religionis Jana Kalwina*, OiRwP 50, 2006, p. 101–113.

138 J. Bohatec, op. cit., p. 173–175.

139 E. Wolf, *Theologie und Sozialordnung bei Calvin*, ARG 42, 1951, p. 11–31.

absolute authority of the clergy over secular powers[140]. The state, in cooperation with the Church, was obliged to maintain peace, justice and welfare so as to secure the internal and external security of the country, but also to pre-empt everyday social threats, such as staggering inflation or abject poverty[141]. That is why Calvin formulated the *sui generis* programme of social politics, which involved, among other things, establishing schools throughout the country, providing pupils and students with aid, and creating communal alehouses and almshouses (after all, begging constituted not only a menace to public order but a disgrace to Christendom)[142].

Furthermore, Calvin considered the de rigueur dissemination of the Gospel and the protection of the Church to be the two parallel responsibilities of the secular sovereign. In social practice, the former could potentially lead to the outlawing of atheism and, thus, to religious coercion and to the penalisation of the violation of the Word of God, i.e., spreading views and beliefs that ran counter to the teachings of the Church authorities. The latter involved active support and safe-guarding of Church activities and related initiatives, which perhaps meant the acceptance of decisions taken by independent ecclesiastic authorities with regard to worship, religious education, teachings, and morality, along with other issues that the clergy considered relevant to Church interests. At the same time, Calvin emphasised that secular authorities were at liberty to apply the law of the sword as punishment meted out to a blasphemer, given that offending God disrupts the equilibrium established by the principle of *mutua obligatio* and thereby endangers the entire community. The lay sovereign, not unlike a father taking care of his family, ought to exercise meticulous and strict care with regard to the interests of the community over which he presides, which obviously comprises the Church. To Calvin, the secular authority is paternalistic in character but is obliged to act in accordance with the interpretation of the Word of God provided by the ecclesiastics. In this respect, a monarch is like *pater familias* who is bound by the commandments[143]. By performing their duties well, secular powers obey Christ, but by neglecting their responsibilities, they oppose the Lord. At

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140   J. Bohatec, op. cit., p. 615–619; W. R. Stevenson, jr., op.cit., p. 174–176.

141   Calvin expressed his views on the duties of secular authorities in his commentary on *The Book of Psalms*, W. J. Bouwsma, op. cit., p. 45; E. Wolf, op. cit., p. 18; see: R. C. Hancock, *Calvin and the foundation of modern politics*, Ithaca-London 1989, p. 62–81.

142   M.-E. Chenevière, *La pensée politique de Calvin*, Genève 1937, p. 31nn.; J. Bauer, *Gott, Recht und weltliches Regiment im Werke Calvins*, Bonn 1965, p. 124, Schriften zur Rechtslehre und Politik, Bd 44; W. Niesel, op. cit., p. 230n.

143   W. J. Bouwsma, op. cit., p. 212.

the same time, by treating blasphemers with leniency or tolerance, rulers bring divine punishment onto themselves and the society whose welfare they swore to safeguard[144].

Calvin's outlook on the organisation and power structure of the Church are markedly similar to Zwingli's. Like other Humanists of the epoch, Calvin was an advocate of the idea of Christian unity but he vocally refused to accept the dogma of papal primacy. To him, the only sovereign and authority of the Church was Jesus Christ; thus, any proposed integration was exclusively spiritual in nature[145]. Calvin considered Church authorities indispensable since the Church as a community was vested with leadership that corresponded to the powers of secular sovereigns[146]. Since Calvin perceived the visible (institutional) Church through the prism of the urban community, the ecclesiastic power structure that he proposed paralleled the organisation with which he was most familiar.

Commissioned by the Protestant Reformed Church of Geneva in 1541, *Ordonnances ecclésiastiques* contains the following typology of elective Church posts: elders (presbyters), pastors (ministers), deacons and doctors (scholars). The elders together with pastors constituted the Consistory, whose judicial competence encompassed religious, morality and family court cases[147]. Members of the Consistory, alongside the scholars and the deacons (responsible for matters of social services and welfare), constituted the Church Council, i.e., the authorities of a Protestant community[148]. Within this hierarchy, a special place is reserved for the ministers, whose post is independent of the secular sovereign but whose duty is the absolute condemnation of sins. Thus, a clergyman ought to

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144 W. Niesel, op. cit., p. 230; J. Bauer, op. cit., p. 122.

145 H. A. Oberman, *The Shape of Late Medieval Thought. The Birthpangs of the Modern Era*, ARG 64, 1973, p. 13–33.

146 J. Bohatec, op. cit., p. 445–451.

147 The poweres of Church authorities in sixteenth-century Geneva was researched by William Monter and Robert Kingdon; consistory acts were also published: *Registres du consistoire de Genève au temps de Calvin,* vol. I: 1542–1544, ed. R. Kingdon, T. A. Lambert, I. M. Watt, Genève 1996. See: W. E. Monter, *Studies in Genevan government, 1536–1605*, Genève 1964; idem, "The consistory of Geneva, 1559–1569", *Bibliothèque d'Humanisme et Renaissance* 38, 1976, p. 467–484; R. M. Kingdon, "The Control of Morals in Calvin's Geneva", [in:] *The Social History of Reformation*, ed. L. P. Buck, J. W. Zophy, Columbus 1972, p. 3–16; idem, *Adultery and Divorce in Calvin's Geneva*, Cambridge Mass. 1995; C. Santschi, *La censure à Genève au XVIe siècle,* Genève 1978; M. Valeri, "Religion, Discipline, and the Economy in Calvin's Geneva", *Sixteenth Century Journal* 28, 1997, 1, p. 123–142.

148 W. Monter, *Calvin's Geneva*, New York 1967, p. 71; A. Ganoczy, op. cit., p. 16–17.

take into consideration the likelihood of persecution on the part of the laity, which did not mean that the clergy "were deprived on earth of any authority and judicial primacy over the faithful"[149]. On the other hand, however, a Protestant clergyman is a servant elected by his community (co-option/co-optation was in fact practised in Geneva), which is also responsible for controlling whether the newly elected member performs his duties accordingly (i.e., whether he preaches the genuine Gospel); supervision was the obligation of the elders[150].

Characteristically, as indicated above, Calvin asserted that the minutiae of the Church hierarchy and liturgical rules may be not unified and, not unlike a political system, may be adjusted and streamlined depending on the local circumstances. Whenever ill will and blasphemy were not at stake, Calvin was surprisingly moderate. In the spring of 1552, Johannes a Lasco (Lascius, Jan Łaski), acting in his capacity as Superintendent of the Strangers' Church of London, wrote to Calvin, asking for help in solving a theological dispute within a French Protestant community in the English capital. Calvin responded by informing Lascius that he did not want to be treated like a figure of authority, given that Geneva was not Jerusalem. However, he endorsed Lascius' view, replying that those who – like the French Protestant community in London – refuse to conform to local customs misinterpret the notion of Christian Church unity. Interestingly enough, castigated by Calvin, the London-based Huguenots relied on the reformer's writings and the hierarchy of the Genevan Protestant community. Two years later, other Huguenots, having found temporary refuge in Wesel in North Rhine-Westphalia, implored Calvin to intervene on their behalf, in light of the fact that they had been offered the right of permanent residence in exchange for acceptance of the Lutheran sacrament of the Lord's Supper (the Eucharist). In response, Calvin tellingly asked them to consider which of the two – the lack of tension within their community or remaining stubborn with regard to liturgical forms – would be of greater importance in the long run.[151]

Not unlike debates concerning the flawless form of secular governance, the theoretical quest for an ideal Church structure was construed by reformers as a waste of time: "Like Martin Luther, Calvin was reluctant to prescribe church order except to indicate that it should be formed according to scripture, but

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149 B. Szlachta, *Konstytucjonalizm czy absolutyzm? Szkice z francuskiej myśli politycznej XVI wieku*, Kraków 2005, p. 350; see: H. Höpfl, op. cit., p. 44–49.

150 J. Bohatec, op. cit, p. 476nn.; R. Kingdon, "Calvin et la discipline ecclésiastique", *Bulletin de la Société de l'Histoire du Protestantisme Français* 155, 2009, 1, p. 117–126.

151 A. Pettegree, The Spread of Calvin's Thought, [in:] *The Cambridge Companion to John Calvin*, p. 207–208.

not too rigidly. He requires only true preaching of the Word and administration of the sacraments in acceptable fashion. The structure of the visible church is, in Calvin's opinion, a question to be determined locally by each Reformed church, based on biblical clues and the consent of the membership. What would be acceptable in Geneva, for instance, might not be acceptable everywhere."[152] As a consequence, Reformed Churches were at liberty to have different structures – even an episcopal hierarchy was accepted[153], which did not mean that Calvin was eager to condone ambiguous attitudes, as corroborated by his criticism of Nicodemism[154].

Calvin frequently emphasised a point which, as it seems, was the foundation of his political rationale (which, on its own, was an interpretation of "the doctrine of two kingdoms"), namely that the Church (ecclesiastic authorities) and the state (lay authorities) ought to work for the glory of the Lord, and that they should do so in a parallel fashion but separately, which in fact was manifested in their independent jurisdiction and administration. Calvin regarded exploiting religion for the sake of securing one's secular authority as a mortal sin – one of the most despicable characteristics of pagan Antiquity. Such practice would eventually lead to a pitiable – but also typical of the Middle Ages – state of contamination, to the entanglement of the secular and ecclesiastic orders, the sixteenth-century phenomenon of which was vocally condemned by the reformer. To Calvin, while secular powers should abstain from influencing Church matters, the clergy should not hold any lay offices. His interpretation of "the doctrine of two kingdoms" and Church-state relations was to pose, in the latter part of the sixteenth century and in the seventeenth century, a serious challenge to orthodox Calvinists, students and successors of the Genevan reformer[155].

To Calvin, state authorities, whose competence is limited exclusively to earthly matters, are in turn limited by divine law and, as a consequence, ought to follow the Bible when wielding and executing power. State authorities are particularly responsible for governing, which they are ordained to perform[156]. Aware of their

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152 L. T. Johnson Burns, "The Politics of Conversion. John Calvin and the Bishop of Troyes", *Sixteenth Century Journal* 25, 1994, 4, p. 816.

153 W. J. Bouwsma, op. cit., p. 223–226.

154 C. M. N. Eire, "Calvin and Nicodemism. A Reappraisal", *Sixteenth Century Journal* 10, 1979, 1, p. 44–69.

155 W. J. Bouwsma, op. cit., p. 204–213; D. Van Drunen, "The Two Kingdoms Doctrine and the Relationship of Church and State in the Early Reformed Tradition", *Journal of Church and State* 49, 2007, 4, p. 743–763.

156 W. J. Bouwsma, op. cit., p. 205.

accountability to God and the people, Representatives of lay sovereignty are considered *praecipua membra ecclesiae*, but not as overlords of the Church. Thus, authority remains legal as long as it respects its dual responsibility, which stems directly from *mutua obligatio*. At the same time, Calvin remained cognizant of human autonomy; much like Zwingli, he wrote that neither lay sovereignty nor secular law had a decisive impact on people's internal decisions. To Calvin, it was possible to force humans to obey the law but it was impossible to change humans without recourse to Church teachings; this was in fact, as the reformer asserted, the only viable means of transforming the inner self of a human being[157].

According to Ernst Walter Zeeden, Calvin was an advocate of strong and efficient secular authority as well as a proponent of Church-state division[158]. The experience of the long and uphill struggle for the acknowledgement of the autonomy of the ecclesiastic jurisdiction by the authorities of the municipality of Geneva must have convinced him to exclude secular sovereignty from control over Church matters. Correspondingly, it also must have led to his decision to limit the scope of the Church jurisdiction[159]. In Calvin's day (and we know this thanks to Robert Kingdon's research on the protocols of the Genevan Consistory), Church authorities focused on three principal topics: education, family life and jurisdiction[160]. At this juncture, one ought to remember that Reformed Consistories were not authorised to sentence anybody to death or to imprison any convict; the most severe type of punishment was exclusion from the Lord's Supper, i.e., either temporary or permanent banishment from the community of the faithful[161]. For that reason, Calvin's concepts ought not to be qualified as theocratic; in practice, the city council of Geneva was capable of opposing authority[162].

As mentioned above, Calvin distanced himself from any debate on the ideal form of governance. Despite being a self-avowed legitimist, Calvin was not

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157 W. Niesel, op. cit., p. 231–235.
158 E. W. Zeeden, "Aufgaben der Staatsgewalt im Dienste der Reformation. Untersuchungen über die Briefe Calvins an Fürsten und Obrigkeiten", [in:] idem, *Konfessionsbildung. Studien zur Reformation, Gegenreformation und katholischen Reform*, Stuttgart 1985, p. 280–281.
159 R. C. Hancock, op. cit., chpt. "The Separation and Union of Religion and Politics", p. 25–34.
160 R.M. Kingdon, *The Control of Morals in Calvin's Geneva*, p. 31.
161 A. Biéler, *La pensée économique et sociale de Calvin*, Genève 1959, p.120; J. Bauer, op. cit., p. 146–149.
162 Ch. Frey, op. cit., p. 52.

a supporter of monarchy, though not because of any covert cultivation of democratic ideals, but because of his conviction that monarchy, especially hereditary monarchy, was prone to degeneration and, as such, did not guarantee the fulfilment of duties to God and the people. As early as 1543, Calvin asserted in *Institutio Christianae religionis* the primacy of aristocratic rule (the governance of "the best" – either elective or co-optive) or even the reign of aristocracy controlled by democratic elements (by representatives of "the people"). Perhaps all this was due to Calvin's involvement in work on systemic reforms conducted in Geneva by syndic Claude Roset. In the 1550s Calvin's antipathy towards monarchy was stimulated further by news from France, in particular, by the outrageous mores of the court of Henry II, where the king's favourite, Diana de Poitiers, played the primary role. To make matters worse, the French king endeavoured to supress the Reformation. However, while overtly criticising the French monarch, Calvin did not declare his endorsement of religious toleration. On the contrary, his 1561 correspondence with Lyon-based clergyman Gabriel de Saconay reveals that Calvin supported taking severe measures against blasphemers and heretics, the definition of which naturally did not include the Protestant Huguenots[163].

The principle that the state ought to defend the Church and its teachings by battling religious dissenters had dire consequences for those who held different theological views, a couple examples being events leading up to the emigration of controversialist Jérôme-Hermès Bolseck[164] and theologian Sébastian Castellio (Sébastien Châteillon) and, most importantly, the burning at the stake of Michael Servetus (Miguel Servet) in 1553[165]. However, this policy potentially meant

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163 J. Bohatec, op. cit., p. 249–257; cf. N. Zemon Davies, *The sacred and the body social in sixteenth-century Lyon*, „Past and Present" 90, 1981, 1, p. 40–70.

164 The dispute between Bolsec and Calvin over predestination was presented in detail by Philip C. Holtrop*, The Bolsec Controversy of predestination, from 1551 to 1555. The statements of Jerome Bolsec, and the responses of John Calvin, Theodore Beza, and other Reformed theologians*, vol. 1–2, Lewiston 1993. The Polish translation of the pamphlet biography of Calvin by Bolseck was published in the late sixteenth century: *Historia żywota, spraw y śmierci Jana Kalwina, zawołanego niegdy ministra Genewskiego. Naprzód francuzkim ięzykiem przez Hieronyma Bolseka z Lugdunu w Lekarstwiech Doktora napisana, potym na Łaciński, a teraz na Polski ięzyk przełożona*, Kraków 1583, K. Estreicher (*Bibliografia polska*, vol. 13, Kraków 1893, p. 244) hypothesised that the anonymous translator of Bolseck was Father Szymon Wysocki SJ.

165 For the case of Servetus, see Roland H. Bainton's classic (*Hunted heretic. The life and death of Michael Servetus, 1511–1553*), recently republished by Peter Hughes, with a foreword by Ángela Alcalá, Providence 2005; recent research includes: M. Hillar, *The case of Michael Servetus (1511–1553). The turning point in the struggle for freedom of*

that religious dissenters who refrained from public dissemination of their doctrines remained unpunished. The case of Servetus, whose *De Trinitatis erroribus* (1531) and *Christianismi restitutio* (1553) were deemed by Calvin blasphemous, was unique indeed: upon publication of the justification of the verdict that condemned Servetus to death, an astonishingly wide cross-section of the population, including not just Humanists and Anti-Trinitarian radicals but also Calvinists, protested. Among Calvinists was Nikolaus Zurkinden[166], secretary of the council of the city of Bern and Calvin's friend. There was also mobilisation of opposition in Geneva, where local "liberals", led by the Perrin family, rose against Puritan proponents of Calvin coming to Switzerland from France. On 16 May 1555, after the "liberals" suffered a major loss in local elections, public demonstrations took place. As a result, leaders of the opposition, including Ami Perrin, Philippe Berthelier and Pierre Vandal, had to emigrate, while the victorious Calvinists took control of the municipality[167].

Calvin's stance on dissenters was made clear in a treatise published at the beginning of 1554 in Geneva, i.e., a few months after the burning of Servetus. Titled *Defensio orthodoxae fidei de sacra trinitate contra prodigiosos errores Michaelis Serveti Hispani, ubi ostenditur haereticos iure gladii coercendos esse, et nominatim de homine hoc iam impio iuste et merito sumptum Genevae fuisse supplicium. Per Ioannem Calvinum*[168], the treatise identified dissenters (in particular Anti-Trinitarians) as blasphemers. Drawing on Aquinas[169], Calvin in practice returned to the views held by those who advocated punishing heretics as God-offending sinners who – because of their obduracy and unapologetic disobedience to the

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conscience, Lewiston 1997. Another time-defying classic, i.e., *Autour de Michel Servet et de Sébastien Castellion,* sous la direction de B. Becker, Haarlem 1953, is also equally worthwhile.

166   J. Lecler, op. cit., vol. 1, p. 338.

167   H. R. Guggisberg, *Sebastian Castellio 1515–1563. Humanist and defender of religious toleration in a confessional age*, transl. B. Gordon, Aldershot 2003, p. 122–124.

168   *Ioannis Calvini opera quae supersunt omnia,* vol. 8: *Tractatus theologici minores*, vol. 4, ed. G. Baum, E. Cunitz, E. Reuss, Brunsvigae 1870, p. 453–644, Corpus reformatorum, vol. XXXVI. Niemal równolegle opublikowano przekład francuski *Déclaration pour maintenir la vraye foy que tiennent tous Chrestiens de la Trinité des personnes en un seul Dieu par Jean Calvin. Contre les erreurs détestables de Michel Servet Espaignol. Ou il est aussi monstré qu'il est licite de punir les hérétiques: et qu'à bon droit ce meschant a esté exécuté par justice en la ville de Gèneve*, Genève 1554; see: R. Peter, J.-F. Gilmont, *Bibliotheca Calviniana*, vol. 1, Genève 1991, p. 511–516.

169   T. Szczech, *Państwo i prawo w doktrynie św. Augustyna, Marcina Lutra i Jana Kalwina*, Łódź 2006, p. 253–286.

Almighty – put their fellow human beings in harm's way[170]. Thus, anybody regarded by Church authorities as an open blasphemer was to be not just condemned morally but punished by secular authorities as well[171].

However, Calvin divided enemies of the Reformed Church into two categories. He condemned rebels ("homines turbulenti") who believed that ecclesiastic authorities had turned into tyrants given that they abused their powers by not acknowledging the individual right to personal and public resistance; in his text, Calvin pointed out Servetus in this regard, but he might have also had Castellio in mind[172]. The second category comprised people who were good-natured but stupid ("bonos et simplices"); as such, they were to be treated with tenderness since they had become volatile through ignorance or bad experience with "papal" tyranny: "Sed iam ad bonos & simplices me converto: qui inscitia quidem labuntur, praecipue tamen tyrannicis Papistarum edictis offensi è recto iudicio declinant."[173] His classification notwithstanding, Calvin maintained that it was impossible to deprive secular authorities of their right to punish those who encourage others to abandon their faith, and by doing so disrupt the peace of the Church and the faithful. The Kingdom of Christ ought to be erected through the Gospel, not by dint of the sword, even though Calvin himself remained sceptical regarding the survival of the Kingdom without coercion when core elements of the faith were at stake. A Christian state cannot allow the elimination of Christ from the public sphere; authorities ought to punish blasphemy and limit the autonomy to teach for those who spread false doctrines. Still, capital punishment should be reserved for the most hardened cases, such as Servetus – that is, for those who do not just get lost but who blaspheme with a vengeance[174].

This form of intolerance inherent in Calvin's thought, as Alain Perrot rightly observed[175], constituted a widespread phenomenon at the time in light of the fact that it was shared by Luther, Zwingli and Melanchthon; it was opposed only by

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170 G. Radetti, "Wstęp", [in:] S. Castellion, *O wierze, wątpieniu i tolerancji*, edit., intr. and footnotes G. Radetti, trans. L. Joachimowicz, ed. L. Szczucki, Warszawa 1963, p. XXIV–XXV; J. Lecler, op. cit., vol. 1, p. 336–338.

171 J. Bauer, op.cit., p. 122.

172 J. Calvin, *Defensio orthodoxae fidei*, ed. cit., p. 461–462.

173 Ibidem, p. 464.

174 H. R. Guggisberg, *Sebastian Castellio 1515–1563. Humanist and defender religious toleration in a confessional age*, transl. B. Gordon, Aldershot 2003, p. 77–80; cf. E. Doumergue, *Jean Calvin. Les hommes et les choses de son temps*, vol. 6, Neuilly-sur-Seine 1926, p. 411–424.

175 A. Perrot, *Le visage humain de Jean Calvin*, Genève 1986, p. 90–97.

Castellio, which is a fact to be discussed below. The originality of Calvin's political theology was contingent upon another factor, namely that he continued to advocate the Church-state division and the independence of each in their bilateral relations[176]. Constituting "coexisting powers", they are autonomous and independent; indeed, in Calvin's philosophy there was no place even for Melanchthon's *inspectio*[177]. Josef Bohatec, a prominent expert on Calvin's theological and political views, describes the reformer's outlook as follows: "Die Herrschaft der Kirche über den Staat und seine Würdenträger ist eine papistische Tyrannei. Aber auch umgekehrt: Die Herrschaft des Staates über die Kirche läuft auf eine Tyrannei hinaus."[178] Therefore, the victory of Calvinism, which on its own attached considerable importance to the Church-state balance, did not necessarily have to trigger, as Antoni Mączek argued, the political system's evolution towards theocracy[179]. In the case of Geneva, the domination of the clergy indeed took place, but in other places and under different circumstances (Graubünden, Zurich, and Northern Netherlands at the end of the sixteenth century) the domination of the laity was the order of the day. In this respect, nothing was predestined or set in stone.

e) Catholic Reformers

As mentioned above, the first edition of Calvin's *Institutio Christianae religionis* was published in Basel in 1536. It consisted of 4 volumes and contained a total of 80 chapters. The last edition of the work prepared by the author himself was published in 1559. In that approximately two-decade period (1536–59), a number of processes took place: the Lutheran doctrine matured, and the ideas of the Calvinist "Second Reformation" grew theologically and ecclesiologically. At the same time, the situation in the Catholic Church changed as well. During the pontificate of Pope Paul III (1534–1549), the Church of Rome actively began to defend its stance, launching the Counter-Reformation and subsequently undertaking a programme of reforms in the wake of the Council of Trent (1545–1563). In 1542, Paul III reorganised the Inquisition and established the Congregation of Cardinals, as an official body, to coordinate the activities of the ecclesiastic courts waging a war on the Reformation. Two years later, in his *Laetare Jerusalem* bull

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176   W. J. Bouwsma, op. cit., p. 210–212.
177   J. Lecler, op. cit., vol. 1, p. 326–327.
178   J. Bohatec, op. cit., p. 614.
179   A. Mączak, op. cit., p. 86.

(dated 19 November 1544) the Pope announced the organisation of a council to remedy Church relations.

Counter-Reformation sentiments were also awakened in parts of Europe where Catholicism remained a relatively influential force, namely in the Iberian and Apennine Peninsulas. In the sixteenth century, Spanish and Italian provinces governed by the Habsburgs were almost exempt from the Reformation. For this reason, Protestants considered Spain in the latter part of the sixteenth century to be an archetype of religious oppression. Protestant tendencies were in fact weak in the region, while repressions, especially since the 1560s, were on the rise[180]. Spanish theology and law were dominated at the time by the so-called School of Salamanca (Escuela de Salamanca), whose most notable representatives included Dominicans, such as Francisco de Vitoria, Domingo de Soto and Diego de Covarrubias, who in the first half of the sixteenth century expanded on the theological and political concepts of the luminaries of the Dominican Order, namely, Thomas Aquinas and Cardinal Johannes de Turrecremata (Juana de Torquemada). The concepts in question included, among others, the doctrine of the divine origins of secular sovereignty[181].

Apart from open hostility towards dissenters, Spain was also noted for its tradition of coexistence between Christians, Jews and Muslims. In the sixteenth century Spanish tolerationism became closely associated with Humanism. Iberian students of Erasmus opposed religious persecution, opposition that they found easier to proclaim in light of their limited contact with "Lutheran heresy" (before 1558 only 39 people in all of Spain were charged with Protestant tendencies; in the end, only one of them was sentenced). Moderation and reserve as responses to the Reformation were favoured by influential Spanish figures, including the Archbishop of Seville (Charles V's confessor, Dominican General and Grand Inquisitor), Cardinal Juan García de Loaysa y Mendoza, and the Franciscan Alfonso de Castro (Philip II's confessor and author of the treatise *De iuxta haereticorum punitione libri tres*, 1547), who postulated the need for considerate evaluation of heresy and criticised the reckless use of of violence. Comparably thoughtful views were held by the Benedictine Alonso Riuz de Virués (Bishop of

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180   H. Kamen, *Inkwizycja hiszpańska. Rewizja historyczna*, trans. K. Bażyńska-Chojnacka, P. Chojnacki, Warszawa 2005, p. 83–100; cf. W. Monter, *Frontiers of heresy. The Spanish inquisition from the Basque lands to Sicily*, Cambridge 2003, Cambridge Studies in Early Modern History.

181   W. Buchner, *Wojna i konkwista. Hiszpańska myśl polityczna Złotego Wieku*, Kraków 2007, p. 72–78.

the Canary Islands), Benito Arias Montano (philologist and orientalist), and the Humanist Fadrique Furió Ceriol[182].

Traditional reserve with regard to Rome was brought to the fore during the Council of Trent when the Spanish bishops led the opposition against the Roman Curia. It was even more shocking for authorities to discover in the 1550s the existence of Protestant communities in Valladolid and Seville. A wave of persecution followed: censorship became more severe and studies abroad were banned. Between 1559 and 1562 seven instances of autos-da-fé were organised, including the execution by burning of, among others, the former royal governor Carlos de Sesto[183]. The year 1559 witnessed the arrest of Dominican Bartolomé de Carranza y Miranda (Primate of Spain, Archbishop of Toledo), whose commentaries on catechism – published in 1558 in Antwerp –under the Spanish title *Comentarios sobre el Catechizmo* (which was enough to raise suspicion) revealed, upon scrutiny, over a dozen theses inspired most probably by the writings of Melanchthon. In 1562 alone 87 Protestants in Spain were sentenced, 18 of whom were burned at the stake. It did not take long for authorities to successfully bring the few Spanish supporters of the Reformation into submission, just as the postulates of Catholic reform simultaneously began to gain social acceptance.

Spain's political dominance on Italian soil (Naples, Sicily, Milan), along with its influence in Florence and the Holy See throughout the sixteenth century, were of primary importance in the context of interdenominational relations and the fate of Italian Protestantism. Due to the increased threat posed by a re-organised Inquisition, Protestantism began to turn into Crypto-Protestantism as early as the 1540s[184]. Nonetheless, meetings of followers of the Reformation were held in Venice, Padua, Siena, Lucca, Vicenza and Modena, though they were characterized by increasing Nicodemite tendencies. The 1560s saw a notable Calvinist turn, which then lost momentum due to mass persecution and emigration

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182 D. W. Bleznick, "Spanish Reaction to Machiavelli in the Sixteenth and Seventeenth Centuries", *Journal of the History of Ideas* 19, 1958, 4, p. 542–550; H. Kamen, "Toleration and dissent in sixteenth-century Spain. The alternative tradition", *Sixteenth Century Journal* 19, 1988, 1, p. 3–23.

183 D. Coleman, "Spain", [in:] *The Reformed world*, ed. A. Pettegree, London-New York 2006, p. 296–306.

184 For an overview of the Inquisition in Italy, see: J. Tedeschi, *Il giudice e l'eretico. Studi sull'Inquisizione romana*, transl. S. Galli, Milano 1977, p. 69–92, Chapter IV (co-authored by W. Montere): Verso un profilo statistico delle Inquisizione italiane"; see: S. Seidel Menchi, *Erasmus als Ketzer. Reformation und Inquisition im Italien des 16. Jahrhunderts*, Leiden 1993.

(in Geneva alone in the 1570s, the Italian Protestant community consisted of approximately 1000 members)[185].

The atrophy of the Italian Protestantism was encouraged by the successes of Catholic reforms carried out in the latter part of the sixteenth century. The reorganisation of the Archdiocese of Milan (1564–84) under the supervision of Archbishop Charles Borromeo (Carlo Borromeo) set the benchmark for almost all of Italy; it paved the way for ensuing changes introduced all over the Apennine Peninsula by, among others, Archbishop of Rimini Feltre della Rovere, Archbishop of Florence Antonio Altorili, Archbishop of Bologna Gabriele Paleotti, Archbishop of Le Tarent Lelio Brancaccio, and Archbishop of Conza Scipione Gesualdo.[186] Changes introduced in Italy included a more stringent attitude toward dissenters, religious education of both children and adults, and discipline in social life.[187] All of this anticipated later changes associated with processes of Catholic confessionalization in, among other places, Poland. Emphasis was placed on public and communal religious practice, such as processions, pilgrimages, adorations and, in particular, various forms of the cult of the Blessed Sacrament, which had a visibly anti-Protestant edge to it. At the same time, an orchestrated association of the Catholic religious cult with the social and political order strengthened the role of secular authorities in local churches[188].

These changes were based on projects tied to the grand reform of the Catholic religious life worked out over the course of the Council of Trent, which was convened by Pope Paul III and took place in three successions: first between 1545 and 1547, then during the pontificate of Julius III (between 1551 and 1552), and during the pontificate of Pius IV (between 1562 and 1563)[189]. The Council was launched on 13 December 1545 in northern Italy, in Trent (Trento), close to Charles V's favourite residence – Innsbruck in Tyrol. The first session was attended by 3 archbishops, 21 bishops and 5 generals of various Catholic orders, their task being to establish a common position toward the Protestant Reformation and lay down the rules of the reform of the Catholic Church. Right from the start, the Council was a scene of intrigue and political calculation, primarily as

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185   B. Gordon, "Italy", [in:] *The Reformation World*, p. 277–295.

186   R. Po-chia Hsia, *The world*, p. 54–60.

187   J. Delumeau, *Strach w kulturze Zachodu XIV–XVII w.,* trans. A. Szymański, Warszawa 1986, p. 378–389.

188   J. Kłoczowski, *Dzieje chrześcijaństwa polskiego*, Warszawa 2007, p. 104–106.

189   To this day, the most comprehensive work on the Synod of Trent remains Hubert Jedina's *Geschichte des Konzils von Trient*, vol. 1: *Der Kampf um das Konzil*, first published in Freiburg in 1949.

a result of the rivalry between Charles V and the Roman Curia. German Protestants, gathered at a convention in Regensburg, rejected the Council's authority, and the outbreak of the Schmalkaldic War (coupled with the success of Charles V's army at Mühlberg on 17 April 1547) scared the Holy See so much that the proceedings were first relocated to Bologna and then suspended. The second phase of the Council was also focused on German matters; the thirteenth session (11 October 1551) saw the conclusion of the doctrinal dispute over the Reformation. The Council declared transubstantiation to be an article of faith, which put an end to hopes of reaching a consensus with the Protestants, whose delegates arrived in Trent in January of 1552. The last phase of the Council began in 1560 in the wake of Calvinist victories in France. However, by that time, the Council was attended by personalities who were considerably different than those who had attended 15 years earlier; the final sitting (the 25th session held on 3–4 December 1563) was attended by 4 papal legates, 2 cardinals, 3 patriarchs, 25 archbishops, 168 bishops, 7 abbots and 7 generals of various orders[190].

The Council's canons and decrees were a clear indication that the Church would conduct a centralist and hierarchic reform of Catholicism. The authority of the Roman Curia was significantly strengthened, making bishops more subordinate to the Holy See. Beyond that, a series of measures were taken to improve the qualifications of men entering the Catholic ministry. To this end, diocesan seminaries – schools for candidates for the priesthood – were to be established. The clericalization of the Church was also reflected in efforts to improve discipline through, for instance, parish visitations/inspections by bishops, who – not unlike parsons – were required to permanently reside in their dioceses. The clergy were ordered to wear formal uniforms (vestments, cassocks, etc.) and were required to conform to restrictions with regard to everyday conduct and its decorum so as to increase the authority of the ecclesiastics in the eyes of parishioners. The unification of the Catholic liturgy[191] was central to Church reforms, which also involved the introduction of a new kind of Christian ministry; communal life was to be organised around parishes, which from now on functioned according to a unified, homogeneous liturgical and para-liturgical rhythm. Apart from liturgy and preaching, other tools of influence were emphasised, including schools and confraternities. A crucial role was to be played here by members of new and Reformed orders, primarily educators (Piarists, Jesuits, Oratorians – followers of Saint Philip Neri) and those who tended to the sick

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190   R. Po-chia Hsia, *The world*, p. 10–25.
191   J. Delumeau, op. cit., p. 371.

and the needy (Ursulines – followers of Saint Angela Merici and the Daughters of Charity of Saint Vincent De Paul)[192].

Education was indeed one of the most crucial battlefields where the struggle against the Reformation and for the new, post-conciliar Catholicism was to take place. Already during the first phase of the Council, on 17 June 1546, *Decretum secundum: super lectione et praedicatione* (*Decree on Lecturing and Preaching*) was issued, according to which churches and convents (nunneries, monasteries) were to provide religious education (teaching of the articles of faith), lectures on the Holy Writ, or at least preliminary classes (propaedeutics), as long as they had appropriate funding. In cooperation with secular authorities, lectures on the Scriptures were to be integrated into public school curricula: "In gymnasiis etiam publicis, ubi tam honorifica et ceterorum omnium maxime necessaria lectio hactenus instituta non fuerit, religiosissimorum principum ac rerum publicarum pietate et caritate, ad catholicae fidei defensionem et incrementum, sanaeque doctrinae conservationem et propagationem instituatur."[193] Both expertise and conduct of potential teachers of religion were to be assessed and, upon positive evaluation, they would be appointed by respective diocesan bishops – in line with the following maxim: "et ne sub specie pietatis impietas disseminetur"[194].

Establishing Catholic doctrine as a mandatory school subject was possible only in partnership with the secular sovereign. Not surprisingly, this particular matter was addressed directly during the 25th session of the Council, in particular in Chapter XX of the *Decree on General Reform*. Entitled "Quae sunt iuris ecclesiastici principibus saecularibus commendantur" ("Church laws with which lay rulers ought to comply"), the Council's decree reminded secular authorities that it was their duty to defend the faith; they were thus supposed to re-introduce legislation conducive to the growth and development of the Church and to force their subjects to respect the authority of Rome. The call to introduce Catholic religious coercion was followed by a statement declaring that all decisions and Church canons worked out by the Council were to be obeyed by everyone:

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192   J. Kłoczowski, *Dzieje*, p. 152–154.

193   "W gimnazjach publicznych, w których jeszcze nie zarządzono tak zaszczytnych i najbardziej potrzebnych ze wszystkich pozostałych wykładów, zostaną ustanowione, za sprawą pobożności i miłości najbardziej religijnych książąt i władz publicznych, w celu obrony i wzrostu wiary katolickiej oraz zachowania i rozwoju zdrowej nauki. Gdzie zaś byłyby raz ustanowione, a potem zaniedbane, zostaną odnowione.", *Dokumenty soborów powszechnych. Tekst łaciński i polski*, vol. IV (1511–1870), edit. A. Baron, H. Pietras SJ, Kraków 2005, p. 244–245.

194   "Aby pod pozorem pobożności nie rozsiewano bezbożności", ibidem.

"Proptereaque admonet imperatorem, reges, res publicas, principes […] ut, quo largius bonis temporalibus atque in alios potestate sunt ornati, eo sanctius, quae ecclesiastici iuris sunt, tamquam Dei praecipua eiusque patrocinio tecta, venerentur, nec ab ullis baronibus, domicellis, rectoribus allisve dominis temporalibus seu magistratibus, maximeque ministris ipsorum principum, laedi patiantur, sed severe in eos, qui illius libertatem, immunitatem atque iurisdictionem impediunt, animadvertant."[195]

This unequivocal (if imprecise) command is inextricably linked in the *Decree on General Reform* with more detailed matters of key importance. For instance, Chapter XVII discusses relations between bishops and secular sovereigns, which begins with censure against bishops who curry favor with lay authorities and concludes with an order directed at temporal rulers: "ut eos paterno honore ac debita reverentia prosequantur."[196] The matter of obedience to bishops is in turn linked with the issue of tithes, discussed in Chapter XII. The Council stated that under no circumstances was it possible to refrain from paying tithes, and that whoever refused to settle financial obligations, or precluded anybody from complying with his duty in this regard, would be excommunicated[197]. Chapter III was devoted to the practice of excommunication. The Council stated that this punishment ought not to be meted out without due consideration, and the right to excommunicate is reserved for bishops and judges of ecclesiastic courts; it was absolutely forbidden to order an excommunication at the request of secular authorities. At the same time, a secular sovereign was not authorised to ban the practice of excommunication or to force the Church to revoke the punishment once it had been administered. To this end, a Church canon, issued during the Council of Toledo at the end of the fourth century and repeated later on in *Decretum Gratiani*, was re-introduced; according to this canon, an excommunicated individual could be officially acknowledged as a "heretic": "si obdurato animo

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195 "Z tego powodu święty sobór wzywa cesarza, królów, republiki, władców […] aby o ile bardziej są ozdobieni dobrami doczesnymi i władzą nad innymi, o tyle w świętszy sposób czcili prawa kościelne, jako szczególne Boże dziedzictwo pozostające pod Jego opieką. Ponadto nie powinni tolerować żadnych wykroczeń w tej dziedzinie ze strony jakichkolwiek baronów, dworzan, zarządców, innych panów świeckich czy urzędników, zwłaszcza zaś ministrów książąt, ale niech surowo ukarzą tych, którzy uderzają w wolność, niezależność i jurysdykcję kościelną," ibidem, p. 842–843.

196 "[A]żeby odnosili się do biskupów z należnym ojcom szacunkiem i ze stosownym poważaniem.", ibidem, p. 838–839.

197 Ibidem, p. 832.

censuris annexus in illis per annum insorduerit, etiam contra eum, tamquam de haeresi suspectum, procedi possit."[198]

The above fragments illustrate the general tendency of Catholic reform. With regard to relations between religion and politics, between the state and the Church, the Council made efforts to return to the "Gelasian" and "papal" ideas, which involved the outright rejection of any non-Catholic authority[199]. The Council's emphasis on the competence of bishops, on the independence of the Church in meting out punishment, on procedures that allow for the disobedient to be treated as "heretics", and on the secular powers' obligation to assist Church authorities, provided the systemic tools with which dissenters could be opposed. They also sharpened the hostility of even those Protestants who tended to be conciliatory. In this sense, Catholic reform set the course for confrontation (if not for collision) with Church opponents and for the denominational division of Europe.

The Council paved the way for work, continued in subsequent decades, to draw up rules with regard to relations between the Catholic Church and secular authorities and to formulate a doctrine for the Counter-Reformation. During the pontificate of the three Popes elected after the Council of Trent – namely the former Inquisitor Pius V (1566–72), the grand guardian of the Jesuits Gregory XIII (1572–85) and Pius V's erstwhile protégé, the Franciscan Sixtus V (1585–90) – rules for the practical implementation of conciliar recommendations were worked out[200]. It was not until the end of the sixteenth century that the Holy See's long-term policy was made concrete. Nuncial records – archives of nuncios, i.e., representatives of Rome at Catholic courts in Europe – provide remarkable opportunities for research on the strategies behind political theology practised at that time. In particular, instructions drawn up with nuncios in mind during the pontificate of Clement VIII (1592–1605)[201] are worthy of scholarly consideration. Pope Clement VIII (whose confessor was the most outstanding Church historian of that era, Cardinal Cesare Baronio) continued an alliance with the

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198   "[A]le jeżeli z zatwardziałą duszą będzie trwać przez rok związany nałożoną cenzurą, to można przeciw niemu wszcząć również postępowanie jako wobec osoby podejrzanej o herezję.", ibidem, p. 814–815.

199   B. Szlachta, *Konstytucjonalizm*, p. 59–60.

200   L. Ranke, *Dzieje papiestwa w XVI–XIX wieku,* trans. J. Zarański, Z. Żabicki, intr. M. H. Serejski, Warszawa 1974, p. 216–222, 246–248, 254–256, 397–405.

201   *Die Hauptinstruktionen Clemens'VIII. für die Nuntien und Legaten an den europäischen Fürstenhofen 1592–1605*, Bd. I, bearb. K. Jaitner, Tübingen 1984; characterisation of Clement VIII and his politics, ibidem, p. XXIII–XXVII, LXXXIX–XCVI.

Spanish and Austrian Habsburgs, concurrently attempting to conduct independent politics guided by the raison d'état. Two examples of such political practice are the agreement with Henry IV of France (signed against the interests of Spain) and – in the context of relations with the Netherlands – when Clement VIII refused to support the actions of Philip II because they distracted Spain from the war against the Turks[202].

Rome's primary objective was "la ristauratione della religione cattolica" in European countries dominated by the Reformation, and to support Catholicism, in cooperation with secular authorities, in countries that remained Catholic or were typified by religious heterogeneity. To Rome, the Habsburgs cguaranteed religious order in Germany, and its re-Catholicisation was contingent upon maintaining papal authority in Vienna, Prague, Graz and Innsbruck. Bavaria was to serve as the basis for the restitution of Catholicism in Northern Germany. Elsewhere, hopes for Rome's return to power were connected with the rulers of Sweden (Sigismund III Vasa), France (Henry IV Bourbon) and even Transylvania, where Catholic duke Sigismund Báthory was to "restituire la cattolica religione in tutto lo stato suo." Despite hope of success to be achieved in cooperation with political sovereigns, the Roman Curia showed considerable flexibility at that time. In multi-religious countries where the central authority was Catholic, a forceful Counter-Reformation strategy was not implemented so as to prevent the outbreak of civil war. For instance, in Poland and in France, papal nuncios suggested that sovereigns promote Catholicism by appointing followers of Rome as state officials, by lobbying on behalf of the Catholic Church during court trials, and by forcing local episcopacies to conform to the reforms adopted at the Council of Trent[203].

The Counter-Reformation was theoretically justified by the above-mentioned Dominican theologians from Spain, who – under completely new circumstances – provided a re-interpretation of the Thomistic doctrine. Characteristically, one of the most popular books among the participants of the Council of Trent was *Summa de Ecclesiae* (1448–50) by Dominican Cardinal Johannes de Turrecremata, who during the Council of Basel opposed conciliarist ideas[204]. In the mid-sixteenth-century, the Thomists' aim was to question two key theses of Protestant theology: the principle of "sola Scriptura" and the idea that the Church, in principle, constituted a community of the faithful, which ran counter

202   L. Ranke, op. cit., p. 409–422, 443–448.
203   *Die Hauptinstruktionen*, p. XXVII–XXXIII.
204   W. Buchner, op. cit., p. 74–75.

to Catholic ecclesiology. With regard to political ideas, Catholic neo-scholastics developed Saint Thomas' theory concerning the temporal world governed by the hierarchy of the following laws: the law of God (*lex aeterna*), divine law (*lex divina*), natural law conferred on the people by God (*lex naturalis*, *ius naturae*), and, finally, positive law (*lex civilis* or *ius positivum*); this hierarchy of law also included axiology. It should come as no surprise that, as interpreted by ecclesiastic authorities, the law of God is superior to positive law[205].

In the late sixteenth century, the initiative to theoretically justify the politics of the Counter-Reformation was continued by Jesuit theologians who – in contrast to the Dominicans – accepted the idea of *universitas fidelium* while discussing matters of faith with the Protestants, but at the same time emphasised the importance of structures, internal order and hierarchy; the issue of papal primacy was not addressed at all. One of the founders of the Society of Jesus, Alonso Salmerón, a participant in the proceedings of the Council of Trent and a theologian to three pontiffs (Paul III, Julius III and Pius IV), even compiled a list of 25 arguments claiming that the genuine Church was a regular monarchy ruled by popes[206].

Another important ingredient of Jesuit political theology was criticism directed at Niccolò Machiavelli, whose controversial treatise *Il principe* (*The Prince*) was published in 1532. Prolonged and intensive condemnation of "Machiavellianism" led to the construction of an ideal ruler of the Counter-Reformation. Spanish Jesuit Pedro de Ribadeneira was one of the outstanding "anti-Machiavellians". Dedicated to the Polish and Swedish King Sigismund III Vasa, de Ribadeneira's treatise *Tratado de la religión y virtudes que debe tener el Príncipe christiano para gobernar y conservar sus Estados, contra lo que Nicolás Maquiavelo y los políticos de ese tiempo enseñan* (Madrid 1595) was an erudite voice against rulers who favoured "Machiavellianism" and a call to arms in defence of the Catholic Church[207]. To him, Machiavelli's doctrines inspired godless "politicians", among others Protestant monarchs such as Henry VIII and Elizabeth I. Thus, these "politicians" were in fact "heretics" given that, because of them, Protestantism had gained momentum,

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205   Q. Skinner, op. cit., p. 144–166.

206   H. Höpfl, *Jesuit Political Thought. The Society of Jesus and the State, c. 1540–1630*, Cambridge 2004, p. 37–49.

207   R. Skowron, "Spory o rację stanu. Antymakiawelizm w Polsce i Hiszpanii w XVI i XVII wieku", [in:] *Spory o państwo w dobie nowożytnej. Między racją stanu a partykularyzmem*, ed. Z. Anusik, Łódź 2007, p. 351–352; S. Obirek, "Antymakiawelizm jezuicki", [in:] *Jezuicka ars educandi. Prace ofiarowane Profesorowi Ludwikowi Piechnikowi SJ*, ed. L. Grzebień, J. Paszenda, S. Witkowski, Kraków 1995, p. 149–154.

which in turn was supported by Humanists in thrall to religious indifference and pagan authorities. The real Christian raison d'état involved obedience to the Catholic Church[208]. That having been said, even Ribadaneira believed that Catholic monarchs ought to avoid civil war with dissenters; such a conflict, he argued, was more egregious than toleration[209].

The most outstanding representative of Jesuit political theology of the latter part of the sixteenth century was perhaps another Spaniard, Francisco Suàrez, who in his treatise entitled *Tractatus de legibus ac Deo legislatore* (Coimbra, 1612) questioned the divine origins of secular authority, arguing that such ordination could sanctify Protestant sovereignty[210]. Criticising Erastianism and its English manifestation, Suàrez drew on a rule, previously justified by Aquinas and William of Ockham, that sovereigns govern due to God's will expressed by "the people", who in turn, on the basis of the "authority agreement", cede part or all of their natural sovereignty and thus are authorised to refuse to obey a godless monarch. At the same time, Suárez allowed every form of legal governance: absolute monarchy, mixed monarchy, aristocracy, and even democracy. He pointed out that Church authority was ordained by God and, being truly autonomous, remained superior to any secular power. So, regardless of the political system employed in a given country, the supreme authority ultimately belongs to the papacy through the intermediary of a legal secular power, the most optimal of which was monarchy[211]. Seemingly, the views of the Spanish Jesuit weakened the traditional papal universalist demands, but in reality these opinions in the late sixteenth- and early seventeenth century were already regarded as political phraseology. In fact, Suárez's arguments undermined the validity of Protestant authorities and eventually strengthened Rome's entitlement to sovereignty over Christendom in terms of spiritual matters[212].

Corresponding views were held by Juan de Mariana, who authored a manual for rulers entitled *De rege et regis institutione* (Toledo, 1599), in which he stressed

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208 R. Bireley, *The Counter-Reformation prince. Anti-Machiavellianism or Catholic statecraft in early-modern Europe*, Chapell Hill–London 1990, p. 111–135; W. Buchner, op. cit., p. 154–155.

209 S. Obirek, *Ideologiczne przygody jezuitów*, KH 114, 2007, 4, p. 88.

210 For a selection of his theses on political theology, see: *Selections from tree works of Francisco Suarez S.J.*, ed. S. J. Brown, Oxford-London 1944, Classics of international law, vol. 20.

211 S. Obirek, *Jezuici w Rzeczypospolitej Obojga Narodów w latach 1564–1668. Działalność religijna, społeczno-kulturalna i polityczna*, Kraków 1996, p. 128.

212 Q. Skinner, op. cit., p. 163–166, 177–178; W. Buchner, op. cit., p. 196–198.

the fact that all sovereigns ruled on the basis of *pactum societatis* – a contract/pact signed with "the people", who keep their sovereignty, thereby remaining at liberty to withdraw their support and dethrone the ruler. "The people" are the ultimate sovereign of the monarch and, in this light, de Mariana's theory favours the concept of *monarchia mixta* as well as parliamentary (state) control of royal executive powers, the mistakes of which ought to be amended progressively. The publication of Father Mariana's book, which was construed as a paean to regicide of Protestants, brought trouble upon the Society of Jesus. As a consequence, General Claudio Acquaviva decreed in 1610 and 1614 that the Jesuits were prohibited from disseminating Monarchomachic ideas. The Provincials Superior of the Society of Jesus were also ordered to make sure that none of their subordinates propagated the theory of papal primacy over monarchs and the theory of tyrannicide.[213]

When critiquing the views of Spanish political theologians of the era, one ought to remember that, despite their anti-monarchical outlook, these views were not regarded as criticism of the institution of monarchy. The late-sixteenth-century neo-scholastic political theory that stressed "the right of the people" was predominantly an answer to the pre-absolutist ideology of "the divine right of kings", which would became a staple reference point of Protestant monarchs in the seventeenth-century, and whose primary theoretician of the epoch was James Stuart – known as James VI of Scotland and James I of England and Ireland[214]. De Mariana's views will be discussed again in the present monograph as the scholar was one of the most notable and widely recognised of "Jesuit Monarchomachs" and an originator of the Catholic theory of the subjects' right to resist oppression perpetrated by Protestant monarchs-turned-tyrants[215].

The ultimate shape of early modern Catholic political theology was forged by the scholarship of a man who was perhaps the most eminent representative of second generation Italian Jesuits – Cardinal and Archbishop of Capua Robert Bellarmine (Roberto Bellarmino)[216]. His comprehensive analysis of Catholic doctrine was created on the basis of lectures given at Collegium Romanum (Pontifical Gregorian University) between 1576 and 1588. Published in three

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213 S. Obirek, *Jezuici w Rzeczypospolitej Obojga Narodów*, p. 126–127; R. Skowron, op. cit., p. 352.

214 B. Szlachta, *Konstytucjonalizm*, p. 401–405; see: Jakub VI Stuart, król Szkocji, *ΒΑΣΙΛΙΚΟΝ ΔΩΡΟΝ albo wskazówki jego królewskiej mości dla swego ukochanego syna Henryka księcia*, trans., intr. and edit. M. Misztal, Kraków 2006.

215 W. Buchner, op. cit., p. 155–156.

216 J. Brodrick, *Robert Bellarmine*, London 1961.

volumes between 1586 and 1593 and entitled *Disputationes de controversiis Christianae fidei adversus hujus temporis haereticos*, these lectures "became a classic expression of Counter-Reformation controversial theology"[217]. As suggested by the title, the work altogether contained 17 "controversies", each of which was dedicated to in-depth analysis of the main complicated issues of Catholic theology. Characteristically, one of them was titled: "Controversia tertia generalis: De Romani Pontificis ecclesiastica monarchia"[218], which did not mean that Bellarmine directly referred to the concept of mediaeval "papalism". On the contrary, well aware of the fall of the universalist concept of Christianity, he remonstrated both with Protestant exponents of "national Churches" and with Catholic "hierocrats", to whom the Pope constituted the political sovereign of secular monarchs[219]. To Bellarmine, all authority is of divine origin, but the forms of secular governance are established by the people and, as such, are legitimated by the will of the community. Thus, only ecclesiastic authority, whose embodiment is the papacy, is of direct divine ordination[220].

If the origins of both authorities were separate, so were their respective aims: while the Church was to safeguard the people's salvation, the state was to take care of their temporal welfare. However, unlike in Calvin's theology, in Bellarmine's thought there is no division of competence between ecclesiastic and secular authorities. That having been said, Bellarmine took a conceptual detour through the Gelasian typologies, asserting that the Catholic Church – principally devoted to spiritual matters – was, after all, obliged to intervene in secular matters, as long as they were connected to spiritual matters. In contrast, secular authorities were not allowed to interfere with the Church jurisdiction. This – along with the assertion that spiritual and temporal matters were, in practice, inseparable – provided the foundation for the doctrine of papal "indirect authority", according to which the papacy was vested with a unique competence with regard to secular matters if they – for instance, interdenominational relations – referred to spirituality. Due to the "indirectness" of their authority, the popes were not allowed to alter (or even annul) the political system of Christian countries. Nor were they authorised to formally subjugate the system to the Catholic Church. However, they ought to compel the state to act in accordance with Catholic doctrine. Disobedient and wayward monarchs were thus likely to be considered by Rome to

217   R. W. Richgels, "The Pattern of Controversy in a Counter-Reformation Classic. The Controversies of Robert Bellarmine", *Sixteenth Century Journal* 11, 1980, 2, p. 3–15.

218   H. Höpfl, *Jesuit Political Thought*, p. 41.

219   B. Szlachta, *Konstytucjonalizm*, p. 448–450.

220   W. Buchner, op. cit., p. 196–197.

be deprived of legitimacy (and, in consequence, of authority). In such cases, the papacy could liberate royal subjects from the obligation to obey the monarch[221].

In practice, this not only entailed the Catholic Church's exclusive right to ascertain the legality (and righteousness) of state authorities but also legalised intervening in the internal affairs of sovereign monarchies. Bellarmine also maintained that toleration of a variety of religions destroyed the integrity of the Church and society at large and, therefore, state authorities should not allow its cultivation. Interestingly, he differentiated between the menace posed by – on the one hand – Christian dissenters (primarily Protestants, whom he considered a real threat and whose prosecution he demanded from ruling sovereigns) and – on the other hand – Jews and Muslims, who remained enemies of Catholicism but, in the Italian Jesuit's mind, seemed harmless and, thus, deserved toleration[222].

Bellarmine also established the following scope of Church jurisdiction: "Nostra autem sententia est, Ecclesiam unam tantum esse, non duas, et illam unam et veram esse coetum hominum ejusdem Christianae fidei professione, et eorundem Sacramentorum communione colligatum, sub regimine legitimorum pastorum, ac praecipue unius Christi in terris Vicarii, Romani Pontificis."[223] He also precisely stated who belonged to the above-defined Catholic Church and who was correspondingly subject to ecclesiastic authority: "Probandum igitus est ordine, non pertinere ad Ecclesiam non baptizatos, hereticos, et apostatas, excommunicatos et schizmaticos. Deinde pertinere ad Ecclesiam non praedestinatos, non perfectos, peccatores etiam manifestos, infideles occultos, si habeant Sacramenta, professionem fidei et subjectionem etc."[224] Conceived at the end of the sixteenth century, his concepts were acknowledged as official Catholic doctrine during the pontificate of Paul V, with whom Bellarmine closely worked. Furthermore, the basic principles of his concepts remained valid well into the twentieth century, as symbolised by the Jesuit's canonisation in 1931.

From the vantage point of the present, conclusions drawn from Bellarmine's thought are quite alarming. During the Thirty Years' War, in the political context of the religiously divided Holy Roman Empire, the views regarding the obligation to fight Protestants was made concrete by Bellarmine's fellow Jesuit and an advisor to Elector of Bavaria Maximilian I, Adam Contzen; he did this in his *Politicorum libri decem*, which was published in 1621. Entitled "De internis

221 Z. Ogonowski, *Filozofia polityczna w Polsce XVII wieku*, Warszawa 1958, p. 70–72.

222 J. Delumeau, op. cit, p. 364–374.

223 "Disputationes de controversiis christianae fidei adversus huius temporis haereticos", [in:] *Cardinali Bellarmini Opera omnia*, vol. II, ed. J. Févre, Parisiis 1870, p. 317.

224 Ibidem, p. 318.

reipublicae malis", Volume 9 of the work contains Chapter X, which is dedicated to a discussion of denominational sources of conflicts that undermine the authority of secular sovereignty. The author's perspective on political problems is best described by one of his principal theses: "Magna pars bellorum, calamitatumque, et seditionum, aut ab religione est, aut praetextu religionis"[225], which in essence attempts to justify the persecution of the German Protestants and deprive them of due rights.

Despite the above, Jesuit political theologians – primarily Suárez and Bellarmine – have often been considered theoreticians of "the social contract" (*pactum societatis*) and founding fathers of modern constitutionalism and democracy. Quentin Skinner supports some of these claims, though he states that the greatest achievement of the late sixteenth-century Counter-Reformation Thomists was building an intellectual bridge: the ancient and mediaeval concepts that they had interpreted lived on, influencing seventeenth-century political theorists.[226] With regard to early modern political practice, the Jesuit theoreticians remained monarchists, who – not unlike their more politically oriented enemies and later proponents of Thomas Hobbes' concepts – believed that a strong monarchy was the price to be paid for the guarantee of political and religious peace[227].

New issues thus emerged that were, in practice, treated as inherently political in nature and that involved the coexistence of Christian countries in Europe that, as a result of the Reformation, had begun tying themselves to different denominations and were typified by different Church-state practices and even by the coexistence different religions within one country, as was the case in Germany, Poland and Transylvania[228]. As far as the Reformation's influence on interdenominational relations is concerned, it is appropriate to highlight the thesis of Roland H. Bainton, who claimed that, even though Protestant Reformers practised intolerance, the fact is that, in the long run, the Reformation opened the doors to

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225 *Politicorum libri decem, in quibus de perfectae reipubl. forma, virtutibus, et vitiis, institutione civium, legibus, magistratu ecclesiastico, civili, potentia Reipublicae, itemque seditione et bello, ad usum vitamque communem accomodate tractatur*, (2nd impression), Coloniae 1629, p. 731.

226 Q. Skinner, op. cit., p. 174.

227 H. Höpfl, *Jesuit Political Thought*, p. 51.

228 M. Venard, "Problèmes et modalités de la coexistence religieuse au XVIe siècle", [in:] *Churches and confessions in East Central Europe in early modern times*, ed. H. Łaszkiewicz, Lublin 1999, p. 13–20, Proceedings of the Commission Internationale d'Histoire Ecclésiastique Comparée.

toleration and religious freedom[229]. In the seventeenth century, advocates of the doctrine of predestination were even inclined to think that heresy did not annihilate one's soul, given that individual salvation had already been pre-ordained by God. Ruthless persecution of heretics was therefore groundless, since they were not "murderers of souls". Concurrently, "Protestant liberals", located at the other end of the broad spectrum of viewpoints regarding the limits of toleration, believed that persecution of dissenters was ill-founded simply because their conversion would not change divine judgement. Similarly, punishing blasphemers was illogical in light of the fact that the Almighty was capable of defending his own honour. In effect, it was gradually becoming more common to judge faith in terms of its ethics, and more acceptable to sympathise with anybody that had gone astray in good faith than with a person who, without conviction, practised "dishonor correctness"[230]. A new epoch was (very) slowly approaching – times in which religious conformity would be as ignominious as the persecution of dissenters.

Perhaps, as some scholars have argued, the genesis of the Swiss idea of religious toleration is a product of the Reformation. For the time being, however, let us consider William Monter's scholarship on court heresy cases, which sheds light on the number of executions and death penalty sentences in the sixteenth century. He posited an intriguing thesis, according to which, between the years 1520 and 1570, approximately 3000 people were sentenced to death and subsequently executed in Europe. This figure does not include the number of victims who died in riots or were sentenced by courts martial, etc. What remains even more interesting is Monter's other theory, which argues that, with the exception of "the Mediterranean world" (i.e., Italy and Spain), executions and sentences in "faith" cases after 1570 ceased to be of any importance socially and statistically because, in practice, they were no longer administered. To quote Monter, the role of "public enemies", especially in Protestant countries, was to be performed instead by the victims of witchcraft trials[231]. Seen from this perspective, religious relations in the Republic of Nobles (Rzeczpospolita szlachecka), at least after 1570, do not constitute – if compared with the rest of Europe – any unique phenomenon.

Bainton's opinion is universally accepted that the Reformation paved the way for further changes, which led first to practical toleration and then to

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229 R.H. Bainton, *The travail of religious liberty*, New York 1951, p. 15–23.

230 Ibidem.

231 W. Monter, op. cit., p. 48–64.

theoretically justified toleration, which in turn gave rise to the initial separation of ecclesiastic authority from secular authority, to the subsequent dissociation of Church and state, and finally to secularisation[232]. When embracing Bainton's conclusion, however, one ought to remember Richard van Dülmen's observation: "Die Entstehung eines kirchlichen Pluralismus, die Konfessionalisierung der Religion, der Aufbruch eines religiösen Subjektivismus und die Herausbildung der Toleranzidee waren für die frühneuzeitliche Gesellschaft entscheidend prägende Wirkungen der Reformation", which perhaps suggests that, with regard to Eastern Europe, debate continues. In the mid-twentieth century, French scholars stressed the need to research into imponderables, such as emotional responses towards "the Other", the imperative of searching for truth, the hope of salvation, and – last but not least – faith and its importance in shaping attitudes towards dissenters, which was very much needed in an epoch dominated by champions of the absolutization of economic and social factors that determine historical processes[233]. In the latter decades of the twentieth century German scholars introduced "the paradigm of confessionalization", which – regardless of the repeatedly discussed formula – has markedly changed our perception of Church-state relations. One can thus make an informed guess that there remains a great deal to be ascertained in the field of interdenominational relations, and that our view of the social conditions underpinning religious relations in the (Early) Modern Age will, in the years to come, continue to evolve considerably.

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232   R. van Dülmen, *Reformation und Neuzeit. Ein Versuch*, ZHF 14, 1978, 1, p. 11.

233   L. Febvre, *La problème de l'incroyance au XVIe siècle. La religion de Rabelais,* Paris 1947, idem, *Au coeur religieux du XVIe siècle*, Paris 1957, R. Mandrou, *Introduction à la France moderne (1500–1640). Essai de psychologie historique*, Paris 1961.

Chapter 2: Humanists, or Understanding

Great religious reformers of the sixteenth century, John Calvin in particular, are to this day perceived as consistent and unapologetic advocates of the idea of intolerance, both in theory and in practice. In contrast, Renaissance Humanists are universally acknowledged as their polar opposites, i.e., as champions of toleration and moderation toward religion, of whom Erasmus of Rotterdam is considered the symbolic figure. Both attitudes – demonization of Calvin and idealisation of Erasmus – are, as befits most generalisations, gross simplifications. It seems that Protestant reformers were not as consistent as one might expect in terms of their alleged intolerance; nor were Humanists supporters of affirmative toleration, as toleration itself is understood today. The knee-jerk reaction of Humanist elites to religious diversity was a hurried, almost instinctual, search for a way to put an end to what was unanimously deemed evil. As time moved on, these elites insistently attempted to reinstate the long-lost unity of Western Christianity[1].

The most frequently proposed remedy was to rebuild the Church by convening a universal synod, an idea which was initially suggested by all parties to the conflict. This was a clear nod to a tradition dating back to late Antiquity, and according to which it was within the synods' remit to evaluate theologically disputable concepts, to prove (or disprove) them to be heretical, and – as a consequence – to renounce their propagators as heretics. This practice changed in the epoch of the uprisings of the poor – between the twelfth and thirteenth centuries – when decisions to condemn dubious viewpoints were more often taken by local episcopal authorities, while the papacy in Rome handled only the most dangerous heresiarchs and their views[2]. Eventually, at the end of the Middle Ages, between the fourteenth and fifteenth centuries, the very lexeme "heresy" became devalued through overuse. As a result, the practice of premature accusations and unfounded denunciations was repeatedly contested. For instance, Nicholas of Cusa (Nicolaus Cusanus) was not just a proponent of consensus between different Christian denominations but he also championed the idea of religious

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1   R. Stupperich, *Humanismus und die Wiedervereinigung der Konfessionen*, Leipzig 1936, passim.
2   T. Manteuffel, *Narodziny herezji. Wyznawcy dobrowolnego ubóstwa w średniowieczu*, Warsaw 1964.

peace – even with Muslims[3]. Moderation toward dissenters was defended by Early Humanists while, as the movement developed, Erasmus – as the representative of the next generation of thinkers – reminded his contemporaries that heresy was once punished by means of expulsion of nonconformists from the society and not by burning them at the stake. He also demanded the reinstatement of the conciliar jurisdiction over key theological issues[4].

Calls for a return to Christian unity, as endorsed by the synod, did not, however, entail readiness to accept divergent religious viewpoints; nor did they by any means acknowledge the possibility of giving credence to disparate interpretations of Evangelical truth. In practice, Humanist toleration boiled down to moderation and reluctance to make snap judgements out of fears that conflicts would escalate. Toleration was also practised as negation of the custom of deferring to religious coercion before the synod's final decisions took effect. It appears that the genesis of religious toleration thus defined in the sixteenth century remains an academic grey area. The scholarship of Joseph Lecler and the work of his followers have aptly delineated its most important aspects, but numerous interesting issues remain unclear. In particular, as pointed out by Cornelis Augustijn, the early phase (i.e., the 1520s and 1530s) offers significant research opportunities.[5]

Taking the practice of denominational relations into account, one ought not to forget that the Humanists' opinions were of little importance. Given that the Humanists in question comprised predominantly philologists (linguists), their authority and outlook on religion mattered only as much as research on the Scripture and interpretations of the works of the Church Fathers mattered to theologians. Uniquely, so-called Biblical Humanism gained considerable influence in the first half of the sixteenth century, in particular representatives of the Northern Renaissance, including Erasmus of Rotterdam, Thomas More, Jacques

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3   M. Riedenauer, "Religiöse und kulturelle Pluralität als Konfliktursache bei Nikolaus Cusanus", [in:] *Conflict and reconciliation. Perspectives on Nicholas of Cusa*, ed. I. Bocken, Leiden 2004, p. 131–159, Brill's Studies in Intellectual History, vol. 126; W. Hoye, "The Idea of Truth as the Basis for Religious Tolerance According to Nicholas of Cusa with Comparison to Thomas Aquinas", [in:] ibidem, p. 161–173. M. Seidlmeyer, *Wege und Wandlungen des Humanismus. Studien zu seinen politischen, ethischen, religiösen Problemen,* Göttingen 1965, p. 215–272.

4   R. Friedenthal, *Marcin Luter. Jego życie i czasy*, trans. C. Tarnogórski, Warszawa 1991, p. 256–257, 267; J. Lecler, *Historia tolerancji w wieku reformacji*, trans. L. and H. Kühn, vol. 1, Warszawa 1964, p. 142.

5   C. Augustijn, *Erasmus,* "Gerard Geldenhouwer und die religiöse Toleranz", [in:] idem, *Erasmus. Der Humanist als Theologe und Kirchenreformer*, Leiden 1996, p. 112, Studies in Medieval and Reformation Thought, vol. LIX.

Lefévre d'Etaples (Jacobus Faber Stapulensis) and Johann Reuchlin (Johannes Reuchlin), as well as younger intellectuals, primarily reformers such as Ulrich Zwingli, Philipp Melanchthon, Martin Bucer (Butzer), Wolfgang Capito (Köpfel), Johannes Brenz, Joachim Vadian and Johannes Ökolampadus (Oecolampadius). Their group morale was markedly boosted by the Reuchlin Affair and even more by a hard-hitting satire targeting the adversaries of Humanism – *Epistolae obscurorum virorum*[6]. The 1520s saw the group's influence peak. Initially, these intellectuals all sided with Luther. Later on, despite their division into pro- and anti-Reformation factions, and in spite of ensuing theological and political divergence, they actively strove to maintain the sense of Christian community shared jointly by Protestants and Catholics[7].

As far as the development of views on Church-state relations and attitudes toward dissenters is concerned, dissonance between Humanism and the Reformation is an issue of utmost importance. Nineteenth- and twentieth-century historiography popularised the notion of profound opposition between the two movements, drawing primarily on analysis of the theological rift between Erasmus and Luther: "Die berhümte Kontroverse zwischen Luther und Erasmus wird haüfig für die Quintessenz der Beziehung zwischen erasmianischem Humanismus und Protestantismus gehalten."[8] At present, scholars favour the opinion that there was no fundamental divergence between Humanism and Protestantism, though equating the two constitutes a fallacy, as opined by Nicolette Mout: "Reformation und erasmianischer Humanismus sind nicht eine und dieselbe Bewegung. Aber die Frage ist zu stellen (und nicht leicht zu beantworten), in welcher Beziehung sie zueinander gestanden haben."[9]

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6   See *Listy ciemnych mężów*, trans., preface and edit. T. Brzostowski, Warszawa 1977, p. 5–21.

7   C. Augustijn, "Die Stellung der Humanisten zur Glaubensspaltung 1518–1530", [in:] idem, *Erasmus. Der Humanist als Theologe und Kirchenreformer*, p. 141–153; Q. Skinner, *The Foundations of Modern Political Thought*, vol. 2: *The Age of Reformation*, Cambridge 2005, p. 27–34.

8   N. Mout, op. cit., p. 31; cf. J. W. O'Malley, *Erasmus and Luther: Continuity and Discontinuity as Key to Their Conflict*, "Sixteenth Century Journal" 5, 1974, 2, p. 47–65; B. Hägglund, "Die Frage der Willensfreiheit in der Auseinandersetzung zwischen Erasmus und Luther", [in:] *Renaissance – Reformation. Gegensätze und Gemeinsamkeiten. Vorträge*, hrsg. A. Buck, Wiesbaden 1984, p. 181–195, Wolfenbütteler Abhandlungen zur Renaissanceforschung, Bd. 5.

9   N. Mout, "Erasmianischer Humanismus und reformierter Protestantismus zur Zeit a Lascos", [in:] *Johannes a Lasco (1499–1560). Polnischer Baron, Humanist und europäischer Reformator. Beiträge zum internationalen Symposium vom 14.–17. Oktober 1999*

Indeed, the problem remains complex and defies easy generalisations. With regard to specific cases, e.g., relations between particular representatives of Humanism and the Reformation, clarification becomes more viable and answers are less contestable particularly when the attitude to Erasmus' thought and to his outlook on the reform of Christianity is taken as the point of reference. For instance, the above-mentioned Cornelis Augustijn, who notices no opposition to Erasmus on the part of Zwingli and Reformed Protestantism, observes a clear conflict between Erasmus and Luther, and he highlights the crucial importance of the conflict to our understanding of the intellectual conditions of the Reformation[10].

The conflict between Erasmus and Luther and, more broadly, between Lutheran reformers and Humanists stemmed from, among other things, the fact that Erasmian theology, on its own grounded in the tradition of Modern Devotion (*devotio moderna*), was in many respects antithetical to the tradition of *via moderna* that Luther espoused[11]. The origins of the dispute lay, it seems, in Erasmus' apprehension that the activities of Luther and his associates would irrevocably destroy the unity of Christendom and disrupt public peace in Europe. Understandably, it was feared that the defence of the "Roman papacy" might engender systemic persecution, cause the outbreak of war and subject people to oppression and tyranny[12]. For that reason, around the time of the Diet of Augsburg (1530), Erasmus remained active and energised, endeavouring to influence both sides of the conflict through sustained acts of toning down contradictions[13]. Yet, what should be emphasised here is that his critical stance toward Luther and the Reformation was not just a product of fear of public disorder. Nor was it a sign of his moral fallibility or a manifestation of character weakness. Erasmus was convinced that, were Christian unity and agreement among the faithful (*consensus fidelium*) not maintained, then the goal of finding apt solutions to fundamental

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in der Johannes a Lasco Bibliothek Emden, hrsg. Ch. Strohm, Tübingen 2000, p. 21–34, 22, Spätmittelalter und Reformation, Neue Reihe, 14.

10 C. Augustijn, *Zwingli als Humanist*, p. 218–219; cf. R. D. Linder, *Calvinism and Humanism. The First Generation*, "Church History" 44, 1975, 2, p. 167–181.

11 For interdependencies between *via moderna* and *devotio moderna* see A. Levy, *Renaissance and Reformation. The Intellectual Genesis*, New Haven-London 2002, p. 133–153.

12 P. G. Bietenholz, "Erasmus, Luther und die Stillen im Lande", *Bibliotheque d'Humanisme et Renaissance* 47, 1985, 1, p. 27–46; C. Augustijn, *Die Stellung der Humanisten zur Glaubensspaltung 1518–1530*, p. 141–153.

13 There are several letters on the subject of reconciliation written to and by Erasmus dating to this period, ibidem, p. 153.

problems of dogma that emerged over the course of interpreting the philologically purified Scripture (an activity which he held in great esteem) was an insurmountable task. To Erasmus, Biblical hermeneutics constituted a road towards "true theology". By contrast, Luther believed that only by drawing on the divinely inspired "true theology" was it possible to fathom the message intrinsic to the Holy Writ[14].

Around 1525, a considerable decrease in the broad popularity of Erasmus' writings in Germany was observed, as evidenced by the dwindling number of translations of his works[15]. Still, in general, the stable position of the irenicist tradition in European thought, a scholarly insistence on consistent application of theological categories, along with the sweeping authority of this most outstanding of Humanist thinkers, contributed to the recognition and wide resonance[16] of Erasmus' concept of the hierarchy of relations and his idea of the restitution of unity among "the religiously divergent", as proposed in one of his final works, *Liber de sarcienda ecclesiae concordia, deque sedandis opinionum dissidiis, cum alijs nonnulis lectu dignis* (1533)[17]. The proposal of "the Prince of Christian Humanists" was immediately embraced; apart from the Basel edition (1533), there were subsequent reprints in Antwerp, Leipzig and Paris. In 1534, Wolfgang Capito published in Strasbourg a German translation of the work entitled *Von der Kirchen lieblicher Vereinigung*, while a different rendering into German by Georg Witzel was published in Frankfurt am Main. The book was thus popular with Catholics and Protestants alike[18].

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14 H. Holeczek, "Erasmus' Stellung zur Reformation: Studia humanitatis und Kirchenreform", [in:] *Renaissance – Reformation. Gegensätze und Gemeinsamkeiten*, p. 131–153; F. W. Kanzenbach, *Das Ringen um die Einheit der Kirche im Jahrhundert der Reformation. Vertreter, Quellen und Motive des „ökumenischen" Gedankens von Erasmus von Rotterdam bis Georg Calixt*, Stuttgart 1957, p. 64–72; the influence of Luther's thought on Erasmus is the subject of the research by R. G. Kleinhans, "Luther and Erasmus, another perspective", *Church History* 39, 1970, 4, p. 459–469.

15 H. Holeczek, *Erasmus von Rotterdam und die Volkssprachliche Rezeption seiner Schriften in der deutschen Reformation 1519–1536*, ZHF, 11, 1984, 2, p. 129–163; cf. A. Levy, op. cit., p. 285–305.

16 An overview of Erasmus' ideas – J. Lecler, op. cit., vol. 1, p. 140–157.

17 *Desiderii Erasmi Roterodami opera omnia emendatiora et auctiora*, recognovit J. Clericus, Hildesheim 1961–62, vol. V, p. 469–506; J. V. Pollet, "Origine et structure du "De Sarcienda Ecclesiae Concordia" (1533) d'Erasme", [in:] *Scrutinium Erasmianum*, vol. 2, ed. J. Coppens, Leiden 1969, p. 183–195; cf. C. Augustijn, *Erasmus von Rotterdam. Leben – Werk – Wirkung*, übers. M. E. Baumer, München 1986, p. 159–161.

18 R. Stupperich, op. cit., p. 27–32; F. W. Kantzenbach, op. cit., p. 84–92.

However, it is worth pointing out that, though this publication made Erasmus the patron of religious toleration, it also caused serious dilution of the differences between his ethical and theological concepts and his political doctrines that would later on rely on political reality rather than on Erasmian "l'évangelisme politique". Erasmus was not a political theorist – not even in the modern understanding of the word. Instead, he was a moralist who drew on theological and political categories and typologies. At the very core of his "Evangelism" or "Reformism" stood *philosophia Christi*, which he developed after 1500 and formulated for the first time in print in his preface to the 1516 edition of the Greek text of the New Testament. This study later became known as *Ratio vel methodus verae theologiae*; its principle ideas were re-worked and subsequently included in *Enchiridion militis Christiani saluberrimis praeceptis refertum*, a work published with a wider readership in mind[19].

Erasmus' *philosophia Christi* relies on a programme of cleansing religion by dint of the revival of religious life, the Christian Church and its theology, as well as by means of the "christening", or rather "evangelisation", of culture. To Erasmus, people become true Christians as a result of the internalisation and spiritualisation of faith. Correspondingly, the love of Christ is superior to theological deliberations and ecclesiastic ceremonies. Christ, rather than the institutionalised Church, is the first teacher in the search for salvation. The true Church, construed as *ecclesia sancta*, constitutes an invisible community of the faithful with Christ as its leader, while "the visible Church", referred to as *externa societas ecclesiae catholicae*, is comprised of God's people and the clergy, who were ordained to serve the faithful. Such a standpoint was disturbingly close to Protestant ecclesiology[20]. True and practical Christian philosophy is contingent not upon the learnedness and disputes preferred by elites and hierarchs, but upon

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19 J. Domański, *Erazm i filozofia. Studium o koncepcji filozofii Erazma z Rotterdamu*, Warszawa 2001 (2nd edition), p. 36; this work consitutes the most comprehensive Polish language analysis of Erasmian *philosophia Christi*; See: Erazm z Rotterdamu, "Sposób czyli metoda szybkiego i łatwego dochodzenia do prawdziwej teologii", [in:] idem, *Trzy rozprawy*, trans. and ed. J. Domański, Warszawa 1960, p. 63–288; L. Kołakowski, "Erazm i jego Bóg", [in:] Desiderius Erasmus Rotterodamus, *Podręcznik żołnierza Chrystusowego nauk zbawiennych pełny*, trans., preface and footnotes J. Domański, Warszawa 1965, p. VII–XVIII.

20 F. W. Kantzenbach, op. cit., p. 79–82.

internal rebirth and leading a good life in a community of fellow adherents of the real Church[21].

No one, however (as stated by Erasmus in the above-mentioned preface to the New Testament), should be prohibited from pursuing theology. A well-researched, philologically-grounded theological study, which Erasmus recommended in *Ratio vel methodus verae theologiae*, makes one ask questions that defy unambiguous answers and that are resistant to the kind of scholastic pomposity that Erasmus lampooned with a vengeance in *The Praise of Folly*[22]. Doubts naturally lead to the questioning of existing authorities, but uncertainty should not result in their premature condemnation. To err is human, and thus condemnation is likely to cause far more evil than toleration of dubious, or even false, ideas. Such views turned Erasmus into the patron of religious toleration, but it is worth remembering that they also constitute a far-fetched simplification, given that the connotations evoked in his day by the notion of "tolerance" were diverse and primarily negative. Furthermore, Erasmus himself hardly ever used the lexeme, preferring more traditional terms, such as *pax*, *caritas* and *mansuetudo*[23]. Most frequently, he endorsed the idea of *concordia ecclesiae*, according to which the Christian community ought to practise love and not just "tolerate"[24].

Some of Erasmus' views and theories did, however, influence the builders of Protestant territorial Churches. As already mentioned, the stance on Church-state relations expressed in *Institutio principis christiani* corresponded to the beliefs of Protestant reformers. To Erasmus, secular authorities were obliged to take care of the public good, which in turn was construed as Evangelical piety. A Christian ruler was thus supposed to facilitate the public welfare by upholding Church doctrine, pastoral care and Christian education (religious instruction). Also, with a view toward maintaining public order, the sovereign ought to prosecute

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21 L. Kołakowski, *Świadomość religijna i więź kościelna. Studia nad chrześcijaństwem bezwyznaniowym XVII wieku*, Warszawa 1997, p. 100–103; S. Świeżawski, *Między średniowieczem a czasami nowymi. Sylwetki myślicieli XV wieku*, Warszawa 2002, p. 276–290; R. Rex, "Humanism", [in:] *The Reformation World*, ed. A. Pettegree, London-N. York 2006, p. 51–70.

22 C. Augustijn, *Erasmus von Rotterdam*, p. 66–81; Erazm z Rotterdamu, *Pochwała głupoty*, trans. E. Jędrkiewicz, preface M. Cytowska, Warszawa 2000, p. 95 nn.

23 H. R. Guggisberg, "The Defense of Religious Toleration and Religious Liberty in Early Modern Europe. Arguments, Pressures and Some Consequences", *History of European Ideas* 4, 1983, 1, p. 35–50.

24 M. Turchetti, "Une question mal posée. Erasme et la tolérance. L'idée de sygkatabasis", *Bibliotheque d'Humanisme et Renaissance* 53, 1991, 2, p. 379–395; F. Rigolot, *Tolérance et condescendance dans la littérature française du XVIe siècle*, ibidem 62, 2000, 1, p. 25–47.

rebellious individuals and subversive groups alike. With Evangelical rebirth of the subjects/faithful in mind, secular and ecclesiastic authorities were encouraged to cooperate closely, which, however, meant that – because of the Protestant political practice – Church authorities were subordinate to secular powers. Not only did Erasmian ideas with regard to Christian authority correspond to the reformers' outlook, but they were embraced, appropriated and expanded upon by them. Relying on Erasmus' authority, Johannes Brenz asserted that God gave princes power so that they would spread Christianity. As a consequence, they should introduce the Reformation, which would ultimately lead to Evangelical religious coercion[25].

Erasmus himself suggested in 1526 that Johann Faber (Heigerlin), the advisor to Habsburg Archduke Ferdinand and later Bishop of Vienna, should allow the introduction of bi-confessionalism in those Austrian cities that were under the influence of the Reformation. But this proposal of toleration of Lutheranism was accompanied by two fundamentally important conditions. Legally impermanent, the doctrine of toleration was to remain valid only until the synod had reasserted and reintroduced the unity of Christendom. And it was to be applied solely to compliant Protestants (rebellious dissenters were to be severely punished)[26]. A few years later (1530), Erasmus' letter to the papal legate to Germany, Lorenzo Campeggio, was published – allegedly without the sender's consent. The epistle gained considerable notoriety in Europe in light of the fact that Erasmus recommended toleration, construed not as an overriding principle but as a pragmatic choice of a lesser evil. He also warned against wars of religion: "Si certis conditionibus sectae sinerentur […], grave quidem fateor, malum esset, sed bello, et tali bello, levius."[27]

It is difficult to ascertain to what extent the above statement reflected Erasmus' bona fide convictions, and to what extent it was a ruse to appeal to politicians entrenched on both sides of the religious divide and their particular perceptions of reality. Some of his opinions regarding toleration were expressed with such ambiguous phrasing that even some champions of the absolute penalisation of

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25 J. M. Estes, *Officium principis christiani. Erasmus and the Origins of the Protestant State Church*, ARG 83, 1992, p. 49–72; ibidem, *Christian Magistrate and State Church. The Reforming Career of Johannes Brenz,* Toronto 1982, p. 34–43.

26 J. Lecler, op. cit., vol. 1, p. 145.

27 Erasmus to Lorenzo Campeggio, Freiburg, 18 VIII 1530, *Erasmus and His Age. Selected Letters of Desiderius Erasmus*, ed. H. J. Hillebrand, M. A. Haworth SJ, N. York 1970, p. 242.

heresy considered him a supporter of their cause[28]. Far more popular, however, were his opinions that left no room for uncertainty, for instance a famous passage from his *Colloquies*, where he not only remonstrated with the persecution of dissenting Christians but also questioned the rationale behind crusades, and demanded the introduction of the evangelisation of Muslims[29]. Without questions, attitudes characterised by (to use the typology of Carlo Ginzburg) "simulation" and "dissimulation" and even by Nicodemism, of which Calvin himself so highly disapproved, were quite popular among adherents of Erasmian Humanist Christianity. Therefore, juggling toleration with conformity and concealment of one's denomination became a frequent phenomenon[30]. In the Central European context, the outstanding Humanist Andreas Dudith comes to mind as a representative of this sixteenth-century attitude[31].

Arguing against the persecution of dissenters, Erasmus and his associates relied on elementary, universally known and well-established texts, such as the writings of Saint Thomas and the Holy Writ. Since the Bible does not contain any commandment obliging authorities to make heresy punishable by death, God does not – as the Christian Humanists argued – condone such punishment of heretics. Thus, they ought to be tolerated. Bishops were to educate and reproach those who had gone astray, to convince and convert the obstinate, and – should everything else fail – to excommunicate the most hardened. Only those heretics who violate public peace ought to be punished severely, though the right to mete out capital punishment remains reserved exclusively for secular authorities as long as the penalty is preceded by a trial. Because the task of finding a peaceful solution to the conflict between traditional orthodoxy and Evangelical reformers without recourse to the authority of the universal synod was impossible, sovereigns were to refrain from reaching a verdict and administering the sentence as long as the council did not arrive at a final decision[32].

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28 P. G. Bietenholz, *Daniel Zwicker 1612–1678. Peace, Tolerance and God the One and Only*, Firenze 1997, p. 305–306.

29 Erazm z Rotterdamu, "Miła wojna dla tych, co jej nie znają", [in:] idem, *Rozmowy. Wybór*, trans. and edit. M. Cytowska, Warszawa 1969, p. 54–55.

30 A. Rotondò, "Atteggiamenti della vita morale del Cinquecento. La practica nicodemitica", *Rivista Storica Italiana* 79, 1967, p. 991–1030; cf. C. Ginzburg, *Il nicodemismo. Simulazione e dissimulazione religiosa nell' Europa del '500*, Torino 1979.

31 A. Szczucki, *Andrzej Dudycz. Młodość i początki kariery*, KH 114, 2007, 4, p. 5–17.

32 W. K. Ferguson, "The attitude of Erasmus towards toleration", [in:] idem, *Renaissance Studies*, N. York 1970, p. 80.

Humanists therefore considered religious toleration to be one of the tools enabling the preservation and/or reinstatement of Christian unity, which in turn constituted the primary condition of reaching the truth. Understandably, Erasmus' Catholic adversaries contested his views, accusing him of reserve and distance since, by opting for religious toleration, he "objectively" endorsed the reformers[33]. And since the public dispute with Luther over the issue of the free will, Evangelicals also became less sympathetic to Erasmian thought, despite the fact that among them were many Humanists who revered the Dutchman's work, including his students and acolytes. The reserve of the Lutherans notwithstanding, numerous Reformation representatives welcomed the publication of *De sarcienda ecclesiae concordia*[34]. One of them was the outstanding Erasmianist Johannes a Lasco (Jan Łaski)[35], which perhaps corroborates Cornelis Augustijn's assertion that, at that time in history, Reformed Evangelicals were closer to Erasmus than the Lutherans[36].

It was because of the correspondence with the Łaski Family that Erasmus came to the conclusion that an alliance with Polish intellectual elites was a viable option[37]. However, the only certain common ground found between Łaski's concepts and the Erasmian heritage is the quest for Christian unity. Sustained attempts to uphold a consensus between "the religiously divergent" was a constant element of Łaski's life, one that continued until his final years. To him, the structure of the Church coupled with *disciplina ecclesiae*, which played such a crucial role in his writings and, most importantly, in his organisational activities (for

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33 J. Lecler, op. cit., vol. 1, p. 143–144. Resentment towards Erasmus is noticeable in Lecler, ibidem, p. 149: "One could argue whether his sarcasm coupled with his lampooning of monks, theologians and false piety has perhaps provided the sworn enemies of the unification of Christendom with very deadly weaponry."

34 R. Stupperich, op. cit., p. 27–32.

35 G. H. Williams, "Erasmianism in Poland", *The Polish Review* 22, 1977, 3, p. 27–38; P. Bietenholz, "Concordia Christiana. Myśl Erazma a rzeczywistość polska. Spotkania i korespondencja Erazma z Polakami", [in:] *Jan Łaski 1499–1560 w pięćsetlecie urodzin,* eds. W. Kriegseisen, P. Salwa, Warszawa 2001, p. 71–94, 85–86.

36 C. Augustijn, "Zwingli als Humanist", [in:] idem, *Erasmus. Der Humanist als Theologe und Kirchenreformer*, Leiden 1996, p. 219, Studies in Medieval and Reformation Thought, vol. LIX.

37 See correspondence of Jan Łaski and Erasmus, [in:] *Korespondencja Erazma z Rotterdamu z Polakami*, trans. and ed. M. Cytowska, Warszawa 1965; G. H. Williams, op. cit., p. 4; P. Bietenholz, op. cit., p. 71–79.

instance, in Frisian Emden[38]), was of fundamental relevance to the maintenance of peace and Church unity. Let us, at this juncture, look at the consequences of the realisation of the Erasmian doctrine of unity.

After his return to Poland in 1556, Lascius played a dominant role at synods of the Reformed Church in Lesser Poland (Polonia Minor). It is thanks to his unparalleled authority that Evangelicals of the region benefited from the self-contained structure of their Church that not only survived till the very end of the Commonwealth of Poland (Res Publica Polona) but also set the benchmark for other Reformed communities in Poland. Łaski was not at liberty to build the Reformed Church of Lesser Poland from scratch given that he had to take into consideration the local political context, which included the fact that magnates in Polish Evangelical communities, not unlike German dukes in Melanchthon's thought, were recognised as *custodes utriusque tabulae*. By maintaining their dominant position as defenders against potential repressive measures by the Catholic Church, noble patrons were able to take full (if informal) advantage of their privileges.

Perhaps, as far as the continued advancement of interdenominational relations in Poland was concerned, Łaski's sanctioning of the abov arrangement was a watershed. As early as the summer of 1557, more ambitious noble patrons were officially ordained as seniors and deacons; previously, these posts were held by the clergy. From now on, secular representatives of the nobility were responsible for maintaining control over the mores of Protestant ministers and were in charge of the finances of the Reformed Church in Lesser Poland. This model was then replicated in the Grand Duchy of Lithuania and, to a lesser degree, in Greater Poland (Polonia Maior). The relative equilibrium that had been maintained between the secular and the ecclesiastic powers in the Evangelical jurisdiction was now substituted by primacy of the laity. Truth be told, Łaski also strove to better the position of the clergy, yet the acts and decrees of the 1577

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38 J. Remmers Weerda, *Der Emder Kirchenrat und seine Gemeinde. Ein Beitrag zur Geschichte reformierter Kirchenordnung in Deutschland, ihrer Grundsätze und ihrer Gestaltung*, hrsg. M. Freudenberg, A. Heron, Wuppertal 2000, p. 21–56; H. Schilling, "Reformierte Kirchenzucht als Sozialdisciplinierung. Die Tätigkeit des Emdener Presbyteriums in den Jahren 1557–1562. (Mit vergleichenden Betrachtungen über die Kirchenräte in Groningen und Leiden sowie mit einen Ausblick ins 17. Jahrhundert)" [in:] *Niederlande und Nordwestdeutschland. Studien zur Regional- und Stadtgeschichte Nordwestkontinentaleuropas im Mittelalter und in der Neuzeit. Franz Petri zum 80. Geburtstag,* hrsg. W. Ehbrecht, H. Schilling, Köln 1983, p. 262–327; Ch. Strohm, "Kirchenzucht und Ethik bei a Lasco", [in:] *Johannes a Lasco (1499–1560). Polnischer Baron*, p. 145–171.

synod sanctioned a situation in which authority within the Reformed Church was wielded by the nobility[39].

What therefore came into existence was a model of Church structure that was a far cry from Calvin's Genevan paradigm, and that was typified by a closely guarded division between the secular and the clerical. From the standpoint of the Evangelical clergy, the increased level of security that came with this new model constituted its distinct advantage. However, one ought not to overlook the fact that, by accepting responsibility for the fate of the Reformed Church, representatives of the noble "political nation" introduced the said Church into the very political system of the Kingdom of Poland and then of the Republic (Res Publica Polona). In a way, nobility-controlled Evangelical-Reformed Churches were thus protected from the pressure exerted by Rome, though only as long as the state did not consider Catholicism a crucial component of its ideology. In this way, the ideals championed by Łaski – attempts to unify Christendom by means of strengthening Church structures and the introduction of *disciplina ecclesiae* – bore fruit in the social reality of Eastern Europe that was distant from the postulates of Humanist Christian philosophy. In Poland, Erasmian *concordia christiana* morphed into *concordia nobilitatis*. Toleration of dissenting views was not a product of Christian love but derived from respect for political and (as a consequence) religious freedoms enjoyed by members of the nobility.

Scholarship on the history of ideas is clearly dominated by an interest in the concepts of toleration developed by Western European thinkers associated with Erasmus. They constituted a group of considerable size which often had considerable influence. With time, however, it grew less homogeneous; over the course of building their disparate Catholic and Evangelical confessional viewpoints, Humanists lost the sense of connection that they once shared with one another. This group included figures as renowned as Erasmus' long-time correspondent Melanchthon, who in 1519 did not see any distinctive difference between Luther and Erasmus and who, after a brief falling-out, rekindled in 1528 correspondence with Luther's adversary, only to finally go down in history as a proponent of conciliation and a patron of moderate Lutherans (i.e., followers of Philipp Melanchthon)[40].

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39 H. Kowalska-Kossobudzka, "Wpływ Jana Łaskiego na kształtowanie się reformacyjnego Kościoła w Małopolsce", [in:] *Jan Łaski 1499–1560*, p. 15–26.

40 H. Scheible, "Melanchthon zwischen Luther und Erasmus", [in:] *Renaissance – Reformation. Gegensätze und Gemeinsamkeiten,* p. 155–180; F. W. Kantzenbach, op. cit., p. 97–118.

One of the more intriguing (though somewhat forgotten today) figures of the Humanist movement is the Reformation leader in Strasbourg – Martin Bucer (Butzer)[41], an author of numerous works, including a thesis on the question of reaching a consensus of opinion among conflicted Christian communities entitled *Furbereytung zum Concilio* (1533) and *De vera ecclesiarum in doctrina ceremoniis et disciplina reconciliatione et compositione* (1542)[42], which were published in connection with the Regensburg dispute. As a scholar, Bucer was also preoccupied with issues of ecclesiology, to which he devoted two treatises, "Vom Ampt der Oberkeit in sachen der religion und Gotsdienst" (1535) and "Dialogi oder Gesprechen von der gemainsame unnd den Kirchen übungen der Christi" (1535)[43]. Using an exegesis of Chapter XIII of *The Epistle of the Romans*, Bucer opposed the division of Church and state. Further on, as the conflict with municipal authorities escalated, his stance on Church-state relations was supplemented by the doctrine of Church governance by Christ, which in turn entailed some reserve on the part of secular authorities. Finally, following in the footsteps of Geneva, Bucer was keen to conduct "the second Reformation" in Strasbourg in the 1540s, which, however, never came to fruition due to the outbreak of the Schmalkaldic War in 1546[44].

Today, Bucer's thought is the subject of intensive research, which allows one to appreciate, on the one hand, his importance to the Reformation and, on the other hand the role he played as a pioneering intermediary among Evangelical communities. With regard to the former, his outlook on Church discipline, which in itself anticipated (and perhaps even shaped) ideas later on disseminated by Calvin[45], is of paramount importance. To Bucer, Church discipline was concentrated within an individual Protestant community and included mandatory religious education, public confession of faith, pastoral care, and measures

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41 M. Greschat, *Martin Bucer. Ein Reformator und seine Zeit 1491–1551*, München 1990, p. 9.

42 F. W. Kantzenbach, op. cit., p. 124–134

43 See: M. de Kroon, *Studien zu Martin Bucers Obrigkeitsverständnis. Evangelisches Ethos und politisches Engagement*, Gütersloh 1984, p. 70–107.

44 T. A. Brady Jr., "'The Earth is the Lord's and Our Homeland As Well.' Martin Bucer and the Politics of Strasbourg", [in:] idem, *Communities, Politics and Reformation in Early Modern Europe*, Leiden 1998, p. 189–205, Studies in Medieval and Reformation Thought, vol. LXVIII; see G. Hammann, *Entre la secte et la cité. Le projet d'église du réformateur Martin Bucer*, Genève 1984, Histoire et société, vol. 3.

45 *Martin Bucer und Johannes Calvin. Reformatorische Perspektiven. Einleitung und Texte*, bearb. M. de Kroon, Göttingen 1991, p. 16.

to discipline the faithful that ranged from exhortations on the part of elders to expulsion in cases of serious offence. The aims of the kind of Church discipline introduced by Bucer were to foster individual piety, strengthen a sense of community and, finally, transform the entire society in a spirit of Evangelical Reformed Christianity that was close to the ideals of Erasmus[46].

Bucer's theology was criticised by representatives of a diverse range of methodologies and concerns, and since he was (more often than not) open-minded and intellectually accommodating, he is universally regarded as an advocate of reconciliation[47]. His openness, however, was founded upon two principles, the first of which was recognition of "inner" toleration, stemming from the conviction that one's conscience, being the domain of decisions and responsibility, was immune from external influence. The second principle, by comparison, involved a far more limited "external" toleration with regard to social and political life, the most visible manifestation of which involved the relatively lenient measures taken against a considerable number of Anabaptist residents of Strasbourg[48]. Bucer was to eventually formulate his theological and political views during his exile in England, where he had fled from Strasbourg in 1549 in protest against the Augsburg interim. In *De regno Christi*, a treatise written for Edward VI of England, Bucer emphasised the secular authority's responsibility to comply with both tablets of the Decalogue[49].

At that time, tendencies to preserve peace and facilitate religious reconciliation or religious neutrality were strong in Germany[50]. The court of Albertine

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46 A. N. Burnett, "Church Discipline and Moral Reformation in the Thought of Martin Bucer", *Sixteenth Century Journal* 22, 1991, 3, p. 438–456; M. U. Chrisman, *Strasbourg and the Reform. A Study in the Process of Change*, N. Haven 1967, p. 256–259.

47 M. Greschat, "Martin Bucer and Church Renewal in Europe", *Reformation and Renaissance Review* 5, 2003, 1, p. 92–101.

48 J. M. Kittelson, *Wolfgang Capito. From Humanist to Reformer*, Leiden 1975, p. 171–206, Studies in Medieval and Reformation Thought, vol. XVII; M. de Kroon, *Martin Bucer and the Problem of Tolerance*, "Sixteenth Century Journal" 19, 1988, 2, p. 157–168; D. J. Ziegler, "Marpeck versus Butzer. A Sixteenth-century Debate over the Uses and Limits of Political Authority", *Sixteenth Century Essays and Studies* 3, 1971, p. 95–107; for the Anabaptists and their attitude to Bucer see R. Kreider, "The Anabaptists and the Civil Authorities of Strasbourg, 1525–1555", *Church History* 24, 1955, 2, p. 99–118; M. U. Chrisman, op. cit., p. 177–200; M. Greschat, *Martin Bucer. Ein Reformator,* p. 79–82, 129–131.

49 M. Bucer, *De regno Christi*, ed. F. Wendel, Paris-Gütersloh 1955.

50 A. P. Luttenberger, *Glaubenseinheit und Reichsfriede. Konzeptionen und Wege konfessionsneutraler Reichspolitik, 1530–1552 (Kurpfalz, Jülich, Kurbrandenburg)*, Göttingen 1982.

Duke of Saxony George the Bearded (d. 1539), who himself was reluctant to accept the Lutheran Reformation, was influenced by Humanism and Erasmianism. This Catholic Duke not only corresponded with Erasmus but also openly opposed the use of violence in theological disputes. Furthermore, his closest associates and political advisors included public figures most recognised for fostering the spirit of mutual understanding and conciliation, for instance, the above mentioned translator of *De sarcienda ecclesiae concordia* Georg Witzel and the esteemed Humanist Julius Pflug, to whom Erasmus dedicated his work[51]. Erasmianism also spread in the courts of Catholic ecclesiastical rulers, as manifested by an advisor to Archbishop-Elector of Cologne and (later) Cardinal Johann Gropper, who expected to engineer the reunion of German Christians around the idea of reform of the Catholic Church[52].

As seen above, adherents of Erasmianism also included Catholics, who were attracted in particular to his concept of the proper attitude toward the state and dissenters. Some of them, including Mercurino Arborio marchese di Gattinara (Cardinal since 1529) and Nicolás Perrenot de Granvelle, counted among the closest associates of Emperor Charles V and, as such, enjoyed political influence[53]. The example of di Gattinara is the most meaningful of all: he corresponded often with Erasmus, and though he did not share his addressee's views concerning the exceptionality of imperial authority (not unlike Aristotle, Erasmus allowed for diversity of governance), he did share his views on religious politics. In contrast to Charles V, di Gattinara was eager as early as 1526 to apply conciliatory solutions to the problem of Lutheranism. Simultaneously, while maintaining relations with fellow European Humanists, ranging from Spain (Pedro Martyr d'Anghiera, Peter Martyr of Angleria) to Poland (Jan Dantyszek, Johannes Danticus), he strengthened his tolerant stance by the authority of the imperial court[54].

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51 B. Henze, *Aus Liebe zur Kirche Reform. Die Bemühungen Georg Witzels (1501–1573) um die Kircheneinheit*, Münster 1995, Reformationsgeschichtliche Studien und Texte 133; J. V. Pollet, *Julius Pflug 1499–1564) et la crise religieuse dans l'Allemagne du XVIe siècle*, Leiden 1990, Studies in Medieval and Reformation Thought, vol. XLV.

52 W. Lipgens, *Kardinal Johannes Gropper 1503–1559 und die Anfänge der katholischen Reform in Deutschland*, Münster 1951, Reformationsgeschichtliche Studien und Texte 75.

53 E.-W. Böckenförde, "Wolność religijna w polu napięcia między kościołem a państwem", [in:] idem, *Wolność – polityka –kościół*, trans. P. Kaczorowski, Kraków 1994, p. 49.

54 J. M. Headley, *Gattinara, Erasmus, and the Imperial Configurations of Humanism*, ARG 71, 1980, p. 64–98; see idem, *The Emperor and his Chancellor. A study of the Imperial Chancellery under Gattinara*, Cambridge 1983.

Correspondingly, the court of Charles V's brother and successor, Holy Roman Emperor Ferdinand I, was characterised by sentiments far removed from *pietas austriaca*, construed as Catholic orthodoxy, and was hardly hostile toward dissenters. Initially, two of Ferdinand I's advisors and consecutive bishops of Vienna, the above-mentioned Dominican Johann Faber (Fabri, Heigerlin) and Frederic Nausea, were not just proponents of the state's limited interference in denominational matters but advocates of toleration of dissenters as well. In particular, Faber was exceptionally devoted to Erasmus, as corroborated by correspondence[55]. However, the political reality of Habsburg countries, particularly in the case of Bohemia and its Catholic minority[56], along with the growing number of adherents of Luther in Austria, gave rise to a situation in which Faber, in his capacity as Vicar General (and, since 1531, Bishop of Vienna[57]), opted to carry out a series of anti-dissenter measures. After 1540, this patron of Georg Witzel and early Catholic irenicists lost all hope in the viability of conciliatory solutions[58].

In an epoch in which religious divisions became fossilised and hopes of reaching interdenominational peace became illusory, bearers of the Erasmian tradition were now theological radicals, who belonged to the most persecuted (i.e., Anabaptist or Anti-Trinitarian) strands of the Reformation, which included such outstanding independent scholars as Sebastian Castellio of Savoy (Sébastien Castellion) and Dutchman Theodore Cornhert (Dirck Volckertszoon Coornhert). Today, these two men and their ideas and works are enjoying considerable and deserved attention, though it is worth remembering that their influence on the reality of interdenominational relations in Europe in the sixteenth and seventeenth centuries was relatively insignificant. From the present perspective, it appears that their impact was confined to the intellectual elite[59].

The most comprehensive example of such relative freedom of expression enjoyed by the top echelons of society is provided by Elizabethan England, especially in the early years of the Virgin Queen's reign. It was then that maintaining internal unity as a deterrent against external threat was a more pressing matter than top-down religious uniformity, since the monarch famously had no desire

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55 J. Lecler, op. cit., vol. 1, p. 240–241.

56 Z. D. David, *Finding the Middle way. The Utraquists' Liberal Challenge to Rome and Luther*, Baltimore-London 2003, p. 111–113.

57 L. Helbling, *Dr. Johann Fabri, Generalvikar von Konstanz und Bischof von Wien, 1478–1541. Beiträge zu seiner Lebensgeschichte*, Münster 1941.

58 J. Lecler, op. cit., vol. 1, p. 240; Z. D. David, op. cit., p. 132, 138.

59 W. Voisé, *Sebastian Castellion. Problem wolności sumienia i tolerancji w epoce humanizmu i reformacji*, Warszawa 1963, p. 158.

to open windows into men's souls. For that reason, England witnessed a temporary rebirth of Erasmianism, primarily in the academic milieu of Oxford and Cambridge[60]. Thus, despite being suspected of Anti-Trinitarian leanings, Jacob Acontius (Giacomo Aconcio) of Trent enjoyed substantial autonomy in England, propagating freedom of conscience and writing treatises against dogmatism[61]. Analogous concepts in the Erasmian vein that eventually found fertile ground among Dutch Collegiants and Arminians were elitist in scope[62].

In the latter half of the sixteenth century, when Geneva was at the point of turning into a symbol of Calvinist Puritanism and (in the wake of the infamous case of Servetus) a byword for religious intolerance and persecution, a centre of freethinking in Europe was Basel. The municipality was already past its first Humanist growth period, the culmination of which was embodied in the 1520s by the process of Protestantization conducted by the municipal council, not without the assistance of Johannes Oecolampadius, and in effect by Erasmus' relocation to Freiburg in 1529[63]. As early as the 1540s, the city was experiencing another period in which Humanism was dominant and which was to last until the end of the century. Extending into the epoch of confessionalization, this example of Late Humanism centered round Oswald Myconius and, most importantly, Simon Sulzer, who was later Antistes of the local Evangelical Church, and who – clearly

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60 H. Trevor-Roper, *Catholics, Anglicans, and Puritans. Seventeenth-century Essays*, Chicago 1988, p. 42–51.

61 J. Lecler, op. cit., vol. 1, p. 370–377; L. Szczucki, *Heterodoksja XVI wieku wobec problemu tolerancji religijnej*, OiRwP 19, 1974, p. 73–77. All the seminal works by Acontio were published numerous times in the sixteenth and seventeenth centuries; additionally, critical editions and translations are also at our disposal, for instance: *Jacobi Acontii Tridentini, De Methodo, hoc est, de recta investigandarum tradendarumque scientiarum ratione. Über die Methode*, übers. A. von der Stein, Einleitung L. Geldsetzer, Düsseldorf 1971 (reprint of the 1582 Genevan edition – German translation); *Jacobi Acontii Satanae Stratagematum libri octo. Ad Johannem Wolphium eiusque ad Acontium Epistuale. Epistula apologetica pro Adriano de Haemstede. Epistula ad ignotum quendam de natura Christi*, ed. G. Koehler, Monaci 1927; J. Aconcio, *Stratagematum satanae libri VIII*, a cura di G. Radetti, Firenze 1946, Edizione nazionale dei classici del pensiero italiano, 7 (a bilingual – Latin and Italian – edition); J. Aconcio, *Satans Stratagems. Translated from Jacopo Aconcio, Satanae Stratagemata, 1565*, intr. Ch. D. O'Malley, transl. W. T. Curtis, San Francisco 1940; fragment of *Stratagemata satanae* trans. J. Domański [in:] *Myśl filozoficzno-religijna reformacji XVI wieku*, edit. L. Szczucki, Warszawa 1972, p. 435–463.

62 L. Kołakowski, *Świadomość religijna*, p. 171–178.

63 Introductory research on the Reformation in Basel: R. Wackernagel, *Humanismus und Reformation in Basel*, Basel 1924; E. Staehlin, *Das Reformationswerk des Johannes Oekolampads*, Bern 1932.

inspired by Melanchthon's ecclesiological concepts – strove to keep Reformed Orthodoxy in check[64]. This Orthodoxy would determine the nature of Church life in Basel only after Johann Jakob Grynaeus (Gryner) became Superintendent in 1585. Before that, in the times of Sulzer, the city was a bustling publishing centre – home to the printing presses of Johannes Oporinus (Johannes Herbster) and Johann Froben (Johannes Frobenius) – as well as a centre of refuge for those adherents of the Reformation who had found the gradually more constricting dogmatic framework of competing Christian denominations unbearable[65].

The influence of Basel-based Humanists radiated across Switzerland, Northern Italy, Germany and France[66]. The already-mentioned Humanist and patron of the idea of freedom of conscience Sebastian Castellio[67] remains a symbolic figure of the Post-Erasmian phase of Humanism in Basel. Born in Saint-Martin-du-Frêne, in the province of Bresse in the Francophone Dauphiné, he is a metonymic figure focalising the entire formation of radical thinkers of the epoch. Castellio himself started his reformist activities as a Calvinist only to eventually evolve into a "liberal" Evangelical, in opposition to Calvinist Orthodoxy but associated with the substantial Anti-Trinitarian population of Basel and affiliated with David Joris (Jan Jorisz, Joriszoon, Jan van Brugge) and his Anabaptist circle.

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64 A. N. Burnett, "Melanchthon's Reception in Basel", [in:] *Melanchthon in Europe. His Work and Influence Beyond Wittenberg*, ed. K. Maag, Carlisle 1999, p. 69–86.

65 H. R. Guggisberg, "Reformierter Stadtstaat und Zentrum der Spätrenaissance: Basel in der zweiten Hälfte des 16. Jahrhunderts", [in:] *Renaissance-Reformation. Gegensätze und Gemeinsamkeiten,* p. 197–216; idem, "Tolerance and Intolerance in Sixteenth-century Basel"*,* [in:] *Tolerance and intolerance in the European Reformation*, ed. O. P. Grell, B. Scribner, Cambridge 1996, p. 145–163.

66 For the influence of Basel on French Humanists see P. G. Bietenholz, *Basle and France in the Sixteenth Century*, Genève 1971.

67 At the end of the nineteenth century the life and work of Castellio were popularised by French Evangelical and Noble Prize Laureate Ferdinand Buisson, author of a two-volume biography *Sébastien Castellion, sa vie et son oeuvre (1515–1563). Étude sur les origines du protestantisme libéral français,* Paris 1892. Another scholar of note is Basel-based scholar Hans Rudolf Guggisberg (d. 1996)*,* author of *Sebastian Castellio, 1515–1563. Humanist und Verteideiger der religiösen Toleranz im konfessionellen Zeitalter*, Göttingen 1997, my research is based on the German translation – idem, *Sebastian Castellio, 1515–1563. Humanist and Defender of Religious Toleration in a Confessional Age*, transl. and ed. B. Gordon, Aldershot 2003. The 400th anniversary of the trial of Servetus and the response of Castellio was commemorated by the publication of *Autour de Michel Servet et de Sébastien Castellion*, ed. R. H. Bainton et al., Haarlem 1953 and Wernera Käeg's *Castellio und die Anfänge der Toleranz*, Basel 1953.

In 1540, after his studies in Lyon, Castellio joined Calvin in Strasbourg. Together, they headed for Geneva, where the Savoyard Humanist became a minister and rector of the recently established academy. As a philologist[68], he was working on a translation of the Bible, during which a dispute broke out with Calvin over the interpretation of certain passages. As a result, Castellio was considered untrustworthy by the Company of Pastors of the Protestant Church of Geneva (Compagnie des Pasteurs) and was precluded from being ordained as pastor. In response, Castellio accused his fellow clergymen of moral misconduct, and they, in retaliation, forced him to resign from his rectorship. In late 1544 and early 1545, haunted by the repercussions of his conflict with Calvin and feeling wronged, Castellio left for Basel, where he soon became a university lecturer in Greek[69].

The fact that Servetus was burnt at the stake in Geneva on 27 October 1553 sent shockwaves throughout Basel's sizeable immigrant population, which was dominated by eminent Italians (Celio Secondo Curione, Bernardino Ochino, Lelio Sozzini, Francesco Stancaro, Francesco Negri da Bassano). It was most probably at their behest that a collection of writings was published calling for an end to punishing dissenters by death. Conversant with the Basel activities of his fellow Italians, Pier Paolo Vergerio went so far as to state that an anti-Calvinist conspiracy flourished there[70]. However, it seems more appropriate to conclude that immigrants who had until then enjoyed a sense of security started to have forebodings about the possibility of the Genevan scenario taking place in Basel. It was no accident that the protest was led by David Joris, who himself was quite likely about to face Servetus' fate. Not long after the execution of Servetus, *Historia de morte Serveti* (1553) was published and credited to Castellino. The same year Calvin started work on his own analysis of the case of Servetus, eventually delivering his own justification of the sentence. This is how *Defensio orthodoxae fidei de sacra Trinitate contra prodigiosos errores Michaelis Servetii Hispani*, which was printed in Geneva in 1554, came into being.[71]

An anthology of the writings of the Fathers of the Church and contemporary theologians (including Erasmus, Sebastian Franck, Konrad Pellikan, and even Calvin and Luther) – suggestively entitled *De haereticis, an sint persequendi, et omnino quomodo sit cum eis agendum, doctorum virorum tum veterum, tum recentiorum sententiae. Liber hoc tam turbulento tempore pernecessarius et cum*

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68 H. R. Guggisberg, *Sebastian Castellio*, p. 49–72.

69 F. E. Buisson, op. cit, vol. 1, p. 200; H. R. Guggisberg, *Sebastian Castellio*, p. 29–36.

70 G. Radetti, op. cit., p. XXVII.

71 H. R. Guggisberg, *Sebastian Castellio*, p. 73–96.

omnibus, tum potissimum principibus et magistratibus utilissimus ad discendum, quondam sit eorum in re tam controversa a tamque periculosa, officium – was published in 1554 in Basel. Containing a purposefully false place of publication (Magdeburg), the work included commentary by one Martinus Bellius (Castellio's nom de plume) and was promptly translated into French and German[72]. Its title overtly stated the work's goals – to provide arguments against punishing dissenters by death and to outline the advantages of applying less stringent measures[73].

In his treatise, Castellio refers to the Erasmian rationale, i.e., he assumes that, until the truth is established, no one is authorised to penalise adherents of different theologies. The best course of action would be to "suspend judgement" ad infinitum given that, in accordance with the Parable of the Wheat and Tares (Matt. 13:24–30),

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[72] There is also another edition that enumerates Luther and Johannes Brenz in the title: *De haereticis, an sint persequendi, et omnino quomodo sit cum eis agendum, Luteri et Brentii aliorumque multorum tum veterum tum recentiorum sententiae…* An expanded French translation was published in 1554: *Traité des héretiques, à savoir si on les doit persécuter, et comment on se doit conduire avec eux, selon l'advis, opinion et sentence de plusieurs auteurs, tant anciens que modernes. Grandement nécessaire en ce temps plein de troubles, et trés utile à tous et principalement aux princes et magistrats pour cognoistre quel est leur office en une chose tant difficile et périlleuse*, Rouen 1554; see S. Castellion, *Traité des hérétiques, à savoir si on les doit persécuter, et comment on se doit conduire avec eux*, ed. A. Olivet, intr. E. Choisy, Genève 1913, as well as a German one: *Von Ketzeren. Ob man auch die verfolgen, oder wie man mit jnen handlen solle, des D. Martini Lutheri und Johann Brentij, auch andered viler alten und unserer zeyten glerten meinung und bericht* [Basel 1554]. The French version is characterised in detail by F. Buisson, op. cit., vol. 1, p. 360–413, chpt. XII: "Le 'Traité des hérétiques' de Martin Bellie. Analyse et extraits". Cf. Modern English edition: *Concerning heretics; whether they are to be persecuted and how they are to be treated; a collection of the opinions of learned men, both ancient and modern; an anonymous work attributed to Sebastian Castellio now first done into English, together with excerpts from other works of Sebastian Castellio and David Joris on religious liberty*, ed. R. H. Bainton, N. York 1935. The Polish edition (S. Castellion, *O wierze, wątpieniu i tolerancji*, trans. L. Joachimowicz, ed. L. Szczucki, Warszawa 1963) contains only Giorgio Radetti's selection of the original text. Reprint of the first edition: *De haereticis, an sint persequendi…, Reproduction en facsimilé de l'édition de 1554,* introduction S. van der Woude, Genève 1954.

[73] R. H. Bainton, "Sebastian Castellio and the Toleration Controversy of the Sixteenth Century", [in:] *Persecution and liberty. Essays in honour of George Lincoln Burr*, N. York 1931, p. 183–209; idem, "Sebastian Castellio, Champion of Religious Liberty" [in:] *Castellioniana. Quatre études sur Sébastien Castellion et l'idée de la tolérance*, ed. R. H. Bainton et al., Leiden 1951, p. 25–79; M. Valkhoff, "Sébastien Castellion et l'idée de la tolérance au XVI siècle", [in:] ibidem, p. 80–100.

the validity of theological opinions will be ascertained during Judgement Day. Castellio's contemporaries were erroneously convinced that the publication was a direct answer to Calvin's work on Servetus, but today we can undoubtedly state that the anthology's publication was long in the making – it had been planned in Basel earlier than Castellio's contemporaries believed, and it was none other than Castellio who was behind the book; he edited it in late 1553 – before Calvin's apologia for Servetus' death sentence[74]. It is possible that the printing might have been financed by the Naples-born Evangelical immigrant marquess Giovanni Bernardino Bonifazio d'Oria (d. 1597), who was staying in Basel at that time and later founded a municipal library in Gdańsk – Bibliotheca Senatus Gedanensis[75].

It did not take long for authorities in Geneva to discover the identity of the editor and the real place of publication of *De haereticis, an sint persequendi*, and Calvin's closest associate, Theodore Beza (Théodore de Bèze), soon accused Celia Secondo Curione of collaborating with Castellio. At that point, Curione – a former Professor of Rhetoric at the University of Pavia and, as of 1546, a lecturer at the University of Basel – published his theological magnum opus dedicated to Sigismund Augustus, the then King of Poland[76]. Castellio was also credited with writing another anti-Calvinist pamphlet, which in fact was penned by Pierre Vondel, one of the first political refugees from Geneva[77]. In response, Beza published a text justifying the necessity of punishing blasphemers, among whom – literally taking a leaf out of Calvin's *Defensio orthodoxae fidei de sacra Trinitate* – he included hardened heretics. Bearing a title that leaves no doubt as to the book's contents, *De haereticis a civili magistratu puniendis libellus, adversus Martini Bellii farraginem et novorum academicorum sectam* (Geneva 1554) recognizes the right of secular authorities to sentence unapologetic heretic-blasphemers to death upon completion of an investigation. Furthermore, the title openly chastises "the new academic sect" that shamelessly opposes such reasoning[78]. Perhaps this is too much of a simplification, but one could argue that, with

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74 H. R. Guggisberg, *Sebastian Castellio*, p. 93–94.

75 W. Voisé, op. cit., p. 71–72.

76 G. Radetti, op. cit., p. XXVI–XXVII; C. S. Curione, *De amplitudine beati regni Dei, dialogi sive libri duo*, b. m. [Poschiavo] 1554; M. Kutter, *Celio Secondo Curione, sein Leben und sein Werk (1503–1569)*, Basel-Stuttgart 1955, p. 119–129, 186, Basler Beiträge zur Geschichtswissenschaft, Bd. 54.

77 W. Voisé, op. cit., p. 79–80.

78 H. R. Guggisberg, *Sebastian Castellio*, p. 110–114; R. M. Kingdon, "Les idées politiques de Béze d'aprés son Traité de l'autorité du Magistrat en le punition des hérétiques", *Bibliothèque d'Humanisme et Renaissance* 22, 1960, p. 60–69.

the publication of his treatise, Beza commenced work on building a sturdy wall that would separate orthodox theologians from "liberal" university Humanists.

De haereticis, an sint persequendi was not Castellio's last word. Since his work diverged from Calvin's *Defensio orthodoxae fidei*, he wrote the polemical "Contra libellum Calvini, in quo ostendere conatur haereticos jure gladii coercendos esse" and, upon publication of Beza's treatise, he went on to pen his "De haereticis a civili magistratu non puniendis pro Martini Bellii farragine, adversus libellum Theodori Bezae libellus. Autore Basilio Montfortio". Both texts remained unpublished for a long time because toleration of unpopular opinions disseminated by immigrants practised by municipal authorities in Basel was markedly limited so as not to come into open conflict with Geneva. It took Dutch Arminians (Remonstrants, to be precise), who were at that time involved in a serious dispute with Orthodox Calvinist Counter-Reformers (Gomarists or Anti-Remonstrants), to publish, in 1612, Castellio's anti-Calvin disquisition. It took three more centuries for Castellio's anti-Beza text to be published (it was discovered by Bruno Becker in Rotterdam in 1938 and the work was printed for the first time in 1971).[79] As a polemicist, Castellio rationalised his "liberal" stance by arguing that state authorities were in no position to pass judgment of any kind on theological matters; they were only to support and protect Church teaching, rather than censor it. Correspondingly, heretics were to be punished by the state only if they disrupted public peace; matters of the faith were no longer within the remit of state authorities[80].

At this juncture, it is worth emphasising Castellio's stance on atheism: he was an advocate of state penalisation (though not capital punishment) of unbelievers on condition that, through a fair hearing, they were found guilty of renouncement of faith (apostasy), renunciation of the Bible, and public teaching of atheism[81]. Perhaps even more interestingly, Castellio – not unlike Erasmus – rarely used the term *tolerantia*. Instead he used *charitas*, *pax, clementia*, or *benignitas*, the

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79 S. Castellion, *De l'impunité des hérétiques. De haereticis non puniendis*. Texte latin inédit publié par B. Becker, texte français inédit publié par M. Valkhoff, Genève 1971, Travaux d'Humanisme et Renaissance, vol. 118. See B. Becker, "Un manuscrit inédit de Castellion", [in:] *Castellioniana*, p. 101–111; idem, *Sur quelques documents manuscrits concernant Castellion*, [in:] *Autour de Michel Servet*, p. 280–302; G. Radetti, op. cit., p. XXX. The latest edition of Castellion's unknown texts: S. Castellio, *De arte dubitandi et confidendi, ignorandi et sciendi*, ed. E. Feist Hirsch, Leiden 1981. See L. Szczucki, *Heterodoksja XVI wieku*, p. 70–73.

80 H. R. Guggisberg, *Sebastian Castellio*, p. 96–133.

81 W. Voisé, op. cit., p. 120–121.

practice of which was interpreted by Johannes Kühn, who thoroughly researched Castellio's lexis, as endorsement and acceptance of "the other", rather than as an expression of the theologian's coming to terms with undesirable (if inevitable) religious diversity[82].

Castellio's dispute with Calvin and Beza did not come to an end in 1555. In response to strengthened attacks on the part of Calvin Orthodoxy in 1557 and most probably at the request of Hubert Languet, Castellio received epistolary support from another admirer of Erasmus – Philipp Melanchthon. In 1558, Calvin and Beza directed at Castellio, respectively, *Calumaniae nebulonis* and *Ad sycophantarum calumnias responsio*, to which Castellio replied in *Harpagon*[83]. Today, what seems most relevant is the fact that Castellio's writings were popular with Humanists in Switzerland, Germany, France and England; it is known, for instance, that in France his thought was read and commented upon by Michel de Montaigne and Michel de l'Hôpital[84]. The interest was clearly mutual, given that Castellio published in 1562 a treatise in defence of freedom of conscience in France, which was under threat in the wake of the Catholic-Evangelical strife. Entitled *Conseil à la France désolée, auquel est monstré la cause de la guerre présente et les remède qui y pourroit estre mis, et principalement est avisé si on doit forcer les consciences*[85], the work was an appeal for peace directed at Huguenot leaders that referred to Etienne Pasquier's *Exhortation aux princes et seigneurs du Conseil privé du Roi*, in which its author – an eminent French lawyer – suggested that Catholics should be granted the same rights as the Huguenots. However, the Pasquier-Castellio paradigm was adopted not by the Huguenot leaders but by the so-called "politicians" ("les politiques") who, under the leadership of Chancellor Michel de L'Hôpital, attempted in vain to establish reconciliation[86].

Apart from Humanists, it was the French "politicians" that blazed the trail for early modern thinking about the state, which subsequently contributed significantly to the successful bequeathing of Erasmian Humanism and Castellio's doctrine of interdenominational relations to subsequent generations. Quite apart

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82 J. Kühn, "Das Geschichtsproblem der Toleranz", [in:] *Autour de Michel Servet*, p. 3.

83 G. Radetti, op. cit., p. XXX–XXXI; W. Voisé, op. cit., p. 79–86.

84 W. Voisé, op. cit., p. 90–92.

85 *Conseil à la France désolée*. Nouvelle édition avec préface et notes explicatives par M. F. Valkhoff, Genève 1967.

86 W. J. Stankiewicz, op. cit., p. 18–32; G. L. Pinette, *Freedom in huguenot doctrine*, ARG 50, 1959, p. 200–234; H. R. Guggisberg, *Castellio und Ausbruch der Religionskriege in Frankreich. Einige Betrachtungen zum Conseil à la France désolée*, ibidem 68, 1977, p. 253–267.

from the Humanists and "the politicians", ideas of toleration were also disseminated by those who had a direct and vested interest in them – representatives of heterodoxies in stark opposition both to the Catholic Church and to Evangelical Church structures. In this sense, the Italian Evangelical and diplomat Mino Celsi was Castellion's immediate successor. Born in Siena, the diplomat moved to the Canton of Graubünden, where he was involved in confessional disputes only to side with the champions of toleration. His treatise on the question of dissenters was published in Basel posthumously in 1577[87].

Fausto Paolo Sozzini (also known as Faust Socyn) was another proponent of Castellio's concepts. Ultimately, Socyn found refuge in Poland, where he contributed to the stabilisation of the relations within the Church of Polish Brethren (the Minor Reformed Church of Poland), whose members, in recognition of Sozzini, have often been referred to as "Socinians"[88]. Understandably, Anti-Trinitarians in Poland, not unlike other minority communities, actively sympathised with the notions of religious toleration[89]. In the latter part of the seventeenth century the Polish Brethren left Poland, joining the ranks of Dutch advocates of religious toleration and successors of the anti-confessionalist strand of Christian Humanism in the Netherlands.[90] Apart from Socinian writings compiled in the well-established *Bibliotheca fratrum polonorum*, another relatively less-known example of the influence of Polish Socinians working and writing in Holland is *Vryheyt von kerckelycke vergaderingen*. Written around 1668 by Daniel Zwicker

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87 M. Celsi, *In haereticis coercendis quatenus progredi liceat [1577]. Poems –Correspondence*, ed. P. G. Bietenholz, Napoli–Chicago 1982, Corpus Reformatorum Italicorum; P. G. Bietenholz, *Daniel Zwicker 1612–1678. Peace, Tolerance and God The One and Only*, Firenze 1997, p. 299–317: Appendix II: "Mino Celsi and the Tolerance Controversy of the Sixteenth Century".

88 C. Gallicet Calvetti, *Sebastiano Castellion il riformato umanista contro il riformatore Calvino. Per una lettura filosofico-teologica dei Dialogi IV postumi di Castellion*, Milano 1989, p. 161–228.

89 Exempli gratia Samuel Przypkowski and Andrzej Wiszowaty, whose works were published by Z. Ogonowski: A. Wiszowaty, *O religii zgodnej z rozumem czyli Traktat o posługiwaniu się sądem rozumu także w sprawach teologicznych i religijnych*, trans. E. Jędrkiewicz, intr. and ed. Z. Ogonowski, Warszawa 1960; *Samuelis Przipcovii dissertatio de pace et concordia Ecclesiae. Rozprawa o pokoju i zgodzie w Kościele*, trans. M. Brożek, intr. and ed. Z. Ogonowski, Warszawa – Łódź 1981; see Z. Ogonowski, *Socynianizm a oświecenie. Studia nad myślą filozoficzno-religijną arian w Polsce XVII wieku*, Warszawa 1966; *Socinianism and its role in the culture of XVIth to XVIIIth centuries*, ed. L. Szczucki, Z. Ogonowski, J. Tazbir, Warszawa – Łódź 1983.

90 L. Kołakowski, op. cit., p. 53–57.

(whose life and work is the subject of a study by Peter G. Bietenholz[91]), the treatise convincingly argues in favour of freedom of worship.

However, the true symbolic figure of Northern European Late Humanism belongs to Erasmus' fellow Dutchman, mentioned above, Theodore Cornhert (Dirk Volckertszoon Coornhert)[92]. Born in 1522, this self-taught philologist, who was also involved in philosophy and theology, was a proponent of the spiritualist idea of the invisible Christian Church. Opposing the concept of the state Church and the practice of religious coercion, Cornhert in the 1580s became famous in the Northern Netherlands for his incisiveness and critique of the Dutch Reformed Church (Hervormde Kerk)[93]. He gained some notoriety after publishing *Synodus van der conscientien vryheydt* (1582), his polemic against Theodore Beza, where he opposed religious coercion and the penalisation of heretics. Subsequently, in 1583 Cornhert got involved in a theological dispute with one of the foremost Reformed-Evangelical theologians working in England and Northern Netherlands, Adrian Saravia (Adrianus Saravia)[94]. Ultimately, he attacked Justus Lipsius (Joose Lips), the most respected figure of Late Humanism in Northern Europe, by publishing in 1589 a treatise entitled *Proces von 't ketter-dooden ende dwangh der conscientien tusschen Iustum Lipsium, schrijver von de Politien anno 1589, daer voor ende Dirck Coornhert daer teghen sprekende*[95]. Cornhert's position in his dispute with Lipsius will be discussed in the next Chapter of this monograph while discussing the latter's stance on Church-state relations and the range of liberties granted to dissenters.

While discussing advocates of the Erasmian concept of religious toleration, however, one cannot fail to mention the following two luminaries of sixteenth-century Humanism – Thomas More and Michel Eyquem de Montaigne. More indeed proposed, in the pages of *Utopia* (1516), the idea of freedom of conscience

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91 P. G. Bietenholz, *Daniel Zwicker 1612–1678*, p. 153–158.

92 M. von Gelderen, *The Political Thought of the Dutch Revolt, 1555–1590*, Cambridge 1992, p. 256.

93 H. Bonger, *Leven en werk van D. V. Coornhert*, Amsterdam 1978.

94 W. Nijenhuis, *Coornhert and the Heidelberg Catechism. Moment in the Struggle Between Humanism and Reformation*, [in:] *Ecclesia Reformata. Studies on the Reformation*, Leiden 1972, p. 188–206, Kerkhistorische Bijdragen, vol. 3.

95 G. Voogt, *Primacy of individual conscience or primacy of the state? The Clash Between Dirck Volckertsz. Coornhert and Justus Lipsius*, "Sixteenth Century Journal" 28, 1997, 4, p. 1231–1249. An abridged version of Coornhert's polemics with Lipsius was published posthumously: *Epitome processus de occidendi haereticis et vi conscientiis inferenda inter Iustum Lipsium Politicorum auctorem anno 1589 ea asserentem et Theod. Coornhertium eadem renfringentem*, [Gouda 1592].

as a remedy for internal conflicts mounting in the country. Still, in accordance with the English legal tradition, More left decisions about how to establish, implement and uphold the rules of religious peace to the state. Later on, as a royal official and a statesman, More accepted the persecution of Lutherans in England on the basis of legislation introduced in 1401 by Henry III, known as *de haeretico comburendo*, which in turn was derived from the thirteenth-century regulations of the Holy Roman Emperor Frederick II. According to this piece of legislation, all heretics condemned by Church authorities were to be handed over to secular authorities for further processing (and punishment)[96]. More was also openly hostile to both William Tyndale and the first English adherents of the Reformation[97]. This is how he expressed his attitude toward Protestants in 1526: "I pray God, that some of us, as highe as we seeme to sitt, upon the mountaynes, treading heretikes under our feet like ants."[98] Clearly, a prayer that advocates trampling dissenters underfoot does not seem compatible with the Erasmian philosophy of love.

Public burning of Lutheran books took place in London in 1526, and three years later More was appointed Lord Chancellor. In the same year he published *A dyaloge of syr Thomas More knyghte* (1529), which was a prelude to subsequent persecution of "heretics". In his work, he strongly objected to engaging in any dialogue with the Protestants since it would inevitably lead to theological syncretism that (being a mixture of Evangelical falsehood and Catholic truth) was bound to be a fallacy and ought to be duly discarded as such. It was the Church's responsibility to persuade dissenters to return to the fold, but there was no room for toleration or leniency when dealing with hardened and unapologetic individuals. Staunch and relentless propagators of the Reformation were to be handed over to secular authorities as disruptors of the public peace; if found guilty, they were to be burnt at the stake: "the burnynge of heretykes, and that it is lawfull, necessary, and well done, and sheweth also that the clergye dothe not procure it, but onely the good and polytyke prouysyon of the temporalte."[99] To More, secular authorities were not to blame for punishing heretics by death since, by being

96 P. Kras, *Ad abolendam diversarum haeresium pravitatem. System inkwizycyjny w średniowiecznej Europie*, Lublin 2006, p. 395–396.

97 M. W. Anderson, *William Tyndale (d. 1536).* "A Martyr for All Seasons", *Sixteenth Century Journal* 17, 1986, 3, p. 346nn. Cf. J. A. Guy, *The Public Career of Sir Thomas More*, New Haven 1980, p. 141–174.

98 Quoted from G. Rupp, *Thomas More. The King's Good Servant*, London 1978, p. 43.

99 Quoted from C. W. D'Alton, "Charity or Fire? The Argument of Thomas More's 1529 'Dyaloge'", *Sixteenth Century Journal* 33, 2002, 1, p. 68.

obdurate and clinging to their mistakes, dissenters in fact sentenced themselves to death. More's writings abound in opinions typical of reformers discussed in the previous Chapter, such as a concession to the freedom of conscience: having dissenter inclinations was not punishable, though one could be indicted for disseminating nonconformist opinions. If Protestants refrained from spreading false teachings, they would not put themselves at risk[100]. Such a rationale was unacceptable to activism-driven English Reformers. As a consequence, Thomas Bilney – one of the first leaders of the Reformation in Albion – was burnt at the stake in 1531.

Therefore, it was not surprising that when More resigned from office in 1532 as a result of his unresolvable conflict with Henry VIII, which would eventually lead him to the scaffold and turn him into a Catholic martyr who died for freedom of conscience[101], Erasmus felt compelled to justify the former Lord Chancellor in a letter to Lascius: "Evangelicals were given to causing riots in England. How was Lord Chancellor supposed to act? Was he, against the will of the king and the bishops, supposed to add fuel to the fire? Isn't the fact that no one was burnt, decapitated or hanged (which is a frequent phenomenon in other countries) proof enough that More was most understanding? […] The mercy of rulers is manifested through their consideration for sects. Once, however, a chink in one's armour is noticed, there will be no stop to people coming in."[102] Although he was economical with the truth, claiming that no dissenter was sentenced to death during More's tenure as Lord Chancellor, Erasmus attested in his epistle to the Englishman's characteristic pragmatic attitude toward issues of denomination and his preference for the state and its jurisdiction over individual freedom of conscience. Even during More's own trial, judges referred to the interest of the state (raison d'état) as justification for sentencing him to death.

What also ought to be brought to the foreground here is Richard H. Popkin's observation on the element of scepticism that was present in the concepts of Renaissance Humanists and their seventeenth-century followers, who were influenced by the writings of ancient intellectuals, primarily by Sextus Empiricus,

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100 Ibidem, p. 51–70; D, V. N. Bagchi, "Tyndale, More, and the Anatomy of Heresy", *Reformation* 2, 1997, p. 261–281.

101 A. Levi, *Renaissance and Reformation. The Intellectual Genesis*, New Haven-London 2002, p. 230–256.

102 Erasmus to Jana Łaski, Freiburg 21 III 1533, *Korespondencja Erazma z Rotterdamu z Polakami*, ed. and trans. M. Cytowska, Warszawa 1965, p. 251–252.

a newly-rediscovered proponent of radical "Pyrrhonism"[103]. His output was published in Greek in 1521, with Latin renditions following in the 1560s and contributing to the philosopher's popularity[104]. Rediscovered by Humanists, Greek "Pyrrhonism" bore the fruit of early modern scepticism steeped in the disputes engendered by reformist critique of the Bible[105]. This was a deviation from the Erasmian legacy given that, regardless of whether the most outstanding early modern sceptic, Michel de Montaigne, was indeed affected by the writings of Sextus Empiricus[106], or whether perhaps his scepticism stemmed from his loss of faith in Scholastic Aristotelianism[107], Pyrrhonism embodied a kind of pragmatism that was as far removed from Christian Humanism as possible. It goes without saying that Pyrrhonism shattered any remaining hope of re-establishing Church unity on the basis of the minimum of theological views and biblical neighbourly love[108]. Montaigne's conservatism, whether it was a product of social conditions[109] or the result of his philosophical stance[110], compelled him to remain a royalist and a Catholic, and – as far as political practice was concerned – to clinically scrutinise the policies of Chancellor de L'Hôpital[111].

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103 R. H. Popkin, *The History of Scepticism. From Savonarola to Bayle. Revised and Expanded Edition*, Oxford 2003, p. 17–43.

104 The first Latin edition of *Sexti Philosophi Pyrrhoniarum hypotyposeon libri III, quibus in tres philosophiae portes seuerissime inquiritur. Libri magno ingenii acumine scripti, variaque doctrina referti. Graecê nunquam, Latinè nunc primum editi*, [Genewa] 1562; subsequent edition was published in Paris in 1569, M. Missner, "Skepticism and Hobbes' Political Philosophy", *Journal of the History of Ideas* 44, 1983, 3, p. 407–427.

105 I. Dąmbska, *Sceptycyzm francuski XVI i XVII wieku,* Toruń 1958, p. 12–24; R. H. Popkin, op. cit., p. 3–16.

106 R. H. Popkin, op. cit., p. 44–63.

107 Z. S. Schiffman, "Montaigne and the Rise of Skepticism in Early Modern Europe. Reappraisal", *Journal of the History of Ideas* 45, 1984, 4, p. 499–516; cf. A. Frankenstein, "Scholasticism, Skepticism and Secular Theology", [in:] *Scepticism from the Renaissance to the Enlightenment*, ed. R. H. Popkin, Ch. B. Schmitt, Wiesbaden 1987, p. 45–54, Wolfenbütteler Forschungen, Bd. 335.

108 M. de Montaigne, *Próby*, trans. T. Żeleński (Boy), ed. Z. Gierczyński, Warszawa 1985, vol. 2, p. 276; I. Dąmbska, op. cit., p. 24–34; Q. Skinner, op. cit., p. 275–284.

109 F. S. Brown, *Religious and Political Conservatism in the "Essais" of Montaigne*, Genève 1963, p. 95.

110 B. Szlachta, *Konstytucjonalizm*, p. 94–103.

111 Z. Gierczyński, "Montaigne", [in:] M. de Montaigne, *Próby*, vol. 1, p. 11; M. Françon, *Montaigne et l'Edit de Janvier (1562)*, Bulletin de la Société des Amis de Montaigne 5, 1972, 3–4, p. 17–26; D. M. Frame, *Montaigne's Discovery of Man*, N. York 1955, p. 24–25.

Montaigne's *Apology For Raymond Sebond* remains one of the most well-known treatises advocating toleration, construed as moderation in making judgments and taking actions. The idea of temperance and respect for dissenters is derived not so much from Montaigne's Humanism as from his scepticism toward the intellectual attitude of academicians and, primarily, of the followers of the Prince of Dogmatists (Aristotle), who were erroneously convinced of having arrived at the truth[112]. The aim of the Pyrrhonists was to seek the truth by casting doubt and raising suspicion: "Is it not better to remain in suspension than to entangle oneself in numerous errors that human folly routinely engenders? Is it not better to suspend one's persuasion than to meddle with these seditious and quarrelsome divisions?"[113], wrote Montaigne with the denominational conflict in France in mind. For the sake of public peace it was crucial to uphold the dominance of Catholicism, yet the endorsement of the Catholic doctrine ought to be limited much like religious innovation resulting from freedom of opinion ought to be moderate. All adherents of Christianity require freedom of conscience and humanitarianism so as to effectively curtail the danger of fanaticism that leads to crime[114].

Not unlike Erasmus' reasoning, Montaigne's idea of self-restraint, one that would preclude Catholics and Huguenots from mutual persecution, was motivated not so much by freedom of expression (the right to publicly spread Nonconformist opinions) as by sceptical suspense of judgement in a situation where arriving at the truth was not a viable option. A sceptical individual is supposed to be moderate with regard to various opinions and actions because this is what the mind dictates: one should abstain from making snap judgements when the most fundamental of all questions, namely "what do I know?", defies clear-cut answers.[115] This intellectual modality, which held sway over sixteenth- and seventeenth-century French philosophy, in fact clouds analysis of the genuine opinions espoused by its practitioners, who often consciously remained equivocal and imprecise. In general, however, scepticism favoured the champions of freedom of conscience. It did so, firstly, by the formulation of the idea of suspending judgement and coercion whenever it was impossible to ascertain which

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112   Z. Gierczyński, "Le "Que sais-je" de Montaigne. Interpretation de L'Apologie de Raimond Sebond", *Roczniki Humanistyczne* 18, 1970, 4, p. 55–103; idem, *La science de l'ignorance de Montaigne*, ibidem 15, 1967, 3, p. 5–85; D. L. Schaefer, *The Political Philosophy of Montaigne*, Ithaca-London 1990, p. 80–91.

113   M. de Montaigne, *Apologia Rajmunda Sebond*, p. 187.

114   D. L. Schaefer, op. cit., p. 111–113, 133–134; I. Dąmbska, op. cit., p. 28–29.

115   D. L. Schaefer, op. cit., p. 133–144.

of the involved parties was incontestably correct. Secondly, by disseminating the idea that arriving at the truth is contingent upon the grace of God and, by the same token, nobody that is deprived of this grace/truth by God's sovereign verdict ought not to be punished by any worldly authority[116].

With regard to Church-state relations, the greatest achievement of early modern scepticism as a philosophical and intellectual movement was reminding contemporaries of the possibility that politics could be separated from religion. The concept itself made its presence known in Saint Augustine's thought and became primarily relevant in the face of mounting confessionalist tendencies in the late sixteenth- and seventeenth centuries[117]. The scepticism of Montaigne and his followers – Hobbes, Pascal, Spinoza, Montesquieu and Bayle – served as a mechanism for purging politics of the element of religious enthusiasm that could too easily morph into fanaticism. "Suspension of judgement" also gave rise to a tendency to deprive state authorities of the right to conduct activities construed by contemporary philosopher of history (historiosopher) Michael Oakeshott as "the politics of faith", which he in turn juxtaposed with "the politics of scepticism". According to theorists of early modern political scepticism, the goal of the state was not to amend human nature and determine the lifestyle of its subjects. The primary aim of governance should involve maintaining security and order and safeguarding the general welfare, which led to a conclusion that is still valid today: "This understanding of politics, then, the activity of governing subsists not because it is good, but because it is necessary"[118].

Epistemological scepticism posed a slightly different problem that, however, was pregnant with similar consequences that found its full expression in the writings of Montaigne's friend Pierre Charron, who was perhaps one of the most widely known late sixteenth-century French "Pyrrhonists", who authored *Trois Vérités* (1594) and *De la Sagesse* (1601), and who acknowledged the undeniable human thirst for knowledge but concurrently emphasised the fallibility of methods, tools and criteria related to the search for knowledge (namely mind and experience). To Charron, the ultimate authority is thus the Revelation, to which one ought to succumb through the act of will that protects one against the errors of doctrinairism and fanaticism and simultaneously teaches humility and toleration. The next step would be Pascal and his idea of suspended judgement in the

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116 M. C. Smith, "Early French Advocates of Religious Freedom", *Sixteenth Century Journal* 25, 1994, 1, p. 29–51.

117 M. Oakeshott, *The Politics of Faith and the Politics of Scepticism*, ed. T. Fuller, New Haven 1996, p. 76–81.

118 Ibidem, p. 32.

face of insufficient intellectual criteria for truth, along with his rational wager in favour of the existence of God, the so-called Pascal's Wager[119]. This variant of early modern scepticism played a major role in the later dispute over Cartesian rationality that preoccupied all of intellectual Europe and that was ultimately to yield a different solution to the question of the dilemma of religious truth[120].

Humanist concepts of "lenient conversion" and sceptical "suspension of judgement" in the name of freedom of thought and conscience did not cease to exist in the twilight of Late Humanism[121]. The epoch of confessionalization saw the re-emergence of these notions in the writings and activism of representatives of minority denominations, of advocates of nondenominational Christianity, and of numerous seventeenth-century irenicists of various persuasions[122]. Needless to say, acceptance of religious diversity was yet to become the ideal of proponents of peace among Christians. As in the times of Cardinal Nicholas of Cusa, Marsilio Ficino and Count Giovanni Pico della Mirandola, reconciliation was to be achieved by dint of discussion rather than coercion[123]. In this respect, Hugo Grotius (Huig de Groot)[124] can be considered a successor of Erasmus, but so can Justus Lipsius. Both of them rejected the use of violence against dissenters, as long as they remained obedient to the state, and both of them hoped for the unification of Christian denominations[125].

If we assume declarations renouncing coercion to be the criterion of religious toleration, then its proponents would not only include the creators of the Sandomierz Agreement (Consensus), Warsaw Confederation and the Polish Brethren,

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119   T. K. Semelka, *Piotr Charron na tle dziejów sceptycyzmu*, Kraków 1936; I. Dąmbska, op. cit., p. 35–41, 61–66; P. Burke, "Tacitism, Scepticism, and Reason of State", [in:] *The Cambridge history*, p. 494.

120   M. Missner, op. cit., p. 408.

121   N. Mout, op. cit., p. 21.

122   G.H.M. Posthumus Meyjes, "Protestants irenisme in de 16e en eerste helft van de 17e eeuw", *Nederlands Theologisch Tijdschrift* 36, 1982, p. 205–222; idem, "Tolérance et irénisme", [in:] *The Emergence of Tolerance in the Dutch Republic*, ed. Ch. Berkvens-Stevelinck, J. Israel, H. Posthumus Meyjes, Leiden 1997, p. 63–73.

123   J. Lecler, op. cit., vol. 1, p. 133nn.

124   G. H. M. Posthumus Meyjes, "Hugo Grotius as an Irenicist", [in:] *The World of Hugo Grotius (1583–1645)*. Proceedings of the International Colloquium, Rotterdam 6–9 April 1983, Amsterdam-Maarssen 1984, p. 43–64; idem, "Introduction", [in:] H. Grotius, *Meletius, sive de iis quae inter christianos conveniunt epistola*, ed. G. H. M. Posthumus Meyjes, Leiden 1988, p. 1–71.

125   *A history of the ecumenical movement 1517–1948*, ed. R. Rouse, S.Ch. Neill, 2 ed., London 1967, p. 93–96.

but also sixteenth- and seventeenth-century Catholic and Evangelical irenicists, who programmatically abrogated the use of force in religious disputes[126]. The very term "irenicism" is derived from the title of a work by Protestant polemicist Franciscus Junius (François Du Jon) *Eirenicum de pace Ecclesiae catholicae inter christianos, quamvis diversos sententiis, religiose procuranda colenda atque continenda; in Psalmos Davidi CXXII et CXXXIII meditatio* (Lugdunum Batavorum/ The Bittenburg, 1593)[127]. However, German irenicists also included Catholics, such as Willibald Pirckheimer, Jakob Wimpheling, Konrad Wimpina (Wiminesis) or the above-mentioned Johann Faber, all of whom undoubtedly were students and successors of Erasmus[128].

One of the most compelling figures of the epoch was Georg Witzel, the translator of Erasmus' *De sarcienda ecclesiae concordia*. This Lutheran Erasmianist advocated the need to return to the ideals of early Christianity but – disappointed with Protestantism – he rejoined the Catholic Church and died in Mainz as a proponent of reforms, yet in opposition to the Reformation[129]. Witzel exchanged epistles with George Cassander (Cassant), perhaps the most outstanding sixteenth-century Catholic irenicist, who was also an advocate of reform of the Holy Roman Church and a supporter of the unification of Christian denominations. His views were fully expressed in a treatise entitled *De articulis religionis inter catholicos et protestantes controversis consultatio* (Cologne, 1577). Written for Emperor Maximilian II, the work relied on, among other things, the thought of Andrzej Frycz Modrzewski[130]. Witzel and Cassander's ideas remained in wide circulation in the seventeenth century, primarily among Protestants, who even reprinted their writings[131].

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126   E. Piszcz, *Colloquium charitativum w Toruniu A.D. 1645. Geneza i przebieg*, Toruń 1995, p. 24–50; H.-J. Müller, "Irenik als Kommunikationsform im Umfeld des Thorner Colloquium charitativum von 1645", [in:] *Union-Konversion-Toleranz. Dimensionen der Annährung zwischen den christlichen Konfessionen im 17. und 18. Jahrhundert*, hrsg. H. Duchhardt, G. May, Mainz 2000, p. 61–82.

127   See: B. A. Venemans, *Franciscus Junius en zijn Erenicum de pace ecclesiae catholicae*, Leiden 1977; Ch. de Jonge, *De irenische ecclesiologie van Franciscus Junius (1545–1602)*, Leiden 1980.

128   F. W. Kantzenbach, op. cit., p. 153–159.

129   Ibidem, p. 176.

130   Ibidem, p. 203–229; A. Jobert, *Od Lutra do Mohyły. Polska wobec kryzysu chrześcijaństwa 1517–1648*, trans. E. Sękowska, Warszawa 1994, p. 52–54.

131   A prime example is Hermann Conring's edition of Witzel's and Cassander's writings published in Lutheran Helmstedt: *Georgii Cassandri et Georgii Wicelii de sacris nostri temporis controversiis libri duo* [...] *cura Hermanni Conringii*, Helmestadii 1659.

At the turn of the century, Protestant irenicism was taking shape thanks to the gradual stamping out of "hate speech", which had previously dominated disputes over denominations. However, perhaps the single most important contributing factor behind the genesis of irenicism was the idea of syncretism, understood as an alliance in defence of Protestants at large – primarily Lutherans and Reformeds – against the imminent Catholic threat[132]. Today, scholarship usually links these irenicist tendencies with seventeenth-century toleration movements. But some scholars classify them as an Evangelical iteration of Late Humanism. To them, irenicist leanings constituted a form of continuation of the Erasmian "third way", located between two orthodoxies – Catholicism and Evangelicalism[133]. Gillaume Henri Marie Posthumus Meyjes divides early modern Protestant irenicism into three main strands: Humanist, denominational and political[134]. Irenicism was popular with Evangelical theologians also because the definition of "the true Christian Church" based on external features (which goes back at least to the times of Beza) – such as spreading the Gospel, administering the sacraments and maintaining discipline, religious education (teaching) – was supposed to include doctrines that are essential for the salvation of the soul. In contrast, ecclesiology was of lesser importance, which posed problems for Catholics given that, to them, the idea of "the true Church" was inextricably linked with the institution of the papacy[135].

It appears that irenicists were initially motivated by politics, which was primarily evident in the practice of such Reformed theologians working in the Palatinate as: Zacharias Ursinus, David Pareus and Abraham Scultetus. At this juncture, it is worth reminding ourselves that under Reformed Electors, whose denomination was not officially acknowledged in Germany until 1648, irenicism was considered an integral part of the raison d'état. For this reason alone, in the late sixteenth- and early seventeenth centuries, the authorities supported the

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132 H. J. Müller, *Irenik als Kommunikationsreform,* p. 58–62.

133 F. Heer, *Die dritte Kraft. Der europäische Humanismus zwischen den Fronten des konfessionellen Zeitalters*, Frankfurt a.M. 1959, p. 237–240.

134 G. H. M. Posthumus Meyjes, "Protestant Irenicism in the Sixteenth and Seventeenth Centuries", [in:] *The End of Strife*, ed. D. Loades, Edinburgh 1984, p. 77–93, Papers selected from the proceedings of the Colloquium of the CIHEC, Durham 2–9 IX 1981.

135 T. Maruyama, *The Ecclesiology of Theodore Beza. The Reform of the True Church,* Genève 1978, p. 7–8.

theology of "pious syncretism" that was theorised and practised at the University of Heidelberg.[136]

No doubt, Pareus was the most outstanding representative of the movement. In his widely known and contested work entitled *Irenicum, sive de unione et synodo evangelicorum concilianda. Liber votivus paci Ecclesiae et desideriis pacificorum dicatus* (Heidelberg, 1615), Pareus advocated the idea of a general Protestant synod as a means of reconciliation between Lutherans and Reformed Evangelicals. To him, syncretic Protestantism was not just practicable in Germany but all the more urgently needed. Furthermore, he did not construe it as unification but as a form of agreement based on the precept of *mutua tolerantia*, i.e., the practice of mutual toleration that preserved dogmatic, liturgical and social autonomy. Pareus was one of the first Protestant theologians to regard toleration as a positive notion and acknowledged its unquestionable value[137]. Heated denominational debates in the times of the Thirty Years' War turned out conducive not only to the popularisation of irenicism but to the deepening of the toleration discourse as well. Arguably, the most significant contribution in the matter came from Helmstedt-based Lutheran theologians who, in the mid-seventeenth century, developed the concepts first introduced by Reformed theologians from Heidelberg. Georg Callixtus (Callisen), who practised Melanchthon-inspired Lutheran irenicism and was, thus, against Gnesio-Lutheran orthodoxy, was one of the most forward-thinking Helmstedt irenicists. He was matched by Abraham Calovius, the Mohrungen-born leader of Orthodoxy in the latter half of the seventeenth century, who also served as rector of the Academic Gymnasium in Gdańsk and ultimately became Professor of Theology at the University of Wittenberg. The dispute between Callixtus and Calovius engulfed and polarised a major part of German academia: while universities in Helmstedt, Rinteln and Königsberg sided with irenicism, scholars from Leipzig, Jena, Strasbourg, Giessen, Marburg and Greifswald endorsed Lutheran Orthodoxy. All the scholarly exchanges gave rise to an increase in

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136   G. Brinkmann, *Die Irenik des David Pareus. Frieden und Einheit in ihrer Relevanz zur Wahrheitsfrage,* Hildesheim 1972, p. 12, Studia Irenica, Bd. 14; G. A. Benrath, "Irenik und zweite Reformation", [in:] *Die reformierte Konfessionalisierung in Deutschland. Das Problem der 'zweiten Reformation',* hrsg. H. Schilling, Gütersloh 1986, p. 350.

137   G. Brinkmann, op. cit., passim; cf. idem, *Das Irenicum des David Pareus in theologiegeschichtlicher Sicht,* Marburg 1971; G. A. Benrath, op. cit., p. 349–358; H. J. Müller, *Irenik als Kommunikationsreform,* p. 38–35.

the popularity of Callixtus' writings[138], which overtly drew a parallel between political and ethical aspects of the proposed toleration among Protestant denominations[139].

Followers of Pareus and Callixtus' irenicist concepts include politically motivated advocates of an Anti-Catholic Protestant alliance – Czech Jan Amos Comenius and Scottish John Dury, the latter of whom is far more recognised as a devoted activist of the nonconformist cause in Northern Europe. Born in Edinburgh, Dury studied in Leiden and Sedan, and then at Oxford; after his studies he became the pastor of the English Protestant community in Elbląg (Elbing), where in 1628 he started his irenicist activities. His aim was to organize the unification of Protestants so as to prevent the restitution of Catholic legislation as a consequence of the Thirty Years' War. In the 1640s and 1650s Dury unsuccessfully attempted to engineer an Anti-Catholic alliance of European Protestants[140].

Similar motives must have later driven the activities of the spiritual leader of French Huguenots in exile – Pierre Jurieu, author of *De Pace inter protestantes ineunda consultatio, sive Disquisitio circa quaestiones de gratia quae remorantur unionem protestantium utriusque confessionis augustanae et reformatae* (Utrecht, 1688)[141]. In comparison, it is far more difficult to identify clear-cut political

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138 D. Calixt, *De controversiis theologicis, quae inter Lutheranos et Reformatos agitantur. Et de mutua partium fraternitate atque tolerantia propter consenssum et fundamentis*, Francoforti 1650; idem, *De tolerantia reformatorum circa quaestiones inter ipsos et Augustanam confessionem professos controversas consultatio*, Helmstedii 1658.

139 F. W. Kantzenbach, op. cit., p. 230–244; J. Walmann, "Union, Reunion, Toleranz. Georg Calixts Einigungsbestrebungen und ihre Rezeption in der katholischen und protestantischen Theologie des 17. Jahrhunderts", [in:] *Union-Konversion-Toleranz*, p. 21–37.

140 J. M. Batten, "John Dury, Advocate of Christian Reunion", *Church History* 1, 1932, 4, p. 222–231; H. Hotson, "Irenicism and Dogmatics in the Confessional age. Pareus and Comenius in Heidelberg 1614", *Journal of Ecclesiastical History* 46, 1995, 3, p. 432–456; A. Milton, "'The unchanged peacemaker'? John Dury and the Politics of Irenicism in England 1628–1643", [in:] *Samuel Hartlib and Universal Reformation. Studies in Intellectual Communication*, ed. M. Greengrass, M. Leslie, T. Roger, Cambridge 1994, p. 95–117; S. Barteleit, "Toleranz und Irenik im England der 1650er Jahre – Möglichkeiten und Grenzen", [in:] *Union-Konversion-Toleranz*, p. 83–103.

141 Jurieu's Irenicism is tinged with Latitudinarianism but not devoid of an Anti-Catholic and Anti-Socinian edge – idem, *La Religion du latitudinaire, avec l'Apologie pour la sainte Trinité, appelée l'hérésie des trois Deux*, Rotterdam 1696. See: G. H. Dodge, *The Political Theory of the Huguenots of the Dispersion. With Special Reference to the*

motivations behind the work of three Swiss theologians: Samuel Werenfels, Jean-Frédéric Ostervald (Osterwald) and Jean-Alphonse Turrettini[142]. Similarly, immediate political reasons are nowhere to be found in the scholarship of such German thinkers as the famous Gottfried Leibnitz[143] lesser-known figures such as Christoph Matthäus Pfaff[144] and his correspondent Ernst Salomon Cyprian[145], and virtual no-names, such as Pietistic Lutheran pastor (and a proponent of a Pan-Evangelical consensus) Joachim Betke, whose work was dusted off thanks to the research of Hans-Joachim Müller[146], or the writer and critic of religious coercion, Philipp von Zesen.[147] The list grows longer when we consider the Archbishop of Canterbury (and outstanding Latitudinarian)

Thought and Influence of Pierre Jurieu, N. York 1947; F. Knetsch, J. Reinier, *Pierre Jurieu, theoloog en politikus der Refuge*, Kampen 1967.

142 M. Geiger, "Die Unionbestrebungen der schweizerischen reformierten Theologie unter der Führung des helvetischen Triumvirates", *Theologische Zeitschrift* 9, 1953, p. 117–136; M. I. Klauber, G. Sunshine, "Jean-Alphonse Turrettini on Biblical Accomodation. Calvinist or Socinian?", *Calvin Theological Journal* 25, 1990, p. 7–27; R. Dellsperger, "Der Beitrag der 'Vernünftigen Orthodoxie' zur Innerprotestantischen Ökumene. Samuel Werenfels, Jean-Frédéric Ostervald und Jean-Alphonse Turretini als Unionstheologen", [in:] *Union-Konversion-Toleranz*, p. 289–300.

143 H. Rudolph, "Bemerkungen zu Leibnitz' Reunionskonzept", [in:] *Union-Konversion-Toleranz*, p. 227–242; S. Edel, *Leibnitz als Philosoph der Kirchenunion. Das Mysterium des Abenmahls im Licht der natürlichen Theologie (Metaphysik)*, [in:] ibidem, p. 243–266.

144 Irenicist writings of Ch. M. Pfaff include *Schiedasma irenicum h. e. Necessaria ecclesiarum protestantium in fide consensio ex propriis principiis doctorum Lutheranorum eorumque rigidissimorum unica demonstratione evicta*, Ratisbonae 1720.

145 Correspondence exchanged by Pfaff and Cyprian was published by them in German, which provides evidence of their wish to promote Irenicism more widely, i.e., outside of the domain of theologians – S. E. Cyprian, Ch. M. Pfaff, *Brief-Wechsel von Vereinigung der Evangelisch-Lutherischen und Reformirten Religion*, no place of publication, 1720; W.-F. Schäufele, "Ernst Salomon Cyprian, Christoph Matthäus Pfaff und die Regensburger Kirchenunionbestrebungen", [in:] *Ernst Salomon Cyprian (1673–1745) zwischen Orthodoxie, Pietismus und Frühaufklärung. Vorträge des Internationalen Kolloquiums vom 14 bis 16. September 1995 in der Forschungs- und Landesbibliothek Gotha, Schloß Friedenstein*, hrsg. E. Koch, J. Wallmann, Gotha 1996, p. 187–201.

146 H.-J. Müller, *Irenik als Kommunikationsreform*, p. 57–58.

147 Examples of tolerant sovereigns, as provided by the author, include Stephen Bathory and Gabriel Bethlen, Ph. von Zesen, *Wider den Gewissenzwang*, bearb. F. von Ingen, Berlin 1984, p. 255–257, 280, *Sämtliche Werke*, Bd. XIII; see P. G. Bietenholz, "Philip von Zesens Schrift 'Wider den Gewissenzwang' und die Schweizer Täufer",

William Wake[148], along with his fellow student at Oxford, the future bishop of the Greater Poland Brethren (Jednota Wielkopolska/Unitas Fratrum of the Greater Poland Region), the irenicist Daniel Ernest Jablonski (Jabłoński)[149]. All these theologians – who were more influential than scholars representing a denominational position would ever concede – advocated the need to reunite Christianity, primarily the Evangelical Reformed Churches, and to – and this ought to be accentuated once again – programmatically denounce the use of force in denominational disputes.

Although the seventeenth and eighteenth centuries saw an upsurge in irenicist activity – from the momentous seventeenth-century theological disputes, e.g., *Colloquium charitativum* in Toruń (1645) or the Kassel discussion (1661), in which John Dury actively participated, to plans to create a Protestant union under the auspices of Elector of Brunswick-Hannover Ernest August Welf or Frederick I of Prussia in the late seventeenth- and early eighteenth centuries – none of them brought any measureable effects[150]. This failure is perhaps best explained by the scarce correspondence between theological as well as moral reasons and the decisive political rationale, which in turn was limited by the interest of the state: "Of all motives which in the seventeenth and eighteenth centuries tended to promote the union of Christendom, the least effectively developed was the political."[151]

Regardless of which seventeenth-century denomination they subscribed to, Renaissance and Late Renaissance Humanists, along with their students and followers, shied away from confrontation, declaring a preference for reconciliation, though – in the long run – their work proved to be of no great use. It turned out that they lacked enough authority to not just untangle the knots of theological controversies, but – most importantly – to solve the fundamental

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[in:] *Querdenken. Dissens und Toleranz im Wandel der Geschichte*, hrsg. M. Erbe u. a., Mannheim 1996, p. 305–317.

148 W.-F. Schäufele, "Erzbishop William Wake von Canterbury (1657–1737) und die Einigung der europäischen Christenheit", [in:] *Union-Konversion-Toleranz*, p. 301–314; see N. Sykes, *William Wake. Archbishop of Canterbury 1657–1737*, vol. 1–2, Cambridge 1957.

149 H. Rudolph, "Daniel Ernst Jablonski und Gottfried Leibnitz in ihrem ökumenischen Bemühungen", [in:] *Daniel Ernst Jablonski. Religion, Wissenschaft und Politik um 1700*, hrsg. J. Bahlcke, W. Korthaase, Wiesbaden 2008, p. 265–284, Jabloniana. Quellen und Forschungen zur europäischen Kulturgeschichte der Frühen Neuzeit, Bd. 1.

150 R. B. Levis, "The Failure of the Anglican-Prussian Ecumenical Effort of 1710–1714", *Church History* 47, 1978, 4, p. 381–399.

151 *The History of the Ecumenical Movement*, p. 85.

question of truth. The situation in this regard became hopeless once the Council of Trent had sided with the Catholics and ceased to pass itself off as ecumenical (universal). Montaigne could not be more right when he observed that "[d]uring religious disputes we often say that we are in need of an unbiased judge – one that does not align himself with one party or the other, a judge that is not prejudiced and remains free of external influence, which is not a Christian thing, though …"[152].

To make matters worse, the discussion spurred by the trial and execution of Servetus led to the crystallisation of radical (i.e., unfavourable to freedom of thought and conscience) Protestant views concerning the state's attitude toward dissenters. Identifying "hardened heretics" as blasphemers sanctioned the use of capital punishment, which was justified not as a form of repression against unorthodox beliefs but as a type of penalty for offending God. Blasphemy was not to be tolerated since it entailed divine punishment, as corroborated by the Old Testament. Although proponents of such legislation claimed that Evangelical Churches fundamentally differed in this matter from the Church of Rome, which routinely sentenced to death not only blasphemers but hardened heretics as well, it is undeniable that drawing a distinction between a hardened heretic and a blasphemer still posed considerable problems, especially since, in practice, that task was the responsibility of theologians, who more often than not were members of the clergy. In this way, the situation (and status) of people disseminating unorthodox/nonconformist ideas in Evangelical communities started to mirror the conditions of their counterparts within Catholic communities. The belief that the punishment of dissenters by Evangelicals was acceptable given that they were undeniably right, the precept of which was understandably popular with Protestants, seemed perhaps convincing to Catholics in the same way as Bellarmine's theses justifying the persecution of Protestants were convincing (and acceptable) to Evangelicals.

In this situation, peace was to be secured through politics – state powers started to gradually establish their own authority without the legitimation of religion. The recognition of secular authorities' *ius reformandi* (the rule later known as *cuius regio eius religio*), which took place starting in the latter part of the sixteenth century, initiated the process of the secularisation of the state. Issues pertaining to worship and established religion, Church-state relations, relations between politicians and the clergy, various aspects of denominational and interdenominational relations, and toleration – all these phenomena became the

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152   M. de Montaigne, op. cit., vol. 2, p. 276.

domain of political decisions *par excellence*, which in turn provided a practical answer to the dilemma of religious truth. From that moment, state authorities/ politicians singled out a denomination of choice, the worship of which would become "an established religion" not because of its veracity but simply because it was acknowledged (certified) as such.[153]

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153   E.-W. Böckenförde, op. cit., p. 50.

Chapter 3: Politicians, or *ius resistentiae* versus *ratio status*

The fact that the Renaissance and the Reformation were intertwined was a decisive factor in the shaping of early modern European culture. However, the process of early-modernization in effect enfeebled Renaissance Humanism. Reduced to the so-called Late Humanism over the course of sixteenth-century inter-denominational conflicts, it ceased to exist as a vital and fully-fledged intellectual movement as early as the 1600s[1]. Correspondingly, Humanist concepts to overcome religious discrepancies between Christians, which had already proved painfully fruitless, lost the last vestiges of credibility. Symbolically, the failure of the Erasmian idea of reconciliation is epitomised by the history of the Council of Trent, which was held in three sessions between 1545 and 1563 and failed to establish itself as the mouthpiece of Christendom; instead of being an umbrella institution for Christianity, the council laid the foundation for the internal reform of Catholicism and a reshaping of the Counter-Reformation's arguments and tactics. The rebuilding of the authority of bishops, the renovation of old (and introduction of new) monastic structures, the establishment of Apostolic Nunciatures, the initiation of the visitation programme and – last but not least – the institution of the Sacred Congregation for the Propagation of the Faith (*Congregatio de Propaganda Fide*) in 1622, not only strengthened the Catholic Church but codified the process of Catholic confessionalization, which was to render hopeless any attempt at inter-denominational reconciliation for centuries to come[2].

Simultaneously, the next generation of hierarchs and sovereigns, for whom religious divisions were justified on the basis of the Augsburg Settlement (1555) and ensuing political practice, began to enter the arena. The acknowledgement and introduction of *ius reformandi* provided secular authorities with the right to decide which denomination would be considered state religion; this decision was primarily political rather than theological in nature[3]. As new attitudes toward Church-state and state-subject relations were growing in popularity, pragmatic

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1   N. Mout, *Erasmianischer Humanismus*, p. 21; see *Späthumanismus: Studien über das Ende einer kulturhistorischen Epoche,* ed. N. Hammerstein, G. Walther, Göttingen 2000.

2   K. Schatz, *Prymat papieski od początków do współczesności*, trans. E. Marszał, J. Zakrzewski SJ, Kraków 2004, p. 191–196.

3   O. Christan, *La paix de religion. L'autonomisation de la raison politique au XVIe siècle*, Paris 1997, p. 40; E.-W. Böckenförde, "Wolność religijna w polu napięcia między

voices started to be heard more clearly: there was a need to formalise relations between denominations, which in practice implied the acceptance of the status quo. This tendency was of particular, if not decisive, importance with regard to governance and legislation. In the context of Church-state relations, one of the key and long-lasting results of the Reformation was that it accelerated development of theories that underpinned the right of resistance against sovereigns exercising power against the will of "the people". From now on, "the people" (i.e., subjects of the state and the Church faithful) would more visibly aspire to become one of the agents in trilateral Church-state-subjects relations.

The Age of Reformation witnessed growing intellectual support for the religious thesis that active opposition to despotic rulers, and in particular to their tyranny over the spiritual domain and matters pertaining to confession, was not an instance of rebellion but of self-defence; therefore, it was possible to codify the thesis on the basis of the criteria of positive law (*ius positum*)[4]. What posed a much greater problem (given that it was contingent upon the fluidity of political circumstances) was how to establish the limits of self-defence and the exact conditions that justified renouncement of submission to tyrannical powers. Legal measures included: verbal protest, passive resistance, active resistance, physical attack on the tyrant and, finally, regicide. According to Cynthia Shoenberger, early modern theory of governance was supposed to answer five seminal questions: 1) Is one allowed to defy legal political power? 2) If so, then what constitutes the threshold of resistance? 3) Who is authorised to take action against the tyrant? 4) What should such an action involve? 5) Upon overthrowing the tyrant, is it permissible to reorganise political relations? "These five concerns," Shoenberger asserts, "make up the components of a fully-developed theory of resistance and can be summarised as the questions of the justification, standards, agents, methods, and the outcome of resistance."[5]

The Saint Bartholomew's Day Massacre of 1572 is universally acknowledged as marking a threshold in the matter of interpreting the limits of the right of self-defence. The Massacre radicalised Huguenot circles in France, where Monarchomachs – advocates of opposition to Catholic (which, in their mind, was synonymous with tyrannical) authorities – became prominent. The ideas

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kościołem a państwem", [in:] *Wolność – polityka – kościół*, trans. P. Kaczorowski, Kraków 1994, p. 51.

4   J. Baszkiewicz, "Z zagadnień nowożytnej koncepcji prawa oporu", *Czasopismo Prawno-Historyczne* 27, 1975, 2, p. 175–186.

5   C. G. Shoenberger, "The Development of the Lutheran Theory of Resistance: 1523–1530", *Sixteenth Century Journal* 8, 1977, 1, p. 61.

espoused first by Protestant and then by Catholic Monarchomachs would eventually become one of the most resounding themes of Post-Reformation political thought[6]. However, what ought not to be overlooked is the fact that a stance toward the problem of means and limits of resistance had already been worked out by Lutheran reformers, whose attitudes toward Church-state relations were discussed above[7]. At present, it appears that Lutheran concepts might have been more important in the development of the ideology of the right of resistance than previously believed.

The evolution of the ideas of Martin Luther, who on numerous occasions spoke publicly on political matters[8], is quite characteristic. When, starting in 1522, authorities in Saxony were tasked with the execution of a decree compelling them to imprison the Reformer, a legal quandary emerged involving the limits of permissible resistance. The Elector of Saxony asked the parties concerned, i.e., Luther and his closest associates, by the intermediary of George Spalatin[9]. Frederick III – it was no coincidence that he was called Frederick the Wise (Friedrich der Weise) – inquired whether armed resistance to the attempt to incarcerate Luther and the potential for war against the Holy Roman Empire that came in its wake, were theologically justified. In February of 1523, Luther defied the rule of *nemo iudex idoneus in propria causa* and – to his own disadvantage – opined that the Elector was obliged to remain subordinate to the Emperor as the rightful ruler: "Princeps noster […] Hoc stante non potest bellum pro ista causa suscipere, sed debet cedere caesariae potestati, ut illa in suis regionibus capiat et persequatur, quos volet, quia caesar est eius dominus consensu dei et hominum, licet impiorum."[10] Armed resistance was to be justified only on the condition that Charles V flouted

6 Q. Skinner, *The Foundations of Modern Political Thought, vol. 2: The Age of Reformation*, Cambridge 2005 (12th impression), p. 189–238.

7 For an overview of the research on the subject see: R. von Friedeburg, "Widerstandsrecht im Europa der Neuzeit. Forschungsgegenstand und Forschungsperspektiven", [in:] *Widerstand in der frühen Neuzeit. Erträge und Perspektiven der Forschung im deutschbritischen Vergleich*, hrsg. R. von Friedeburg, Berlin 2001, „Zeitschrift für Historische Forschung" Beiheft 26, p. 11–59.

8 K. Trüdinger, *Luthers Briefe und Gutachten an weltliche Obrigkeiten zur Durchführung der Reformation*, Münster 1975, p. 41–92, Reformationsgeschichtliche Studien und Texte 3.

9 K. Müller, *Luthers Äusserungen über das Recht des bewaffneten Widerstands gegen den Kaiser*, Sitzungsberichte der Königlich Bayerischen Akademie der Wissenschaften Philosophisch-philologische und historische Klasse, München 1915, p. 4–5.

10 Luther, Gutachten [für Kurfürst Friedrich den Weisen von Sachsen], Wittenberg, kurz vor 8. Februar 1513, [in:] *Das Widerstandsrecht als Problem der deutschen Protestanten*

the laws of the Holy Roman Empire and waged war against the Protestants. At this juncture, it seems appropriate to emphasise the fact that Luther's phrase "dominus consensu dei et hominum" does not endorse the principle of the sovereignty of the people; it only serves as a reminder of the elective character of the Emperor's authority[11]. Drawing on the traditional understanding of the obligation of obedience theorised in the commentary on "The Epistle of the Romans" (1515/16), Luther condoned passive resistance to Catholic rulers practising religious coercion. He expressed this particular theological sentiment in *Von welltlicher Uberkeytt, wie weyt man yhr gehorsam schuldig sey*, a pamphlet published in 1523, as well as in a series of writings published in 1525 in connection with the German Peasants' War that took place from 1524 to 1525.[12]

However, it took Johannes Bugenhagen, one of Luther's closest associates, to formulate a disparate opinion, according to which, though Christian subjects were obliged to endure the persecution stemming from religious coercion, it was their sovereigns (princes, municipal councils, etc.) that were in turn obliged to defend them against such ill-treatment. In subsequent years, Bugenhagen expanded his theory, eventually arriving at the conclusion that imperial authority was limited, as formulated in his 1529 treatise entitled "Bedencken auff die Frage: ob. man das Evangelium, wider den Keyser, mit dem Schwerdt schützen möge". The same year saw also a meeting of jurists from Saxony and Hesse, who worked out arguments in favour of the right of resistance to the Emperor on the part of the German princes[13].

Similar conclusions were reached simultaneously by Martin Bucer and Andreas Osiander, the latter of whom formulated his views in a letter sent to

1523–1546, hrsg. H. Scheible, Gütersloh 1969, p. 17, Texte zur Kirchen- und Theologiegeschichte, Heft 10.

11 K. Müller, op. cit., p. 6–7, cf. point 2 of Melanchthon's opinion: "Quid, si principi nullum liceat suscipere bellum nisi consentiente populo, a quo accipit imperium? Non enim licet quibusvis oneribus onerare populum. Porro certum est populum non velle suscipi de causa evangelii bellum, quia non credit. Ergo nec suscipiat princeps. Sunt enim principes gentium, hoc est infidelium", *Das Widerstandsrecht als Problem*, p. 17.

12 Ch. Peters, "Das Widerstandsrecht als Problem reformatorischer Theologie. Stimmen lutherischer Theologen aus dem Umfeld des Bauernkrieges", [in:] *Widerstandsrecht in der frühen Neuzeit,* p. 113–139, overview of Luther's opinions on the matter, p. 115–117.

13 C. G. Shoenberger, "Luther and the Justifiability of Resistance to Legitimate Authority", *Journal of History of the Ideas* 40, 1979, 1, p. 4–7; H. Baron, "Religion and Politics in the German Imperial Cities During the Reformation", *English Historical Review* 52, 1937, 207, p. 405–427.

the authorities of Nuremberg[14] while Bucer observed that Chapter XIII of *The Epistle of the Romans* treats of authorities rather than of authority, which in turn led him to the notion of the plurality and diversity of God-ordained sovereignty. In the Holy Roman Empire, the Emperor was one of sovereigns: local authorities (*magistratus inferiores*) were also vested with legislative powers and were justified in exercising capital punishment. Furthermore, as developed by Bucer in *Enarrationes perpetuae, in sacra quatuor evangelia* (1530) and then in *Dialogi oder Gesprech von der gemainsame* (1535)[15], local authorities were at liberty to act autonomously and independently within their territorial remit much like imperial prerogatives on lands ruled by the Emperor.

In the 1530s, the political situation compelled political protectors of the Reformation to look for ways to justify armed resistance, although Luther condemned even the very concept of defence treaties against the Emperor. For that reason, in May of 1529 Luther wrote to John, Elector of Saxony, after the latter signed a defence treaty with Hesse and a few Protestant municipalities of the Holy Roman Empire[16]. It was not until the Protestant "protest" at the Diet of Speyer (Reichstage zu Speyer) on 19 April 1529 that Luther's attitude toward the issue changed markedly. At that point, the question of active resistance was becoming more pressing[17], which as a consequence impacted the opinion formulated by Luther in the December of 1529, when he indirectly began considering active resistance applicable and justifiable. Luther did not justify any preemptive strike on the part of Protestants and remained staunchly against undertaking military activities unless war had been officially declared and waged by the enemy. This, however, implied that – once the Emperor initiated a military campaign, Protestants had a right to defend themselves[18].

Apparently, what Luther did not state explicitly was expressed a few days later by one of his followers. In his lecture delivered for the Margrave of Hohenzollern-Ansbach, Lazarus Spengler of Nuremberg justified the right of active resistance to imperial power as follows: "[D]er kaiser hat nit macht, in deß evangelions

14 Q. Skinner, op. cit., p. 204–206.

15 *Martin Bucers Deutsche Schriften*, hrsg. R. Stupperich, Bd. 6, Teil 2, Gütersloh 1984, p. 56nn; C. G. Shoenberger, *The Development*, p. 68.

16 "Luther an Kurfürst Johann den Beständigen von Sachsen, Wittenberg, 22. Mai 1529", [in:] *Das Widerstandsrecht als Problem*, p. 23–24; C. G. Shoenberger, *The Development*, p. 64–65.

17 H. Rabe, *Reich und Glaubensspaltung. Deutschland 1500–1600*, München 1989, p. 219.

18 "Luther an Kurfürst Johann den Beständigen von Sachsen, Wittenberg, 24. Dezember 1529", [in:] *Das Widerstandsrecht als Problem*, p. 12–19, 47–50.

sachen yemand zu zwingen – wie auch die warheit ist -, darumb gezimpt auch ainem undterthan, in deβ evangelions sachen nit allain sölchem unbillichem furnemen zu widersprechen und nit darein zu bewilligen, sonder auch seiner verordenten oberkeit mit gewaltiger handt und der thatt zu widersteen, dem ubel zu widerstreben, unrecht nit zu leiden und das schwert wider gottes bevelch zu geprauchen. Sonst wöllt ich auch wol also schliessen: der kaiser verletzt deβ reichs gemainen friden, ist dem reich schedlich, gemainem nutz unträglich, darum ist nit unbillich, das ich hingee und erwurg den kaiser als mainen obern."[19]

Luther's March 1530 opinion for Elector John, prepared in cooperation with Justus Jonas, Johannes Bugenhagen and Philipp Melanchthon, contains the following typology: the secular estate and the spiritual one, i.e., legal and theological interpretation. From the jurist's point of view, the obligation of compliance may be construed as the outcome of an agreement that expires once the ruler renders it null and void by waging a war against his subjects. However, a theological reading of the same scenario is different: the obligation of compliance is one of God-given commandments and the sovereign's misconduct cannot be justifiably opposed by the subject's transgression – by their unbridled resistance to the rightful ruler. Divine law is superior to natural and positive law, so the rule of *vim vi repellere licet* is not applicable here. In practice, what it perhaps implies is that Luther condoned resistance when the state forcibly introduced religious coercion as the order of the day, thereby offending both divine and positive law[20].

Luther had thus in fact evolved to a point where he accepted the idea of active resistance, construed as defence against religious coercion, which is evident in documents prepared in late October 1530 by jurists and Protestant theologians convened in Torgau and influenced by the outcome of the Diet of Augsburg. John, Elector of Saxony, was instrumental in organising the Torgau meeting, a goal being to reach a definite verdict on the question of the right of resistance. When the jurists provided sound evidence corroborating the Emperor's violation of his duties, Luther renounced his objection to the theory and practice of active

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19 "Spengler: Gutachten für Markgraf Georg von Brandenburg-Ansbach, Nürnberg, Anfang Januar 1530", [in:] *Das Widerstandsrecht als Problem*, p. 50–56; see J. W. Zophy, "Lazarus Spengler, Christoph Kress, and Nuremberg's reformation diplomacy", *Sixteenth Century Journal* 5, 1974, 1, p. 35–48.

20 K. Müller, op. cit., p. 22–29, cf. Luther (mit Jonas, Bugenhagen, Melanchthon) an Kurfürst Johann den Beständigen von Sachsen, Wittenberg, 6. März 1530, [in:] *Das Widerstandsrecht als Problem*, p. 60–63; D. Böttcher, *Ungehorsam oder Widerstand? Zum Fortleben des mittelalterlichen Widerstandsrechts in der Reformationszeit (1523–1530)*, Berlin 1991, p. 91–95.

resistance[21]. To Quentin Skinner, both the Torgau resolutions and *Warnunge D. Martini Luther an seyne lieben Deudschen* (Wittenburg, 1531), a brochure commissioned by Philip I, Landgrave of Hesse, in which Luther supported the right of self-defence, paved the way for the development of a theory of the right of resistance grounded not only in natural law but also in civil law and canon law[22].

Active resistance was permissible under two conditions: 1) if it was justified from the point of view of the Holy Roman Empire and its law; 2) if it constituted a necessary defence of denominational rights. Characteristically, the decision whether both conditions were fulfilled was to be taken by politicians. Each Christian was obliged to oppose the sovereignty of an Emperor who violated the law of the Holy Roman Empire, though active opposition remained the exclusive prerogative of members of *magistratus inferiores*, i.e., princes and municipal councils. All of this should come as no surprise given that, though Luther emphasised the difference between *sacrum* and *profanum* and accepted the divine genesis of state governance, he reminded his contemporaries at the same time that every sovereign, being God's subject, was also answerable to the Almighty. Subjects ought to obey even bad sovereigns, though only with regard to worldly matters. In the case of a sovereign as godless as Emperor Charles V, obedience was out of the question since this matter concerned the sacred – issues symbolised by "the second tablet" of the Ten Commandments[23].

These developments led the Schmalkaldic League to assert that affiliated Lutherans were granted a right of active resistance to imperial powers. Tasked with the duty of *cura religionis*, Protestant princes were supposed to protect their fellow believers against coercion and violence. Furthermore, the so-called "70 Theses" (1539) contain evidence of Luther's support for active resistance to imperial imposition regarding denominational matters. His "70 Theses" seem to

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21 Gutachten der kursächsischen Juristen, Torgau oder Wittenberg, vor 26. Oktober 1530; Verhandlung in Torgau, 26.-28. Oktober 1530: Erklärung Luthers, Jonas', Melanchthons, Spalatins und anderer Theologen und protokollarische Aufzeichnung über die weitern Voten der Theologen und Juristen (26–28 X 1530), [in:] *Das Widerstandsrecht als Problem*, p. 63–68; C. G. Schoeneberger, *Luther and the justifiability*, p. 10–12; cf. I. Höß, *Georg Spalatin auf dem Reichstag zu Augsburg und seine Stellungnahme zur Frage des Widerstandsrechtes*, ARG 44, 1953, p. 64–86.

22 E. Wolgast, *Die Wittenberger Theologen und die Politik der evangelischen Stände*, Gütersloh 1977, p. 168–178, 224–227; Q. Skinner, op. cit., p. 197–200.

23 W. A. Mueller, *Church and State in Luther and Calvin. A Comparative Study*, Nashville 1954, p. 5–69; E. Weymar, "Martin Luther: Obrigkeit, Gehorsam und Widerstand", *Geschichte in Wissenschaft und Unterricht* 13, 1962, p. 133–151.

suggest that towards the end of his life Luther eventually came to terms with the consequences of the political division of Germany into two hostile denominational spheres of influence – one Lutheran and one Catholic[24].

Subsequent years witnessed the development of a Lutheran interpretation of the right of resistance to flagrantly godless – Catholic – authority as practised by Luther's closest associates. In his *Loci communes* (1521), Philipp Melanchthon stated that, in case of open conflict between divine law and the commands of the sovereign, one ought to follow the former[25]. However, he also noted that "Violare leges civile seu edicta magistratuum civilium est peccatum mortale", which proves that he did not endorse anything more radical than passive resistance to a ruler's godless commands. A decade later, Melanchthon would side with those who, in the spirit of the Torgau resolutions[26], opted for acknowledgement of the Lutherans' right of resistance as the justifiable means of self-defence. In his 1530 commentary on Book 3 of Aristotle's *Politics*, Melanchthon discussed offices set up by the "people" (and thus legally-binding) with a view toward controlling sovereigns: in Sparta, this had been the role of ephors; in France, such was the function of the parlements; in the Holy Roman Empire, it was the job of the electors[27]. Also in 1530, Melanchthon published his *Prologmena in Officio Ciceronis*, which included his lecture on the theory of the right of resistance grounded in the natural law of self-defence. There was one caveat, however, namely that active resistance fell within the remit of the state and only in case of the authorities' negligence was one allowed to defend oneself. This was the foundation of the further evolution of the Lutheran discussion about the right of resistance that would to take place in subsequent years; the same argumentation was reiterated in the 1546 edition of *Loci communes*.[28]

Eventually, in 1546, a few months after Luther's death, Melanchthon and Bugenhagen, along with Caspar Creuziger and Georg Major (representatives of

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24 Luther: 70 Thesen, April 1539, especially Theses 51–70, [in:] *Das Widerstandsrecht als Problem*, p. 94–98; cf. K. Müller, op. cit., p. 73–75.

25 "[…] si quid contra deum imperarint principes, non esse obtemperandum. […] Oportet deo magis oboedire quam hominibus", Ph. Melanchthon, *Loci communes 1521. Lateinisch-Deutsch*, übers. H. G. Pohlmann, Gütersloh 1996, p. 366.

26 K. Müller, op. cit., p. 42–44.

27 *Philippi Melanthonis opera quae supersunt omnia*, vol. XVI, ed. C. G. Bretschneider, H. F. Bindseil, Halae Saxonum 1850, p. 440, Corpus reformatorum XVI.

28 C. G. Shoenberger, *Luther and the Justifiability*, p. 14–16; R. von Friedeburg, "In Defense of Patria. Resisting Magistrates and the Duties of Patriots in the Empire from the 1530s to the 1640s", *Sixteenth Century Journal* 32, 2001, 2, p. 366.

the younger generation of reformers, all of whom were at that time aware of the impending religious war), eventually acknowledged resistance to Catholic religious coercion as a natural law in accordance with the principle of *vim vi repellere natura concedit*[29]. The theological opinion prepared for authorities of the Schmalkaldic League justified the war against the Emperor and even provided reasons for preventive measures on condition that actions undertaken were done so in self-defence[30]. The Schmalkaldic War (1546–7) definitively closed the first era of Lutheran reflection on the right of resistance, which had lasted more than a quarter century. The above-mentioned 1531 text by Luther was published by Melanchthon as *Warnunge D. Martini Luther an seyne lieben Deudschen, vor etlichen Jaren geschrieben* (Wittenburg, 1546) and included an introduction that justified the right of defence against the Emperor. The next year saw the publication of a collection of writings by Luther devoted to the same topic. The work was accompanied by a preface by Melanchthon and Bugenhagen entitled *Erklerung D. Mart. Lutheri von der frage, die Notwehr belangend. Mit Vorreden Philippi Melanchthonis und Doct. Johan Bugenhagen*. It is worth emphasising at this juncture that a collection that included the previously published *Warnunge D. Martini Luther*, a letter to pastor Johann Ludicke addressing the question of the right of self-defence, and theses dating back to 1539, was simultaneously published in Wittenburg and Magdeburg.

Almost concurrently, the most seminal Lutheran publication of the Schmalkaldic War was published in Wittenburg under the name of Justus Menius, a student of Melanchthon. Entitled *Von der Notwehr unterricht. Nützlich zu lesen. Durch Justum Menium*, the work discussed the right of resistance as a means of self-defence and expounded on the Lutheran right of self-defence in a particularly lucid way. Here, the fight against the papacy was presented through the apocalyptic metaphor of the psychomachia between good and evil[31]. For over three centuries Melanchthon was erroneously credited with the authorship of the work (it took twentieth-century scholars to expose the entrenched mistake, which dated back to the seventeenth century). The book was prepared and edited by Menius, though Melanchthon – discouraged by the work's anti-Catholic leanings – softened the text by (unbeknownst to Menius) deleting the most

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29 H. Lüthje, "Melanchthons Anschauung über das Recht des Widerstandes gegen die Staatsgewalt", *Zeitschrift für Kirchengeschichte* 47, (10), 1928, 4, p. 512–542.

30 Bugenhagen, Cruciger, Maior, Melanchthon: Gutachten für die Häupter des Schmalkaldischen Bundes, Wittenberg, Mai/Juni 1546, [in:] *Das Widerstandsrecht als Problem*, p. 98–101.

31 R. von Friedeburg, op. cit., p. 367.

severe attacks on the Pope and the Emperor and highlighting references to the natural law. As a result, two different texts with the same title were published – Menius' original version and Melanchthon's edited version[32]. Almost at the same time, the Saxony-based jurist Regius Salinus published his arguments in favour of the legal validity of the resistance of German princes, whom he construed as *magistratus inferiores*[33].

The vagaries surrounding the publication of Menius' edition signalled the imminent rift between representatives of the Lutheran community at large. Advocates of Melanchthon's thinking, also known as members of "the Wittenburg School" or followers of Philipp ("Philippists"), were relatively willing to reach a consensus with religious dissenters. By contrast, "the Magdeburg School" was typified by orthodox acolytes of "pure, untainted" Lutheranism, known as "Gnesio-Lutherans" or "Flacians"; they were followers of Matthias Flacius Illyricus (Vlačić, Franković), who was an eminent Dalmatian (Illyrian) theologian, an expert on Aristotle, an outstanding Lutheran historian, and co-author of *Historia ecclesiastica, integram Ecclesiae Christi ideam* […] *complectens* (Basileae 1559–74), which is more widely known as the *Magdeburg Centuries*[34].

The Gnesio-Lutherans made a significant contribution to the widespread acceptance of the right of resistance when, after the victory of Charles V over the Schmalkaldic League at Mühlberg and the subsequent introduction of the Augsburg Interim in 1548, they refused to acquiesce to the new status quo. The Magdeburg theologians were supported by the municipal council, which ostentatiously renounced the Interim in print, publishing *Einer Christlichen Stad untertenigk antwort auff das von Kay. Ma. uberschickt Interim. Und ein Ratschlag der Predicanten der selbigen Stad* (Magdeburg, 1548). The justification of the renouncement was subsequently prepared by the nephew of Johann von Staupitz and Luther's close associate, Nicolaus von Amsdorf, the superintendent of Magdeburg (1524–41) and – as of 1541 – Lutheran Bishop of Naumburg-Zeitz, who sought refuge in Magdeburg[35]. Published on 13 April 1550 in Latin and in

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32 L. D. Peterson, *Justus Menius, Philipp Melanchthon, and the 1547 treatise Von der Notwehr Unterricht*, ARG 81, 1990, p. 138–157.

33 E. Wolgast, op. cit., p. 168–173; R. V. Friedeburg, op. cit., p. 368–369.

34 The theologian's multi-layered work is analysed thoroughly in *Matthias Flacius Illyricus, Leben und Werk*, hrsg. J. Matesic, München 1993.

35 H. U. Delius, *Das Naumburger Bischofsexperiment und Martin Luther*, [in:] *Martin Luther und das Bischofsamt*, hrsg. M. Brecht, Stuttgart 1990, p. 131–140; for his Magdeburg activities see T. Kaufmann, *Das Ende der Reformation. Magdeburgs "Herrgotts Kanzlei" (1548–1551/2)*, Tübingen 2003, p. 21–24 and 86–97.

German, *Bekentnis Unterricht und vermanung der Pfarrhern und Prediger der Christlichen Kirchen zu Magdeburgk* is known as "The Magdeburg Confession" and was signed by Amsdorf and eight other pastors[36]. The work, whose Latin version (*Confessio et apologia pastorum*) had two editions in 1550, attracted great interest outside the Germanic world and contributed to the vindication of the open reference to the right of resistance to legal authority[37].

Amsdorf and his colleagues asserted that subjects were obliged to obey the Emperor even if he was of a different religious persuasion. However, they also claimed that when the sovereign leaned towards tyranny while endeavouring to impose his own denomination on his subjects, those subjects had at their disposal more than just the natural right of self-defence, which had been previously asserted by "the Wittenburg School". In such a case, subjects were obliged to actively fight against the politics practised in the interest of the Roman Anti-Christ: "Wenn einer so tiff felt und wenn ers gleich thut aus unwissenheit und ist gleich der oberste Regent, so ist er nicht allein ein Beerwolf [...] sondern ist der Teuffel selbst."[38] Here, the most important statement is the pronouncement that the *magistratus inferiores* ought to organise resistance to imperial religious tyranny. Researching "The Magdeburg Confession", Esther Hildebrandt stated: "This was the first Lutheran document to give a coherent and systematic exposition of the role of the inferior magistrate."[39]

With regard to argumentation in favour of the right of resistance, "The Magdeburg Confession" was a composite work. First, it argued, in the vein of Bucer, Calvin and Bullinger, that all authorities, including *magistratus inferiores* (municipal councils, representatives of estates, etc.), were ordained by God to defend subjects against sovereigns violating religious laws. Second, as argued by jurists from Saxony, it drew on the natural law of resistance to tyrants who violated the

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36 The authorship of "The Magdeburg Confession" remains unclear; Amsdorf is often regarded as the key member of the collective body of authors – "pfarrherrn und prediger zu Magdeburg". The collective included the city's pastors: Johannes Baumgartner (Pomerius), Henning Frede, Nikolaus Gallus, Heinrich Gerken, Ambrosius Hitfeld, Lukas Rosenthal. Johannes Stengel, Joachim Woltersdorff. At that time, Magdeburg sheltered outstanding Lutheran theologians, who sought refuge from the Emperor, including Erasmus Alberus and the above-mentioned Matthias Flacius Illyricus, T. Kaufmann, op. cit., p. 157–168.

37 O. K. Olson, "Theology of revolution. Magdeburg, 1550–1551", *Sixteenth Century Journal* 3, 1972, 1, p. 56–79; T. Kaufmann, op. cit., p. 178.

38 Quoted from T. Kaufmann, op. cit., p. 192.

39 E. Hildebrandt, *The Magdeburg Bekenntnis*, p. 234.

privileges of their subjects[40]. In effect, based on the defence of domestic liberties ("deutsche Freiheiten") and urban Republicanism, the German doctrine of mixed governance (mixed constitution) gradually came into being, uniting the idea of the right of resistance with the theory of the responsibility of sovereigns, which in the seventeenth century was deemed *monarchia limitata*[41] by Samuel von Pufendorf. This principle was evoked by the estates of Hesse when, after the incarceration of Philip I, Landgrave of Hesse, at Mühlberg, they demanded the institution of religious liberties. This opinion was justified in a treatise published a few years later by Johannes Ferrarius Montanus, Professor of the University of Marburg[42]. Until the latter part of the seventeenth century, the German ideology of the right of resistance, represented by urban elites and academic circles, was based on the tenets of Humanism and the rhetoric of virtue and civic duty, which contributed to a decrease in its relevance and turned it over time into an expression of local patriotism[43].

The Magdeburg argumentation was supported by the expertise and intellectual gravitas of yet another enemy of the Augsburg Interim, Martin Bucer, who firmly believed in the inferiority of the worldly and political *regnum externum* and the superiority of the over-worldly and spiritual *regnum Christi*. His views, collected in a treatise finalised in England and entitled *De regno Christi,* were met with interest outside of the Holy Roman Empire. Perhaps, thanks to Bucer, the views of the Magdeburg theologians on the role of *magistratus inferiores* in the organisation of resistance against tyranny were assimilated by English Protestants during the reign of Mary I. In particular, continental exiles from England were so susceptible to political radicalism that Michael Walzer considered

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40 W. Schulze, "Estates and the Problem of Resistance in Theory and Practice in the Sixteenth and Seventeenth Centuries", [in:] *Crown, Church and Estates. Central European Politics in the Sixteenth and Seveteenth Centuries*, ed. R. J. W. Evans, T. V. Thomas, N. York 1991, p. 158–175.

41 H. Dreitzel, *Monarchiebegriffe in der Fürstengesellschaft. Semantik und Theorie der Einherrschaft in Deutschland von der Reformation bis zum Vormärz*, Bd. 1: *Semantik der Monarchie*, Köln 1991, p. 82–84, 104–109; R. von Friedeburg, *Welche Wegscheide in die Neuzeit? Widerstandsrecht, „Gemeiner Mann" und konfessioneller Landespatriotismus zwischen „Münster" und „Magdeburg"*, HZ 270, 2000, 3, p. 561–616.

42 *De Republica bene instituenda. Paraenesis in qua tam privati, quam qui aliis presunt officii sui non sine pietatis studio praestandi, secus atque a philosophis traditum sit*, Basileae 1556.

43 R. von Friedeburg, *In Defence of Patria,* p. 357–382.

them precursors of seventeenth-century Puritanism[44]. Indeed, some "Marian exiles" (English Protestants) contributed significantly to the evolution of views on Church-state-subjects relations, most importantly on the right of resistance, by questioning the legal and theological precept dating back to Saint Augustine, namely that the sovereign-tyrant was ordained by God as a punishment for his subjects' sins[45].

In 1556, John Ponet[46], who was Bishop of Rochester (1550) and Bishop of Winchester (1551), and was the most prominent Protestant exile from England, published in Strasbourg *A Short Treatise of Politike Power, and the True Obedience which Subjects Owe to Kynges and Other Civile Governours, with an Exhortacion to All True Naturall Englishe Men*. Opening with the following statement: "Whether Kings, princes, and other political governors be subject to God's laws, and the positive laws of their countries"[47], the treatise was inspired by the author's experiences during the crisis in Church-state relations after the death of Edward VI in 1553. Ponet was an advocate of the dethronement of Maria I and the crowning of Jane Grey. Thus, it should come as no surprise that he remonstrated with politicians acting in favour of Mary and aided her ascent to the throne, as well as with the Catholic clergy and, most importantly, his Winchester successor, the Roman Catholic Bishop and Lord Chancellor, Stephen Gardiner[48].

Most probably due to these experiences and perhaps due to his reading of "The Magdeburg Confession", the émigré Bishop renounced the English interpretation that curtailed the right of resistance (legally limiting it to passive disobedience) and, in 1554, actively joined Wyatt's Rebellion. In his 1556 treatise, Ponet drew on the Bible and mediaeval legal precedence with a view toward demanding the sovereign's accountability to the parliament. He also took regicide

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44 M. Walzer, *The Revolution of the Saints. A study in the Origins of Radical Politics*, N. York 1971, p. 92–113.

45 Q. Skinner, op. cit., p. 227; G. Bowler, "Marian Protestants and the Violent Resistance to Tyranny", [in:] *Protestantism an the National Church in England*, ed. P. Lake, M. Dowling, London 1987, p. 124–143; D. R. Kelly, "Ideas of Resistance Before Elizabeth", [in:] *The historical Renaissance*, ed. H. Dubrow, R. Strier, Chicago 1988, p. 48–76.

46 For biographic information see: W. S. Hudson, *John Ponet (1516?-1556). Advocate of Limited Monarchy*, Chicago 1942; Ch. H. Garret, *The Marian Exiles: A study of the Origins of Elizabethan Protestantism*, Cambridge 1938, 253–258; B. Peardon, "The Politics of Polemic: John Ponet's "Short Treatise of Politic Power" and Contemporary Circumstance, 1553–1556", *Journal of British Studies* 22, 1982, 1, p. 35–49.

47 W. S. Hudson, op. cit., reprint; see also http://www.mercyseat.net/DEFEND/ponet.htm.

48 W. H. Hudson, op. cit., p. 59–60; B. L. Beer, "John Ponet's 'Shorte Treatise of Politike Power' Reassessed", *Sixteenth Century Journal* 21, 1990, 3, p. 373–384.

into consideration[49]. To Ponet, "the people" were the ultimate source of authority and if, as in the case of England, *magistratus inferiores* failed to rise against the tyrant, then common subjects would be allowed to rebel against tyranny: "Where execution of just punishment upon tyrannies […] is either by the whole state utterly neglected, or the prince with the nobility and council conspire the subversion or alteration of their country and people […] private men have some special inward commanded or permitted by common authority upon just occasion and common necessity to kill."[50] At this juncture, it is worth emphasising that Ponet wrote his text more than a decade before the Saint Bartholomew's Day Massacre of 1572.

However, although they were progressive and precursory (and as such preceded theories put forward by the French Monarchomachs), Ponet's views were hardly eccentric; indeed, there are striking similarities between his writings and the texts of other exiles from the British Isles[51]. John Knox, the organiser of the Scottish Kirk, who in terms of ecclesiological concepts was hardly doctrinaire and, not unlike Calvin, took extenuating circumstances into consideration, was firm in matters pertaining to Church-state relations[52]. The foundation of his political thought was grounded in the Old Testament notion of the covenant, which he borrowed from Calvin and Bullinger. To Knox, a Protestant country ought to be "a country of the covenant", whose higher (central) and lower (local) authorities

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49 E. Hildebrandt, op. cit., p. 243–253; W. S. Hudson, op. cit., p. 178; D. H. Wollman, "The Biblical Justification for Resistance to Authority in Ponet's and Goodman's Polemics", *Sixteenth Century Journal* 13, 1982, p. 29–41.

50 J. Ponet, *A Shorte Treatise*, p. 11–112; B. L. Beer, op. cit., p. 381.

51 G. Bowler, "Marian Protestants and the Idea of Violent Resistance to Tyranny", [in:] *Protestantism and the National Church in Sixteenth-century England*, ed. P. Lake, M. Dowling, London 1987, p. 124–143. Even the very titles of some of the writings point to this tendency, e.g. Ch. Goodman, *How Superior Powers ought to be obeyed of their Subjects. And wherein they may lawfully by Gods worde be disobeyed and resisted. Wherein also is declared the cause of all this present miserie in England, and the onely way to remedy the same*, Geneva 1558; J. Knox, *The first blast of the trumpet against the monstrous regiment of woman*, Geneva 1558; idem, *The Appellation of John Knox from the cruel sentence pronounced against him by the false bishoppes and clergey of Scotland. With his supplication and exhortation to the nobilitie, estates and comunalte of the same realme*, Geneva 1558; cf. E. Hildebrandt, op. cit., p. 245–246.

52 R. G. Kyle, "Church-state Patterns in the Thought of John Knox", *Journal of Church and State* 30, 1988, 1, p. 71–87; R. A. Mason, "Knox, Resistance and the Royal Supremacy", [in:] *John Knox and the British Reformations,* ed. R. A. Mason, Aldershot 1998, p. 154–175.

ought to be subordinate to divine law with regard to matters of politics[53]. For that reason, authorities acting against divine law, as interpreted by theologians, ought to be defied. Knox discussed these issues as early as 1553 in his *Letter to the Faithful in London, Newcastle and Berwick*. The following year, Knox consulted Calvin and Bullinger, and although the former provided him with a negative resolution, he eventually stated that: "The duties of inferior magistrates, especially that of upholding true religion, were juxtaposed with the general obligation of political obedience. Such a line of reasoning became one of the central arguments in Knox's *Apellation* of 1558, which was directly addressed to 'the Nobility and Estates of Scotland', whom he regarded as Scotland's inferior magistrates."[54]

Another characteristic feature of Knox – reluctance to female sovereignty – stemmed not only from his personal experience with Catholic women rulers, such as Mary of Guise and Mary Tudor (the latter of whom he observed during her early reign in 1553 in London), but also from the fact that he simply considered power wielded by women incompatible with the will of God[55]. There was no room for women in the "covenant" proposed by Knox, since he thought that their authority was not legitimate[56], which he directly expressed in *The First Blast of the Trumpet Against the Monstrous Regiment of Women*[57], a treatise published when Elizabeth I was already in power (1558). For that reason, Knox put himself in a tight spot: although – in accordance with the Scriptures – he believed that God sometimes ordained just women as sovereigns (for instance, Deborah and prophetess Hulda), he argued that none of his contemporaries – neither (understandably) Mary Stuart nor (even) Elizabeth I – met his requirements; Knox regard no woman ruler as "a real-life Deborah"[58].

53 R. L. Greaves, *Theology and Revolution in the Scottish Reformation. Studies in the Thought of John Knox*, Grand Rapids 1980, p. 114–125; idem, "John Knox and the Covenant Tradition", *Journal of Ecclesiastical History* 24, 1973, 1, p. 23–32; W. S. Reid, "John Knox's Theology of Political Government", *Sixteenth Century Journal* 19, 1988, 4, p. 529–540.

54 J. E. A. Dawson, "Trumpeting Resistance. Christopher Goodman and John Knox", [in:] *John Knox and the British Reformations*, p. 138; cf. J. Ridley, *John Knox*, Oxford 1968, p. 171–175, 279.

55 Q. Skinner, op. cit., p. 229.

56 J. W. Allen, *A History of Political Thought in the Sixteenth Century*, London 1951, p. 109–110.

57 J. Knox, *The political writings of John Knox,* ed. M. A. Breslow, Granbury N. J. 1985.

58 R. L. Greaves. *Theology and Revolution*, p. 167–168; R. M. Healey, "Waiting for Deborah. John Knox and Four Ruling Queens", *Sixteenth Century Journal* 25, 1994, 2, p. 371–386;

A synthesis of Ponet and Knox's views was presented by one of Knox's long-time friends, the Oxford theology professor Christopher Goodman. After Mary Tudor became queen, he moved to Strasbourg, where he associated himself with Peter Martyr Vermigli. Later he headed for Basel and went on to become the pastor of an English Protestant community in Geneva[59]. As an advocate of Wyatt's rebellion and a champion of resistance to Queen Mary's tyranny, he published in 1558 during his exile in Geneva a treatise entitled "How Superior Powers oght to be obeyd of their subjects, and wherin they may lawfully by Gods worde be disobeyd and resisted. Wherin also is declared the cause of all this present miserie in England, and the onely way to remedy the same". The text opened with a reminder that a Christian's duty was to follow God more than man. Further on, the treatise condemned holding office by women, deeming such incumbency unnatural, and asserted that resistance to tyranny was justified. Moreover, in case of indifference on the part of "inferior magistrates", individuals were obliged to oppose autocrats. Goodman, perhaps the most radical of English emigrants, found fault with female rulers, thus following in Knox's footsteps. At the same time – and not unlike Ponet – he praised active and individual resistance to tyranny: "And therefore if the magistrates would wholly despise and betray the justice and Laws of God, you which are subjects with them shall be condemned except you maintain and defend the same Laws against them, and all others, to the uttermost of your power."[60] In 1559, Matthew Parker, the Archbishop of Canterbury, severely criticised his writings on the question of female sovereignty. As a consequence, Goodman was compelled to plead allegiance to Elizabeth I and even withdraw his previous "anti-feminist" theses[61].

George Buchanan, who was a Humanist, a tutor of James VI, Director of Chancery and Keeper of the Privy Seal of Scotland, seems to be the most interesting

J. Wormald, "Godly Reformer, godless monarch. John Knox and Mary Queen of Scots", [in:] *John Knox and the British Reformations*, p. 220–241.

59 Ch. H. Garret, op. cit., p. 162–164.

60 Ch. Goodman, *How Superior Powers*, k. MIIV–MIIIR; J. E. A. Dawson, op. cit., p. 146–153.

61 D. G. Danner, "Christopher Goodman and the English Protestant Tradition of Civil Disobedience", *Sixteenth Century Journal* 8, 1977, 3, p. 60–73; D. H. Wollman, op. cit., p. 29–41; J. Dawson, "Resistance and Revolution in Sixteenth-century Thought. The Case of Christopher Goodman", [in:] *Church, Change, and Revolution,* ed. J. van den Berg, P. G. Hoftijzer, Leiden 1991, p. 69–79; eadem, "Trumpeting resistance. Christopher Goodman and John Knox", [in:] *John Knox and the British Reformations*, ed. R. A. Mason, Aldershot 1998, p. 130–153.

advocate of active resistance to the tyranny of Catholic sovereigns. His *De iure regni apud Scotos dialogus*, a treatise written in the 1560s and published in 1579[62], was considered by Harold Laski "the most influential political essay of the sixteenth century"[63]. The originality of Buchanan's thought stemmed from the way his views diverged from those of the "continental" Monarchomachs. Having drawn radical conclusions from the concept of the right of resistance, he acknowledged its individual character, which in turn implied the sovereignty of the individual[64]. At that time, French theoreticians were still in thrall to the idea that the principle of the sovereignty of the people should in practice be enacted by elites involved in the Estates-General[65].

Initially, Theodore Beza was the most important of them all. To Irmgard Höß, his views were influenced by Lutheran thought as formulated during the Schmalkaldic War[66]. However, in order to aptly assess the impact of Lutheran theologians on the political theories of Calvinists, one ought to return to the writings and teachings of Calvin himself. However, Robert Kingdon, one of the most outstanding experts in the field, reminds us that "[i]n development of Calvinist resistance theory, Calvin himself played a role which was seminal but not major. For the greatest political challenges to his movement developed after his death."[67] Still, without presenting Calvin's stance on the issue, one would not be able to trace the development of opinions on state-Church-subjects relations and thus on interdenominational relations.

Calvin's concept is all the more interesting as it touches upon a problem related to the genesis of modern parliamentarism. At first glance, attempting to position the Genevan reformer (whom numerous scholars consider an autocrat)

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62 G. Buchanan, *De iure regni apud Scotos, dialogus*, Amsterdam-N. York 1969 – reprint of the 1579 Edinburgh edition; idem, *The Powers of the Crown in Scotland*, trans. and ed. Ch. Flinn Arrowood, Austin 1949.

63 H. Laski, "Introduction", [in:] *A Defence of Liberty Against Tyrants*, a translation of the *Vindiciae contra tyrannos* by Junius Brutus, London 1924, p. 5.

64 B. Szlachta, *Konstytucjonalizm*, p. 426–438.

65 R. A. Mason, "People power? George Buchanan on Resistance and the Common Man", [in:] *Widerstandsrecht in der frühen Neuzeit*, p. 163–181; Q. Skinner, op. cit., p. 239–245.

66 I. Höβ, *Zur Genesis der Widerstandslehre Bezas*, ARG 54, 1963, p. 198–214; however, the thesis of the impact of "the Magdeburg Confession" on Calvinism has been recently questioned, C. Zwierlein, *L'importance de la „Confessio" de Magdebourg (1550) pour le calvinisme. Une mythe historiographique?*, *Bibliotheque d'Humanisme et Renaissance* 67, 2005, 1, p. 27–46.

67 R. Kingdon, "Calvinism and Resistance Theory, 1550–1580", [in:] *The Cambridge History*, p. 193.

as the father of modern democracy may seem paradoxical[68]. But one ought not forget that since the nineteenth century intellectuals have been debating whether the genesis of modern democracy is connected with the seventeenth-century discussion over the state (this discussion is typified by the symbolic figures of Thomas Hobbes and John Locke) or whether the beginnings of democracy date back to the sixteenth-century Reformation, in particular to the Presbyterian or Congregationalist interpretation of Calvinist ecclesiology.

Many past scholars (Max Weber, Ernst Troeltsch and Émile Doumergue, author of the seminal biography of Calvin) were of the opinion that, in the system preferred by Protestant Reformed Churches, it was "the people", i.e., all full members of a given Protestant community – that selected the leaders of that community; such a system was thus construed to be the cradle of representative democracy. The somewhat democratic nature of Reformed ecclesiology was believed by many to be the outcome of Calvin's reasoning, as expressed in the conclusive chapter of *Institutio Christianae religionis*[69]. For that reason alone, Catholic theologians attacked Calvin, criticising his anti-monarchism and republicanism[70]. Later on, Calvin's – or rather Calvinists' – republicanism was identified as one of the potential causes of the success of democracy in Switzerland, the Netherlands, England, Scotland and – most importantly – in Britain's New World colonies. For a long time it was generally believed in France that the roots of modern democracy could be easily traced to Calvin's ecclesiology, though this belief was challenged in the latter part of the twentieth century.[71] That having been said, the long-standing academic discussion over the issue, which has already attracted its own extensive scholarship[72], does not fit within the scope of the present monograph.

Contemporary research into Calvin's political concepts was initiated by two books published in 1937 in Wrocław (Breslau) and Geneva – Josef Bohatc's

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68 The apparent paradox is signalled by the very title of the following work devoted to Calvinism, G. L. Mosse, *Calvinism: Authoritarian or Democratic?*, N. York 1957.

69 H. Baron, "Calvinist Republicanism and its Historical Roots", *Church History* 8, 1939, p. 30–41.

70 S. Obirek, *Wizja Kościoła i państwa w kazaniach ks. Piotra Skargi SJ*, Kraków 1994, p. 60.

71 R. M. Kingdon, "Calvinism and Democracy. Some Political Implications of Debates on French Reformed Church Government, 1562–1572", [in:] *Calvin and Calvinism*, p. 45–49.

72 *Calvin and Calvinism. Sources of democracy?*, ed. R. M. Kingdon, R. D. Linder, Lexington Mass. 1970; H. Vahle, *Calvinismus und Demokratie im Spiegel der Forschung*, ARG 66, 1975, p. 182–212.

in-depth study and a work by Marc-Eduard Chenevière, respectively[73]. The latter rightly claimed that Calvin was not interested in theoretical debates on the question of the ideal form of governance. Still, Calvin was adamant that the state was indispensable and that subjects were obliged to obey their sovereign. To Chenevière, Calvin's writings clearly prove that, influenced by his French experience, he preferred from the 1540s onwards an "aristocratic" system of governance that was controlled by a "democratic" factor; both modifiers ("aristocratic" and "democratic") ought to be understood as Aristotelian categories filtered through sixteenth-century reality.[74]

In contrast, Bohatc's far more comprehensive study has remained valid to this day, constituting a vital reference point for research into Calvin's views on the state and the law. Let us at this juncture reintroduce the idea of Christian authority wielded on the basis of the principle of *mutua obligatio*, which appeared in the thought of Erasmus, Luther, Melanchthon, Zwingli, and Bucer, and was further developed by Bullinger[75]. Calvin expressed it most openly his 1539 commentary on "The Epistle to the Romans"[76], in which he made it clear that authorities and subjects were bound by a mutual responsibility whose keystone and guarantor was God. Thus, should the sovereign or subjects violate the law, they will inevitably answer to God[77]. However, the above ought not be construed as an agreement, given that such an interpretation was yet to be popularised by Monarchomachs as the principle of *mutua regis cum civibus pactio* or even as the rule of *contractus populi cum principe*[78]. To Calvin, the mutual responsibility was religious, rather than legal, in nature. Taking this particular responsibility before God and then shirking it meant offending the Almighty. Correspondingly,

73 J. Bohatec, *Calvins Lehre von Staat und Kirche mit besonderer Berücksichtigung des Organismusgedankens*, Breslau 1937; M.-E. Chenevière, *La pensée politique de Calvin. Thèse droit Gèneve*, Genève 1937.

74 M.-E. Chenevière, op. cit., p. 181–190. cf. J. T. McNeill, "Democratic Elements in Calvin's Thought", [in:] *Calvin and Calvinism. Sources of Democracy?*, p. 30–35.

75 E. H. Emerson, "Calvin and Covenant Theology", *Church History* 25, 1956, 2, p. 136–144; K. Hagen, "From Testament to Covenant in the Early Sixteenth Century", *Sixteenth Century Journal* 3, 1972, 1, p. 1–24.

76 J. Calvin, "Commentaries on the Epistle to the Romans, Chapter XIII", [in:] idem, *On God and Political Duty*, ed. J. T. McNeill, N. York 1950, p. 83–87.

77 S. Bildheim, *Calvinistische Staatstheorien. Historische Fallstudien zur Präsenz monarchomachischer Denkstrukturen im Mitteleuropa der Frühen Neuzeit*, Frankfurt a.M. 2001, p. 31–36.

78 J. Bohatec, op. cit., p. 64–75; M. Thompson, H. Höpfl, "The History of Contract as a Motif in Political Thought", *American Historical Review* 84, 1979, 4, p. 919–944.

in case of the sovereign's violation of divine law, subjects, being individuals, were obliged to exercise passive resistance, i.e., refuse to comply with godless commands. And because any authority that blatantly opposed divine law rendered itself thereby invalid, the subjects' refusal could not be justifiably considered a form of rebellion[79].

However, individuals did not have any right of active resistance even when confronted with acts of indisputable tyranny on the part of the authorities as "non est in arbitrio populi constituere principes."[80] Subjects were only allowed to express their resistance and then bear the burden, praying that divine justice would without a doubt triumph[81]. This standpoint was consistent with European political, legal and theological thought at the time that openly criticised subjects rising up against legal authority[82]. Still, in the face of rising tensions between Protestants and Catholics in sixteenth-century France, which was evident in the increasing number of acts of persecution and violence, this position ceased to be relevant. Truth be told, when between 1559 and 1560 two consecutive "Catholic tyrants" – Henry II and Francis II – died, the belief that one ought to put one's confidence in the Almighty seemed to have momentarily regained its importance. Before long, the Huguenots opted to take matters into their own hands. Calvin's doctrine started to slip into obscurity; his last writings prove that the reformer was upset by the turn of events and, as a consequence, endeavoured to modify his stance toward the right of resistance[83].

In his analysis of Calvin's 1550s and 1560s homilies, Max Engammare observed that the reformer was hesitant, dithering between condemning and condoning a right of active resistance to tyrannical (here – royal) authority: "Dans ses prédications Calvin défend alors un droit de résistance active au tyran, droit jamais individuel cependant mais droit qui a été jusqu'ici complèment occulté

79 *Praelectiones in Danielem prophetam*, vol. II, [in:] *Ioannis Calvini opera quae supersunt omnia*, vol. XLI, ed. E. Reuss, A. Erichson, W. Baldensperger, Brunsvigae 1889, p. 25, Corpus reformatorum LXIX. Cf. S. Bildheim, op. cit., p. 31; J. Bohatec, op. cit., p. 75–91.

80 *Praelectiones in Ieremiae prophetias et lamentationes*, vol. III, [in:] *Ioannis Calvini opera quae supersunt omnia*, vol. XXXIX, ed. E. Reuss, A. Erichson, W. Baldensperger, Brunsvigae 1889, p. 158, Corpus reformatorum LXVII. See W. J. Bouwsma, *John Calvin. A Sixteenth-century Portrait*, N. York 1988, p. 54–56.

81 J. W. Allen, *A History of Political Thought in the Sixteenth Century*, London 1957, p. 57–58; J. Bauer, op. cit., p. 127–129; J. R. Knecht, *The Rise and Fall of Renaissance France 1483–1610*, Oxford 2001, p. 241–245.

82 Q. Skinner, op. cit., p. 192–194.

83 A. Pettegree, "The Spread of Calvin's Thought", [in:] *The Cambridge Companion to John Calvin*, ed. D. K. McKim, Cambridge 2004, p. 214–216.

par lá criticque."[84] Calvin's questioning who had a right of resistance (and under what circumstances) raises suspicion on its own, yet the basics of his conceptual framework were established in 1559.[85] To prove the point, it is worth citing one of the most iconic excerpts of *Institutio Christianae religionis* – paragraph 31, chapter 20, book 4 of the 1559 edition: "Verum utcunque ipsa hominum facta censeantur, Dominus tamen per ea suum aeque opus exequebatur, quum sanguinaria Regum insolentium sceptra confringeret, ac intolerandas dominationes everteret. Audiant principes et terreantur. Nobis autem interim summopere cavendum, ne illam plenam venerandae maiestatis magistratuum authoritatem, quam Deus gravissimis edictis sanxit, etiamsi apud indignissimos resideat, et qui eam sua nequitia, quantum in se est, polluunt, spernamus aut violemus. Neque enim, si ultio Domini est effraenatae dominationis correctio, ideo protinus demandatam nobis arbitremur: quibus nullum aliud quam parendi et patiendi datum est mandatum. De privatis hominibus semper loquor. Nam siqui nunc sint populares magistratus ad moderandam Regum libidinem constituti (quales olim erant, qui Lacedaemoniis Regibus oppositi erant Ephori: aut Romanis Consulibus Tribuni plebis: aut Atheniensium senatui Demarchi: et qua etiam forte potestate, ut nunc res habent, funguntur in singulis regnis tres ordines, quum primarios conventus peragunt), adeo illos ferrocienti Regum licentiae pro officio intercedere non veto, ut si Regibus impotenter grassantibus et humili plebeculae insultantibus conniveant, eorum dissimulationem nefaria perfidia non carere affirmem: quia populi libertatem, cuius se Dei ordinatione tutores positos norunt, fraudulenter produnt."[86] Undoubtedly, Calvin considered local authorities and Estates-General authorised to curtail royal *libido dominandi*.

After the death of Henry II in 1559, Calvin advised individual fellow Protestants, indeed whole communities, to remain steadfastly devoted to the passivity of their heroic faith. Ethically grounded in the precepts advocated by "The

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84 M. Engammare, *Calvin monarchomaque? Du soupçon á ľargument*, ARG 89, 1998, p. 224; cf. J. Bohatec, op. cit., p. 82–83.

85 Q. Skinner, op. cit., p. 219.

86 *Ioannis Calvini opera selecta volumen V Institutionis Christianae religionis 1559 librum IV. continens*, ed. P. Barth, G. Niesel, Monachii in Aedibus 1936, p. 501. For interpretations of the fragment in question, see: H. Baron, "Calvinist Republicanism and its Historical Roots" (1939), [in:] *Calvin and Calvinism*, p. 50–55; J. T. McNeill, "Democratic Elements in Calvin's Thought" (1949), [in:] ibidem, p. 30–35; J. T. McNeill, *Introduction*, [in:] J. Calvin, *On God and Political Duty*, ed. J. T. McNeill, N. York 1950, p. XVIII–XIX; H. Höpfl, *The Christian Polity of John* Calvin, Cambridge 1985, p. 152–171; W. J. Bouwsma, *John Calvin. A Sixteenth-century Portrait*, N. York 1988, p. 207–209.

Sermon on the Mount", Calvin exhorted people to turn the other cheek and leave revenge to God. Such was the content of his epistles written in 1561 to the Protestant community in Aix in the south of France; similarly, in 1562 he condemned the Huguenot uprising in Lyon. He gave expression to a corresponding stance in *Commentary on the Book of Daniel*, his last ever written work (1561) and drew a parallel between the life of the Biblical Daniel and the experiences of the Huguenots[87]. One ought not to forget, however, that Calvin simultaneously condoned active resistance and defence as long as they were not individual undertakings but activities approved of by local authorities. Protestant princes Antoine de Bourbon and Luis de Condé were supposed to act in accordance with the law and in cooperation with *populares magistratus*, selected *ad moderandam Regum*. However, any activity undertaken without the above legitimacy was perceived by Calvin as an act of insubordination and rebellion. That is why in 1560 he censured "the Amboise Conspiracy". For the same reason, he supported the military activities of the Huguenots in the wake of the revocation of the 1562 Edict of Toleration and the Massacre of Vassy; he was convinced that it was the Guises that had violated the law, while the Protestants had acted in defence of the institution of monarchy[88].

Calvin's views on the right of resistance were grounded in the Renaissance ideology of urban citizenship: "the political doctrine of Calvin and so many of his followers had been the product of an historic co-operation of protestant religion and the civic world of the city-state"[89]. Calvin owes much of his terminology to Bucer and Melanchthon, whose Latin writings Calvin was familiar with before he included a passage about "the lesser magistrates" in his 1536 seminal *Institutio*.[90] There is also ample evidence to suggest that Calvin might have borrowed from Zwingli the idea of "the Ephorate" redolent of the Spartan political system[91], an official body controlling executive powers. No doubt, Calvin's doctrine of resistance percolated slowly and, not unlike the concepts of Luther, evolved as a reaction to external circumstances; the direct influence of the thought of Beza,

87 "Commentaries on Daniel", [in:] J. Calvin, *On God and Political Duty*, ed. J. T. McNeill, N. York 1950, p. 88–102.

88 J. Bohatec, op. cit., p. 83–89, 247–249: G. L. Pinette, *Freedom in Huguenot Doctrine*, ARG 50, 1959, p. 200–239.

89 H. Baron, op. cit., p. 54.

90 C. G. Shoenberger, *The Development*, p. 75.

91 Q. Skinner, op. cit., p. 231–234.

Vermigli, Ponet, Goodman and Knox is still hypothetical and unproven, and remains open to scholarly conjecture[92].

In 1543, Calvin's Strasbourg and Geneva experience led him to assert the primacy of aristocracy marked by shades of democracy over monarchy, which could be interpreted as his approval of elective authority or even Republican governance[93]. More than a decade later, in 1555, he confirmed his earlier conviction that the right to vote was commendable given that elective governance was better than tyranny and, correspondingly, a free country was better than monarchy[94]. Finally, in 1559 he openly acknowledged the right of resistance on the part of local authorities and Estates-General. If, in the Holy Roman Empire, the tyranny of the Catholic Emperor was countered by municipal and princely local authorities (*magistratus inferiores*), then in the French context the estates (*magistratus populares*) provided the foundation for legal opposition. And although the organisational structure of the Protestant community in Geneva was typified by a sense of democratism, it lacked signature features regarded today as signs of liberalism. Regardless of the ongoing dispute over the genesis of modern democracy, one ought to state that although Calvin was not a democrat in the contemporary meaning of the word, his concepts indeed contributed significantly to the development of the modern notion of popular sovereignty and provided the seed of political freedom[95].

Theodore Beza, the successor of Calvin (d. 1564), was close to Catholic Rosseus, whose views were discussed at the beginning of the present book in the context of freedom of religion: "Et illa est diabolica libertas quae Poloniam et Transylvaniam hodie tot pestibus implevit, quas nullae alioqui sub sole regiones tolerarent."[96] However, Beza largely differed from Rosseus regarding the right of resistance. It was long believed that until 1572 he remained a steadfast champion

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92 B. Szlachta, *Konstytucjonalizm*, p. 353–354.

93 Wacław Sobieski (*Król czy tyran? Idee rokoszowe a różnowiercy za czasów Zygmunta Augusta*, RwP 4, 1926, 13–16, p. 1–14) posited a theory that Calvin's ideas were reflected in the views of Andrzej Frycz Modrzewski presented in his *Commentariorum de republica emendanda,* in "Liber de moribus", Andreae Fricii Modrevii, "Commentariorum de republica emendanda libri quinque", [in:] *Opera omnia*, vol. I, ed. C. Kumaniecki, [Warszawa] 1953, p. 32, 54–55. The dependence of Modrzewski's thought on Calvin's ideas is discussed in the later chapters of this book.

94 H. Höpfl, op. cit, p. 153–158.

95 W. S. Stankiewicz, *Politics and Religion in the Seventeenth-century France. A Study of Political Ideas From the Monarchomachs to Bayle, As Reflected in the Toleration Controversy*, Berkeley 1960, p. 11.

96 Quoted from *Epistolarum theologicarum*, vol. 1, p. 21, from W. J. Stankiewicz, op. cit., p. 17–18.

of Calvinist interpretation and turned more radical only after the shock caused by the extermination of the elite of French Protestantism, which took place in that fateful year "Jusqu'a 1572, la Réforme n'est pas démocratique; depuis 1572, elle est. La charnière, le tournant capital, c'est le *De jure magistratuum*," as Beza's biographer, Paul Geisendorf, wrote[97]; Scott M. Manetsch has put forward a similar argument[98]. However, Beza's 1554 treatise entitled *De haereticis a civili magistratu puniendis* expands on Calvin's theories, arguing that legal authority comes into being as a result of an agreement and its aim is the welfare of "the people". Relying on the case study of Magdeburg, Beza stated that lower authorities were obliged to actively resist any attempt to disrupt "the real religion". Six years later, Beza would accept the individual practice of active resistance to a *sine titulo* tyrant, i.e., a usurper[99], a notion that would be picked up by French Huguenots, who referred to Beza's legitimation of the right of resistance as well as to his justification of the origins of secular authority. To Beza, lay sovereignty was not only ordained by God but was also enacted by the will of "the people"[100]. Over a decade before 1572, Beza formulated ideas that, years later, would be associated with the Monarchomachs.[101]

This does not mean that the Saint Bartholomew's Day Massacre was of little consequence in terms of the development of views on sovereign-subjects relations. The French tragedy shattered the very foundation of the state – the faith of the subjects in their rulers' good intentions. The event also marked a momentous political shift, because from now on the politics of Marie de Medici and Charles IX boiled down to the sustained destruction of the Huguenots. At the same time, Geneva became a bastion of propaganda, the aims of which were to provide French Protestants with spiritual and political support and to justify ideologically resistance to the state. This tense situation also impacted the writings of influential authors who came to be known (the imprecise nature of the

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97   P. F. Geisendorf, *Théodore de Bèze*, Genève 1967 (2nd edition), p. 315.

98   S. M. Manetsch, *Theodore Beza and the Quest for Peace in France, 1572–1598*, Leiden 2000, p. 51nn.

99   R. M. Kingdon, *The First Expression of Theodore Beza's Political Ideas*, ARG 46–47, 1955–56, p. 88–100; I. Höβ, *Zur Genesis der Widerstandslehre Bezas*, ARG 54, 1963, p. 198–214.

100   A. P. Monahan, *From Personal Duties Towards Personal Rights. Late Medieval and Early Modern Political Thought: 1300–1600*, Montreal 1994, p. 239.

101   R. M. Kingdon, "Les idées politiques de Bèze d'après son Traité de l'autorité du magistrat en la punition des hérétiques", *Bibliothèque d'Humanisme et Renaissance* 22, 1960, p. 566–569.

label notwithstanding) as Monarchomachs,[102] the character of whose writings was determined from the start by three texts; these were, in chronological order, François Hotman's *Francogallia, libellus statum veteris Reipublicae Gallicae, tum deinde a Francis occupatae, describens* (1573), Theodore Beza's *Du droit des magistrats sur leurs subiets. Traitté trés necessaire en ce temps, pour advertir de leur devoir tant les magistrats que les subiets, publié par ceux de Magdebourg l'an MDL, et maintenant revue et augmenté de plusieurs raisons et examples* (1574), and *Vindiciae contra tyrannos, sive de principis in populum populique in principem legitima potestate* (1579), which was written by an anonymous figure using the pen name Stephanus Junius Brutus Celt.[103]

Let us start with Beza, whose work in French was published anonymously in Lyon. In his treatise, he expanded on a theses already signalled in 1554 and popularised in France after 1560.[104] To him, state authorities acted on the basis of a contract with "the people"; elective rulers were chosen in accordance with the will of God. Consequently, one is obliged to show obedience to the sovereign as long as the ruler acts in obedience to divine law and honours the terms of the contract. If the law and the agreement are breached, "the people" may resort to resistance and even to dethronement. Still, individuals are not authorised to act against the incumbent given that the initiative falls within the remit of the lower authorities (lesser magistrates) or the Estates-General.[105] This is how Beza's biographer characterises the importance of the above pronouncement: "Beza's chief contribution to sixteenth-century theory was his systematic defense of the

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102 One ought to remember that this label was introduced by their ideological rival William Barclay; the term was imprecise on purpose given that after 1572 the French Huguenots ceased their struggle against monarchy and turned their efforts to the battle against autocracy, A. A. van Schelven, op. cit., p. 69.

103 *Beza, Brutus, Hotman. Calvinistische Monarchomachen*, übers. und hrsg. J. Dennert, Köln-Opladen 1968, Klassiker der Politik, Bd. 8; *Constitutionalism and Resistance in the Sixteenth Century. Three Treatises by Hotman, Beza and Mornay*, trans. and ed. J. M. Franklin, N. York 1969.

104 The Latin translation entitled *De iure magistratuum in subditos et officio subditorum erga magistratus* was published in Lyon in 1576, see Th. Beza, *De iure magistratuum*, ed. K. Sturm, Neukirchen-Vluyn 1965, Texte zur Geschichte der evangelischen Theologie, Heft 1.

105 Th. de Bèze, *Du droit des magistrats*, intr. éd. et notes R. M. Kingdon, Genève 1970, Les classiques de la pensée politique, 7, s. 18–21; R. M. Kingdon, "The Political Resistance of the Calvinists in France and the Low Countries", *Church History* 27, 1958, 3, p. 220–233; A. A. van Schelven, op. cit., p. 62–83; G. L. Pinette, op. cit., p. 214nn.; S. M. Manetsch, op. cit., p. 66–69.

role of 'lesser magistrates'. These magistrates of the kingdom – including nobles such as dukes, counts and barons, as well as city officers such as mayors, consuls, syndics and aldermen – received their authority from the people, not from the king, and were under obligation to protect the public welfare."[106]

The ideas espoused in *Du droits des magistrats* were so revolutionary in 1574 that their dissemination was initially stalled: despite Beza's prominence, printing the text in Geneva was not permitted. For fear of aggravating the already complicated diplomatic relations with France, the municipal council refused in June of 1573 to allow the work to be published. Earlier, in October of 1572, ambassador to Charles IX demanded that the dissemination of François Hotman's work be prohibited despite the fact that this Latin treatise was then regarded as a book of lesser political currency and topical validity[107]. Hotman, a student of Calvin and a survivor of the 1572 massacre, took refuge in Geneva and there, in cooperation with Beza, wrote a monograph devoted to the history of French governance.[108] Its very title, namely *Franco-Gallia seu tractatus isagogicus de regnum Galliae* (*La Gaule française*[109], the French translation was published in 1574), signalled the idea of a return to the primary principles of governance. According to Hotman, the authority of the French monarchy was not derived from God but from the sovereignty of the people based on the principle of *mutua obligatio*. Sovereigns ruling against the will of "the people" degenerate into tyrants who, in accordance with *ius gentium*, can be justifiably dethroned.[110] Drawing on the tradition dating back to the Merovingian Dynasty, Hotman suggested that adult Frenchmen should participate in *consilium publicum* as a means of deciding on matters of peace and war, new legislation and taxes, public posts and offices, and even the income of the royal court.[111] In practice, this implied systemic reform of French governance, a shift in the direction of parliamentary monarchy; it turned out to be an important addition Calvin's views and provided a historical foundation for Beza's theses published in *Du droit des magistrats*[112].

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106   S. M. Manetsch, op. cit., p. 68.

107   A. A. van Schelven, op. cit., p. 62–63; R. M. Kingdon, "Introduction", [in:] Th. de Bèze, *Du droits des magistrats*, p. XXIX–XXX.

108   R. F. Giesey, *When and Why Hotman Wrote the Francogallia*, "Bibliothèque d'Humanisme et Renaissance" 29, 1967, p. 581–611.

109   F. Hotman, *Francogallia*, trans. J. H. M. Salmon, Cambridge 1972.

110   *Beza, Brutus, Hotman*, p. 227.

111   Ibidem, p. 262; Q. Skinner, op. cit., p. 310–318; S. M. Manetsch, op. cit., p. 65–66.

112   G.L. Pinette, op. cit., p. 217nn.; S. Bildheim, op. cit., p. 41–45; see W. J. Stankiewicz, op. cit., p. 33–34.

The last member of the great triumvirate of French Monarchomachs, the author of perhaps the most widely known of their texts, *Vindiciae contra tyrannos*, still remains a mystery. The treatise was published in Basel in 1579, bearing a false address of publication, which has long been the subject of debate among historians. So, too, has been the identity of the author. Most frequently, researchers mention Philippe Duplessis-Mornay, the Huguenot theologian and polemicist, diplomat and – later – one of Henry IV's closest advisors.[113] Another potential candidate is Hubert Languet, writer and diplomat, who became a Protestant under the influence of Melanchthon and then worked in the diplomatic service of Saxony, including at the French court (1561–1572).[114] The third potential author is Johan Junius de Jonghe, an acquaintance of Beza and Hotman and an associate of Languet and Mornay. He came from a patrician family from Antwerp and in 1560 moved to the Palatinate, where he became an advisor to the elector and a member of the ecclesiastical authorities.[115]

Regardless of the identity of the writer known as Stephanus Junius Brutus Celt, one can assume that the views posited in *Vindiciae contra tyrannos* were a reflection of concepts and values current in the milieu of which the

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113 R. Patry, *Philippe du Plessis-Mornay. Un huguenot homme d'Etat (1549–1623)*, Paris 1933.

114 H. Daussy, *Les Huguenots et le Roi. Le combat politique de Philippe Duplessis-Mornay (1572–1600)*, Genève 2002, p. 229–254; Languet's authorship has been convincingly questioned by Béatrice Nicollier-De Weck, see L. Szczucki's review of *Hubert Languet (1518–1581). Un réseau politique international de Melanchthon à Gillaume d'Orange*, Genève 1995, OiRwP 43, 1999, p. 253–254. A digression for conspiracy theorists: in 1572 Languet met Sir Philip Sidney in Frankfurt, a correspondent, if not a spy in the English intelligence service, who fled Paris to escape the Saint Barholomew's Day Massacre. Their meeting resulted in one of the most widely known literary friendships of the epoch, see S. A. Pears, "The Life and Times of Sir Philip Sidney", [in:] *The Correspondence of Sir Philip Sidney and Hubert Languet*, ed. S. A. Pears, London 1845, p. IX–LXXXII. As it is widely known, the Englishman was a student of alchemist John Dee, who had ties with the Łaski family in Poland – *sapienti sat*. See G. E. Szönyi, *John Dee i jego związki ze Środkową Europą*, OiRwP 15, 1980, p. 99–111.

115 D. Visser, "Junius. The author of the Vindiciae contra tyrannos?", *Tijdschrift voor Geschiedenis* 84, 1971, p. 510–525; see also the publisher's preface to the English edition, Stephanus Junius Brutus, the Celt, *Vindiciae, contra tyrannos, or, Concerning the Legitimate Power of a Prince over the People, and of the People over a Prince*, ed. and trans. G. Garnett, Cambridge 2003, (hereafter referred to as *Vindiciae*), where on pages LV–LXXVI one can find an in-depth analysis of the question of authorship.

above-mentioned writers were a part.[116] The treatise itself addresses four "issues"; the first part tackles the question of the subjects' loyalty to a godless (i.e., dissident and persecuting) authority; the second part discusses who, when and how such sovereignty can be opposed; the third part addresses the problem of a tyrannical ruler ruining the state; and finally, the fourth part argues whether neighbouring countries should intervene on behalf of subjects persecuted by a tyrant.

According to Stephanus Junius Brutus Celt, the state authority functions on the basis of a series of contracts (covenants) between God, the ruler, the nation ("the people") and the Church[117]. The will of God is the source of communal union, which later, because of God's ordination, results in a *pactum subiectionis* between the ruler and the community. Any authority, including a royal/imperial authority, is legitimised by a dual covenant – one between God, the ruler and "the people" and one between the sovereign and "the people". Historically justified by Hotman, Calvin's *mutua obligatio* was thus expanded. The second agreement is treated here as a contract (*pactum*), a kind of "rule agreement", the most appropriate example of which constitutes, to the French writer's mind, the agreement between Henry III of France (Henri de Valois) and the Poles, i.e., the Henrician Articles.[118] Both sides of the *pactum* were to remain inextricably bound by it; still, any command incongruous with divine law was legally invalid given that it was not in agreement with the initial contract. Thus, subjects were obliged to remonstrate with an authority that violated the contract whose one party was God. Should they fail to do so, they would be equally responsible for the violation of the law of God, becoming as liable for the breach of contract as their godless ruler.[119] Those who were obliged to resist such an authority included "lesser magistrates", i.e., state officials, princes, patricians, magnates and other notables of the state. As individuals, members of these "lesser magistrates" were subjects of the sovereign, but as a collective body of "the people" they were superior to that sovereign (here the author referred to the mediaeval legal theory of resistance, in

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116   R. F. Giesey, "The Monarchomach Triumvirs: Hotman, Beza and Mornay", *Bibliothèque d'Humanisme et Renaissance* 32, 1970, p. 41–43; W. J. Stankiewicz, op. cit., p. 35–37.

117   *Vindiciae*, p. 37–66, see ibidem, publisher's preface, p. XXII–XXXI. English lexeme "covenant" and French „contrat" i „l'alliance" are used throughout, see P.-A. Mellet, *"Le roy des mouches à miel…": tyrannie présente et royauté parfaite dans les traités monarchomaques protestants (vers 1560-vers 1580)*, ARG 93, 2002, p. 88–90.

118   *Vindiciae*, p. 130–134.

119   *Vindiciae*, p. 45. G. L. Pinette, op. cit., p. 221–222; S. Bildheim, op. cit., p. 55–62.

particular to certain resolutions of the council in Constance and Basel, namely the primacy of the synod over the papacy)[120]. Individuals, however, were not allowed to resist a godless ruler on their own. Still, under the guidance of "the lesser magistrates" the incumbent tyrant ought to be actively defied, and in extreme situations tyrannicide was permissible[121].

The founding principles of the Protestant Monarchomachs can be summarised as follows. The basis of all legal authority is a form of covenant – an agreement between God, the sovereign and the people. As a point of reference the Monarchomachs used an excerpt from the Book of Kings – 2 Kings, 11:17[122]. The monarch's power ought to be limited not only by the principles of ethics but by positive law as well; in practice, by the institutions of the estate system. *Vindiciae contra tyrannos* is an overview of the theory of political power founded upon the principle of the justification of "the people" as the controllers of the sovereign through the intermediary of elective representatives[123]. Unlimited power equals tyranny since it is the outcome of conquest or usurpation (*tyrannus absque titulo*) or the result of an arbitrary form of governance on the part of a legal ruler resorting to violence (*tyrannus exercitio, tyrannus quoad exercitium*). According to the Acts of the Apostles (5:29), resistance to tyranny is an obligation stemming from obedience to God[124], which – however – does not oblige individuals or groups of people but instead compels local authorities and royal advisors (*magistratus inferiores*) as well as representatives of the estates (*magistratus populares*) to act. The right of resistance ought to be put into practice within the limits of procedures with which the said authorities are obliged to comply[125].

If previously, under the influence of Saint Augustine, Calvin believed that state authorities were the direct result of "the grace of God", then the texts with which Beza was credited after 1572, along with the writings of the Protestant

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120 *Vindiciae*, p. 47, the passage discusses, to quote Calvin, "the lesser magistrates", the publisher's preface, p. XXVI–XXVII.

121 *Vindiciae*, p. 59–63.

122 "Jehoiada then made a covenant between the Lord and the king and people that they would be the Lord's people. He also made a covenant between the king and the people", quoted from the Protestant translation of the so-called Gdańsk Bible dating back to the seventeenth century.

123 B. Szlachta, *Konstytucjonalizm*, p. 422–423.

124 "But Peter and the apostles answered, 'We must obey God rather than men.'"

125 A. A. van Schelven, op. cit., p. 70; see R. M. Kingdon, *Calvinism and Resistance Theory 1550–1580*, [in:] *The Cambridge History of Political Thought, 1450–1700*, ed. by J. H. Burns, Cambridge 1991, p. 193–218; Q. Skinner, op. cit., vol. II, p. 302–348.

Monarchomachs, treated of a contractualist concept of governance. Individuals communicate with each other and thus create a society; correspondingly, on the basis of divine law, that society signs a tacit agreement with the ruler, which constitutes the condition for the legal validity of authority. Acting on behalf of "the people", lower authorities (such "lesser magistrates" as the notables or representatives of the estates) are the guarantors of the agreement; it is worth highlighting here lower authorities are characterised by primary (i.e., dating back to the times before *pactum subiectionis*) legitimation[126].

Equally, it is worth emphasising that the Monarchomachs's ideology was primarily anchored in theological concepts. In other words, this ideology referred more strongly to the interpretation of *ius divinum* than to the concept of *ius gentium* based on natural law, a fact that is corroborated by the comparative analyses of the texts written by the three above-mentioned authors conducted in the twentieth century by Julian H. Franklin and Ralph E. Giesey[127]. The Monarchomachs further developed ideas that Calvin worked out during the peak of his intellectual life, and these developments, alongside the move away from the principle of obedience to legal authority (which Calvin heavily emphasised), were to be of pivotal importance in terms of Calvinism's victory in France, Scotland and the Netherlands[128].

The writings of the Monarchomachs garnered a lot of interest and reverberated among political elites, which is evident both in the number of editions and translations of the above-mentioned treatises and in the activities of the Monarchomachs' followers, who further developed the concept laid down by the triumvirate of Beza, Hotman and Mornay[129]. Apart from such theoreticians as the lawyer and theologian Innocent Gentillet, who was also Professor of Theology at the University of Geneva and the University of Leiden[130], or the already–mentioned George Buchanan, other writers came to the fore who adapted the Monarchomachs's

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126 B. Szlachta, *Konstytucjonalizm*, p. 368–374.

127 *Constitutionalism and Resistance Theory in the Sixteenth Century*, p. 45; "Introduction" [in:] *Francogallia by Francis Hotman*. Latin text R. G. Giesey, trans. J. H. M. Salmon, Cambridge 1972, passim.

128 A. Pettegree, "The Spread of Calvin's Thought", [in:] *The Cambridge Companion*, p. 215–216.

129 S. Bildheim, op. cit., p. 85–89; P.-A. Mellet, op. cit., p. 72–96.

130 I. Gentillet, *Anti-machiavel. Discours sur les moyens de bien gouverner et maintenir en bonne paix un Royaume ou autre Principauté contre Nicolas Machiavel Florentin, 1576*, avec commentaires et notes C. E. Rathé, Genève 1968, Les classiques de la pensé politique, 5.

ideology to suit the French political context. Around 1575 Lambert Daneau created a programme of military resistance to the French Catholic monarchy; in his attack on absolutist ideas, he borrowed heavily from the writings of Hotman and Beza. To Daneau, a tyrant king ought to be resisted for the sake of the public good; opposition to tyranny is the duty of not only representatives of the estates but all local authorities as well.[131]

These advocates of the idea of the sovereignty of "the people" also faced resistance; ideological enemies of popular sovereignty accused the Monarchomachs of hating all possible forms of monarchy. Let us reconsider the definition of monarchy coined by Scottish lawyer William Barclay, who is also the originator of the term "Monarchomachs", which he intended as a term of abuse: "qui Regna et Monarchias demoliri atque in Anarchias redigere conati sunt, in Francicum Imperium maximam certe impressionem fecerunt."[132] This pronouncement might have been an expression of his tactic to publicly shame political adversaries, but one cannot exclude the possibility of Barclay's earnest commitment. The Monarchomachs wrote texts stemming from their fundamental hostility towards royal authority, which they identified with tyranny. The most widely known of them is *Discours de la servitude volontaire*, a treatise written by a friend Michel de Montaigne, the young Etienne de La Boétie, during his studies in Orleans under Anne du Bourg, who was later burnt at the stake[133]. Created 20 years before the Saint Bartholomew's Day Massacre, La Boétie's radical work is written in the tradition of Renaissance Humanism and typified by its historical discourse. However, what concerns the author throughout the treatise is reflection on the nature of tyranny and the reasons for obedience to authority on the part of "the people"[134]. In a few decades' time, La Boétie's call to civil disobedience would be included posthumously in the collections of Huguenot writings, perhaps with

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131 L. Danaeus, *Traitté duquel on peut apprendre en quel cas il est permis à l'homme Chrestien de porter les armes, et par lequel est respondu à Pierre Charpentier*, Genève 1576; cf. S. M. Manetsch, op. cit., p. 69–73.

132 W. Barclay, *De regno et regali potestate adversus Buchananum, Brutum, Boucherium, et reliquos Monarchomachos, libri sex*, Parisiis 1600, quoted from za P.-A. Mellet, op. cit., p. 73.

133 M. N. Rothbard, "The Political Thought of Etienne de La Boétie", [in:] E. de La Boétie, P. Bonnefon, *The politics of obedience and Etienne de La Boétie,* introduction M. N. Rothbard, Montreal 2007, p. 4–6.

134 E. de La Boétie, "The Discourse of Voluntary Servitude", [in:] E. de La Boétie, P. Bonnefon, *The Politics of Obedience*, p. 109–150, on the basis of "Discourse de la servitude volontaire", [in:] *Oeuvres completes d'Estienne de La Boétie*, ed. P. Bonnefon, Bordeaux 1892.

a help of La Boétie's university friend, the above-mentioned Lambert Daneau; today, La Boétie's writings are considered canonical works of libertarian political philosophy[135].

As noted above, the thought and writings of Beza and his fellow Protestant Monarchomachs were popular in France, England, Scotland, and in particular in the Netherlands, where they entered the canon of ideological resistance to Spanish dominance. In the latter half of the sixteenth century, Geneva was a centre of university education, where future secular and ecclesiastical leaders of French and Dutch Protestantism studied, taught in accordance with the above-mentioned opinions on relations between the Church, the state and "the people"[136]. These views were also popular with Central European Protestants, fighting for religious freedoms, for instance, in the late sixteenth- and early-seventeenth century Austria.[137] This argumentation was important to Czech political elites defending the estate system in a country that was keenly following everything that Western European Calvinists wrote about the limits of the right of resistance[138]. In particular, the Hungarian Calvinists attached great importance to relations between the state, the Church and subjects (citizens), which was highlighted even by Hungarian Marxist historiography: "Il est évident que les principes calviniens du gouvernement mixte aristocrato-démocratique et de la résistance (limitée) au tyran, auraient pu, et étaient en effet utilisés par les paysans-bourgeois contre leur seigneurs tyranniques, ainsi que par la noblesse contre l'absolutisme royale, en faveur de leur autonomie…"[139]. This corroborates the thesis that highlights the common features of the early modern political cultures of Poland, Hungary and Bohemia[140].

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135   M. N. Rothbard, op. cit., p. 22–23.

136   R. M. Kingdon, "The Political Resistance of the Calvinists in France and the Low Countries", *Church History* 27, 1958, 3, p. 220–233; Q. Skinner, op. cit., p. 337.

137   R. Pörtner, *Gegenreformation und ständischer Legalismus in Innerösterreich, 1564–1628*, ZHF 27, 2000, 4, p. 499–542; W. Schultze, op. cit., p. 168–170.

138   J. Bahlcke, "Calvinism and Estate Liberation Movements in Bohemia and Hungary (1570–1620)", [in:] *The Reformation in Eastern and Central Europe*, ed. K. Maag, Aldershot 1997, p. 72–91.

139   L. Makkai, *Etat des Ordres et théocratie calviniste au XVIe siècle dans l'Europe centro-orientale*, Budapest 1975, nadb. *Studia Historica Academiae Scientiarum Hungaricae* 99, p. 7.

140   G. Schramm, "Polska – Czechy – Węgry. Wspólne cechy kultury politycznej trzech krajów w późnym średniowieczu i wczesnym okresie nowożytnym", [in:] idem, *Polska w dziejach Europy Środkowej. Studia*, trans. E. Płomińska-Krawiec, Poznań 2010, p. 19–43.

The views of Calvin and his successors must have been interesting to noblemen of the Crown Kingdom of Poland and the Grand Duchy of Lithuania, who were always mindful of their privileges. However, one can posit such a hypothesis only cautiously because it still requires further studies[141]. Research conducted by Hungarian academics shows that Calvinism also functioned in Hungary as the ideology of the nobility, and that the process of its "ideologization" accelerated at the beginning of the seventeenth century, when the Hungarian Reformed elites came under the intellectual influence of the University of Heidelberg, where the above-mentioned David Pareus was the most seminal figure[142]. Perhaps the forging of this ideology in seventeenth-century Central Europe was affected not just by Calvin himself but by his followers and successors as well[143]. Lambert Daneau, who was one of the most influential figures of the late sixteenth- and early seventeenth century, believed that the genesis of political societies was the fear of the Other. Daneau also emphasised that, in a well-organised state, political and Church systems ought to be separated[144]. Calvinist seventeenth-century political theory will be discussed below on the basis of the thought of Bartholomew Keckermann, who was perhaps the most outstanding of Protestant historiosophers active in Poland in the seventeenth century, and who was the subject of recent research by Danilo Facca[145].

Presenting his understanding of the rights of the state and drawing on among others *Vindiciae contra tyrannos*, Facca asserted that sovereign rulers were not above the law, although he understood that, in practice, there was no authority that was able to legally punish them for violating the law. This does not, however, imply approval of absolutism, given that rulers were subordinate to both divine law and moral law. The Calvinist Keckermann refers here to Aquinas, in particular to Saint Thomas' theory of the legitimacy of authority that corresponds

141 For more on the right to resist and the practice of defending estate priviliges in Central Europe, see W. Schulze, "Estates and the Problem of Resistance in Theory and Practice in the Sixteenth and Seventeenth Centuries", [in:] *Crown, Church and Estates. Central European Politics in the Sixteenth and Seventeenth Centuries*, ed. R. J. W. Evans, T. V. Thomas, N. York 1991, p. 158–175.

142 M. Fata, op. cit., p. 206.

143 J. Heckel, *Cura religionis*. "Jus in Sacra. Jus circa sacra", [in:] *Festschrift Ulrich Stutz zum Geburtstag dargebracht von Schülern, Freunden und Verehrern*, Stuttgart 1938, p. 272–279, Kirchenrechtliche Abhandlungen, 117–118.

144 L. Danaeus, *Politices Christianae libri septem*, Genevae 1596; see P. de Félice, *Lambert Daneau, pasteur et professeur en théologie*, Paris 1882.

145 D. Facca, *Bartłomiej Keckermann i filozofia*, Warszawa 2005.

well with the Thomist concept that, in turn, presupposes that only a law-abiding authority is legally valid. This means that even a tyrant ruler ought to be obeyed as long as his commands are not antithetical to divine law. Having thus acknowledged the obligation to respect authority, in particular the monarchy, as long as the ruler did not coerce his subjects into flagrant godlessness (i.e., dissenting religious practices), Keckermann stressed that "subditus magis est obligatus Deo quam principi"[146]. He went on to praise the political system of the Commonwealth of Poland (res publica) and, relying on the views of Johannes Althusius, he also stated that resistance was an obligation whenever the authority steered towards tyranny. Still, resistance should not be initiated individually but with the full participation of the notables responsible for the community. All in all, in his exposition, Keckermann alluded not only to Althusius and his theory of "the Ephorate", but also to Calvin, Beza and advocates of the covenant theory – "the rule agreement"[147].

Not unlike his evaluation of the legitimacy of secular authorities, Keckermann's views of Church-state relations are ambivalent. On the one hand, he believed that secular authorities were obliged to lead "the people" to salvation such that the powers-that-be were supposed to influence matters pertaining to worship, ordination of clergy, convening synods, visitation of churches and schools as well as ecclesiastical courts. Keckermann pointed out that secular powers were in no position to interfere with religious matters: "quia Deus vult distinctissimum esse officium ministrorum et magistratus."[148] Thus, the competences of both clerical and secular authorities were supposed to be, in accordance with Calvin's doctrine, kept separate. At the same time, the ruler maintained the right of *inspectio ecclesiae*, i.e., general supervision and control, which gave rise to the obligation of obedience to a dissenter monarch, who did not cease to be a legal ruler; at the same time, he did not hold sway over the conscience of his subjects. In the light of denominational differences within one country, the ruler's goal should not be to defend orthodoxy and push for homogenisation, but rather to foster peace among advocates of disparate religions. To Keckermann, the Peace of Augsburg (1555), which the Poles emulated in 1573, served such a noble purpose. As a consequence, wars of religion were to be avoided, disputes were to be rather left to theologians while the ruler was to be the guarantor of the state's stability and, as such, was entitled to sign treaties with religious dissenters, which

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146   B. Keckermann, *Systema disciplinae politica publicis praelectionibus anno MDCVI propositum…*, Hanoviae 1608, p. 397, quoted from D. Facca, op. cit., p. 240, footnote 65.

147   D. Facca, op. cit., p. 237–247.

148   B. Keckermann, op. cit., p. 519, quoted from D. Facca, op. cit., p. 249, footnote 89.

he was supposed to respect. In this regard, Keckermann relied on the work of the Catholic theologian Johannes Vermeulen (Molanus) and his treatise *De fide haereticis servanda*, which was published in 1584.[149]

Keckermann believed that each member of a political community was supposed to lead a decent life and cultivate moral virtues, which – to him – differed markedly from religion. In contrast with Jesuit philosophers, he renounced the view that the state, as a political community, constituted itself and continued to exist due to the cultivation of religious virtues on the part of its members. The Jesuit interpretation, despite acknowledging religious peace as the foundation of the state's strength, boiled down in practice to the affirmation of the Catholic confessional state, which obviously ran counter to Keckermann's Calvinist perspective. To oppose the Jesuit argument, Keckermann very aptly observed that the political map of Europe at that time featured countries that, despite their denominational diversity, were forces to be reckoned with, such as Venice and Poland. Even in the regions of Europe, such as Heidelberg or Geneva, where authorities attempted to impose religious principles upon social life, such control did not constitute a decisive factor as far as their political status was concerned. The state's duty was to condition its subjects to become honest and prudent people, not necessarily to be pious, which Keckermann, relying on the already-mentioned Daneau, emphasised[150].

These views were formulated by Keckermann, a Heidelberg-educated scholar working in Royal Prussia, who was a staunch Reformed Protestant in an era of victorious confessionalism, which – after the Reformation, the Counter-Reformation, and the Second Reformation – divided the continent into three rival blocs: Lutheran, Catholic, and Reformed Protestant[151]. Confessionalization processes were contingent upon, among other things, very close cooperation between state and Church authorities; this rule seemed to dominate at the end of the sixteenth century and for that reason alone it is worth discussing the work of theoreticians that offered a countervision, such as Keckermann and Daneau.

Interestingly, Catholicism also provided significant stimuli for the development of both Church-state relations and the right of resistance. In addition, the issues of freedom of conscience and the subordination of the faithful to the papacy generated a long-term controversy. As early as the fifteenth century, Juan de Torquemada (Turrecremata) claimed that a Catholic ought to comply

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149   D. Facca, op. cit., p. 248–253.

150   Ibidem, p. 232–233.

151   G. Murdock, "The Importance of Being Josiah. An Image of Calvinist Identity", *Sixteenth Century Journal* 29, 1998, 4, p. 1043–1059.

with the papacy only on matters that fall within the remit of papal infallibility. As a result, papal decrees that were in stark contrast with the Bible or with the articles of faith were not to be obeyed[152]. This in fact meant that obedience to papal authority remained an issue of one's conscience rather than strict regulation, which was endorsed by Robert Bellarmine in *Tractatus de potestate summi pontificis in rebus temporalibus, adversus Guilelmum Barclaium* (Coloniae Agrippinae/Cologne, 1610), where he argued in favour of the resistance to papal decisions as long as the lack of obedience was practised in defence of the salvation of the soul or for the sake of the state of the Church. Interestingly, Bellarmine's arguments were still in circulation in the nineteenth century; Cardinal John Newman drew on his reasoning while discussing the political rights of English Catholics[153].

The above-mentioned School of Salamanca, also known as the Spanish School (of the Law of Nations), constitutes a particularly interesting case among the creators of the Catholic doctrine of the right of resistance. Created in the sixteenth century, this strand of political theology aimed to endorse the Universalist political theory that was questioned by the Reformation, and to look for an ideology that would justify the political particularism of nation states coming into existence in the sixteenth century[154]. Fighting against the opinions of the so-called "politicians", symbolised by Niccolò Machiavelli and proponents of the unlimited royal power, was especially popular with advocates of the ideology in question. Problems posed by Machiavelli and Bodin were researched by numerous Spanish intellectuals, among whom the most widely known was Francisco Suárez, who discussed among others the situation of the Catholics in England, and who questioned the favourite theory of James I Stuart, known as "the divine right of kings"[155].

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152 J. de Turrecremata, *Summa de ecclesia. The Authority of the Church: Annotated Text and Commentary*, ed. W. E. Maguire, Washington 1957, Catholic University of America Studies in Sacred Theology, ser. 2, no. 102. Cf. K. Schatz, op. cit., p. 198–204.

153 J. H. Newman, *List do Księcia Norfolk o sumieniu*, trans. A. Muranty, Bydgoszcz 2000, p. 37–38.

154 J. Grobis, "Dezyderat czy warunek? Formułowanie teoretycznych podstaw 'równowagi sił' czasów nowożytnych", *Przegląd Nauk Historycznych* 2, 2003, 2, p. 2–65.

155 F. Suárez, *Defensio fidei catholicae et apostolicae adversus anglicanae sectae errores, cum responsione ad apologiam pro juramento fidelitatis et praefationem monitoriam Jacobi Magnae Britanniae regis*, Coloniae Agrippinae 1614; Q. Skinner, op. cit., p. 177–178

However, Juan de Mariana caused far greater controversy back in the sixteenth century. Credited with the doctrine of "Tyranomachia", this Jesuit historian was a student of Diego Laínez, an adversary of Machiavelli and a Tacitist. In his treatise *De rege et regis institutione*, he argued that a ruler was considered "good" as long as his reign secured the welfare of "the people", even if the sovereign himself had to resort to trickery and deception to do so. Mariana also addressed the question of tyrannicide and condoned it under very specific conditions. Furthermore, concentrating on the lot of the English Catholics, he arrived at a conclusion that was analogous to the views of the Protestant Monarchomachs on the sovereignty of "the people". To him, subjects had a right to castigate tyrannical rulers (i.e., Protestant monarchs) through the intermediary of representatives, to renounce obedience to a tyrant, or even to kill a ruler that imposed a "heretical" confession on them[156]. Correspondingly, similar views on the right of Catholic resistance to Protestant monarchs were expressed by French theoreticians affiliated with the Catholic League, including Guillaume Rose and Jean Boucher[157].

It would be a gross simplification, however, if one regards the thought of Catholic Monarchomachs as just the flip side of the Protestant ideology on the right of resistance. Regardless of denominational divisions, the theses posited by advocates of the right of resistance offended entrenched views on the status of royal authority. Thus, the Monarchomachs became the focal point of attacks by advocates of strong central power, who – like Jean Bodin – favoured the sovereignty of monarchy (regardless of its denomination) over the sovereignty of "the people". In *Les six livres de la republique* (1576), Bodin clearly if indirectly criticised the thought of Hotman and Beza[158]. In the era of wars of religion in France, the concepts of Bodin (who in 1571 started his service with the leader of "the politicians", Duke François d'Alançon) were most probably representative of a wider group of lawyers in defence of the state's sovereignty and of a monarch limited only by divine law, natural law and the fundamental law of the Kingdom of France (*lex salica*). Interestingly, this concept evidently corresponded well

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156 J. de Mariana, *De rege et regis institutione libri III,* Toleti 1599; Q. Skinner, op. cit., p. 345–348; W. Buchner, *Wojna*, p. 155–156, 201–202.

157 Q. Skinner, op. cit., p. 345.

158 J. Bodin, *Sześć ksiąg o rzeczypospolitej*, trans. R. Bierzanek and others, introduction: Z. Izdebski, Warszawa 1958, p. 280–291.

with the belief taking shape at that time in England, according to which monarchy was founded upon the principle of the divine right of kings[159].

In *Les six livres de la republique,* religious themes are rather marginalised, which has often been interpreted as a means of supporting the idea of a monarchy that is not just sovereign but tolerant as well[160]. Bodin devoted *Colloquium Heptaplomeres de rerum sublimium arcanis abditis* (1593), his last work, published only in the nineteenth century, to relations between religions and denominations[161]. Through his *porte parole* – Diego Toralby – Bodin comes off as a deeply religious man but also as an advocate of *religio naturalis*[162] – that is, free of dogmatic and liturgical disputes. To Toralby/Bodin, alongside reason, people received from God a natural sense of religiousness that is grounded in the belief in the one and only Almighty that rules the world and the people, and provides those who have led their lives in accordance with the rules of inborn morality with eternal life[163].

One of the most widely known adversaries of the Monarchomachs was the above-mentioned William Barclay. This Scottish Catholic, who moved to France, was one of the most outstanding creators of the doctrine of the divine origins of royal authority in the sixteenth and seventeenth centuries. According to Barclay, only absolute obedience by lay and clerical subjects toward God-ordained monarchs guarantees the peace and safety of the state[164]. *Dei Gratia* rulers, whether hereditary or elective, are sovereign and as such are above the law (*legibus solutus*). "The people" had a right of resistance only with regard to usurpers and rulers who, like the Roman Emperor Nero, committed acts of murder or wreaked havoc inside their own country. Barclay believed that France was tasked with a dilemma of choosing between the absolute authority

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159   J. H. Franklin, *Jean Bodin ant the Rise of Absolutist Theory*, Cambridge 1973, p. 29–31; idem, *John Locke and the Theory of Sovereignty. Mixed Monarchy and the Right of Resistance in the Political Thought of the English Revolution*, Cambridge 1978, p. 3nn.

160   B. Szlachta, *Konstytucjonalizm*, p. 315nn.

161   J. Bodin, *Colloquium of the Seven About Secret of the Sublime*, translation with introduction, annotations, and critical readings M. L. Kunz, University Park, PA 2008 (2ⁿᵈ impression). For more on the recently questioned authorship see: N. Malcolm, "Jean Bodin and the Authorship of the Colloquium Heptaplomeres", *Journal of the Warburg and Courtauld Institutes* 69, 2006, p. 95–150.

162   M. L. Kunz, *Introduction*, [in:] J. Bodin, *Colloquium of the Seven*, p. XXIX–XLVI.

163   Z. Ogonowski, *Socynianizm a oświecenie. Studia nad myślą filozoficzno-religijną arian w Polsce XVII wieku*, Warszawa 1966, p. 346–350.

164   G. Barclay, *De regno et regali potestate adversus Buchananum, Brutum, Boucherium et reliquos Monarchomachos libri sex,* Parisiis 1600.

of kings or the Estates-General; he denounced any form of *monarchia mixta*. Consequently, upholding the French tradition, he stated that ecclesiastical authority was in no position to influence the decisions of secular powers. Therefore, he fought against early modern "papalism" as well as Bellarmine's views on the papal prerogatives[165].

The latter half of the sixteenth century also saw the emergence of the tendency to broaden the interpretation of the principle of *inspectio ecclesiae*, a practice that evolved toward the subordination of Church authorities to the secular state, which was in agreement with Zwingli's thought. This propensity became most prominent in England, where it was known as Erastianism, the term coined after the surname of the Swiss theologian, physician and sworn enemy of alchemists,[166] Thomas Lüber (Erastus), who was active in Heidelberg and Basel. His 1589 treatise had a considerable impact on Anglican theologians and constituted an important reference point in scholarly debates on the issue of Church-state relations as late as the latter part of the seventeenth century.[167] Erastus was opposed to the division of the Church and state authorities, believing that the former ought to be subordinate to the latter. He advocated the notion that the clergy's mission was limited to the dissemination of the Gospel and, for that reason, ecclesiastics were not authorised to penalise the laity through ecclesiastic courts. His concept was popular with Dutch and English Arminians; it is also to be found in the works of Althusius[168].

165   G. Barclay, *De potestate papae, an et quatenus in reges et principes saeculares jus et imperium habeat*, Parisiis 1607; for an overview of opinions on the issue see: B. Szlachta, *Konstytucjonalizm*, p. 467–470.

166   He was the author who severely criticised the alchemy of *Explicatio quaestionis famosae illius, utrum ex metallis ignobilis aurum verum et naturale arte constari possit*, Basileae 1572, see D. Facca, op. cit., p. 165.

167   T. Erastus, *Explicatio gravissimae quaestionis, utrum excommunicatio, quatenus religionem intelligentes et amplexantes, a sacramentorum usu, propter admissum facinus arcet, mandato nitatur divino, an excogitata sit ab hominibus*, Peselavii [London] 1589; see J. Wayne-Baker, *Erastianism in England. The Zürich connection*, [in:] *Die Zürcher Reformation. Austrahlungen und Rückwirkungen. Wissenschaftliche Tagung zum hundertjährigen Bestehen des Zwinglivereins 29. Oktober bis 2. November 1997*, hrsg. A. Schindler, H. Stickelberger, M. Sallmann, Bern 2001, p. 327–349; for the overview of Erastus' political theory see R. Wesel-Roth, *Thomas Erastus. Ein Beitrag zur Geschichte der reformierten Kirche und zur Lehre von der Staatssouveränität*, Lahr-Baden 1954.

168   B. Szlachta, *Konstytucjonalizm*, p. 195–196.

In contrast with England, in continental Europe the dominance of the state over Protestant Churches did not manifest itself in such overt forms, though even there influential champions of Erastus come to the fore, such as Bern-based Wolfgang Musculus, who in 1560 published a theology manual. There, he stated that secular authorities were obliged to administer Church assets, to employ pastors, to ensure discipline and to implement decisions made by Church authorities. In the latter part of the sixteenth century these principles were used to build the foundation for the practical domination of state authorities over Protestant churches[169].

The late-Humanist tendency to raise the importance of secular authorities in relation to the ecclesiastical ones was emphasised by the historian, philologist, and creator of the "neo-Stoic" political doctrine Justus Lipsius (Joost Lips)[170], who drew on the idea of the raison d'état derived from the works of Niccolò Machiavelli and Francesco Guicciardini. The very term "raison d'état" ought to be understood here as a drive towards the optimisation of the political decision depending on external circumstances; it comes from a treatise by Guicciardini entitled *Dialogo del reggimento di Firenze*, which stipulated that the rulers should act in accordance with the raison d'état and for the sake of its welfare[171]. The essence of the raison d'état is thus fluid and can easily run counter to moral or religious principles, which accounts for the reluctance, not just within Catholic circles, to Machiavelli's concept, which Spaniard Pedro de Ribadeneira attempted to modify so as to make it compatible with

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169 W. Musculus, *Loci communes in usos sacrae theologiae candidatorum parati*, Basileae 1560; J. T. Ford, *Wolfgang Musculus and the Office of the Christian Magistrate*, ARG 91, 2000, p. 149–167.

170 For more on the popularity of Lipsius in the seventeenth century see G. Oestreich, *Geist und Gestalt des Frühmodernen Staates*, Berlin 1969, p. 37–38; M. Stolleis, "Lipsius-Rezeption in der politisch-juristischen Literatur des 17. Jahrhunderts in Deutschland", [in:] idem, *Staat und Staatsräson in der frühen Neuzeit. Studien zur Geschichte des öffentlichen Rechts*, Frankfurt a.M. 1990, p. 232–267; A. Grafton, "Portrait of Justus Lipsius", *American Scholar* 56, 1987, 3, p. 382–390; M. E. H. N. Mout, "Heilige Lipsius, bid voor ons", *Tijdschrift voor Geschiedenis* 97, 1984, p. 195–206; eadem, "Die politische Theorie in der Bildung der Eliten. Die Lipsius-Rezeption in Böhmen und in Ungarn", [in:] *Ständefreiheit und Staatsgestaltung in Ostmitteleuropa. Übernationale Gemeinsamkeiten in der politischen Kultur vom 16.–18. Jahrhundert,* hrsg. J. Bahlcke, H.-J. Bömelburg, N. Kersken, Leipzig 1996, p. 243–264.

171 F. Meinecke, *Die Idee der Staatsräson in der neueren Geschichte*, Berlin-München 1929, p. 2.

Christianity[172]. This task was eventually successfully carried out by Giovanni Botero, an advisor to Charles Borromeo, who worked out a Catholic version of the raison d'état[173]. It dominated Catholic political thought until the end of the seventeenth century and, due to research on Tacitus conducted by Lipsius and Neapolitan Scipione Ammirato, it existed under the guise of so-called Tacitism, i.e., Christian political stoicism[174].

Commentary on Tacitus was typically connected with reflection on political prudence (*prudentia politica*). This is one of the most important problems discussed in *Politicorum sive civilis doctrinae*[175], the most seminal of Lipsius' political works. Published in Leiden in 1589 and subsequently translated into numerous languages, the treatise quickly became a staple neo-Stoic reference book for rulers[176], reaching approximately 90 editions by the mid-eighteenth century. It is a multi-layered, precisely written, and logically executed book that discusses, among other things, Church-state relations (*prudentia in rebus divinis*), and that uses as its point of departure the real order of authority along with the thesis that that authority is deprived of *ius in sacra*. As a result, it cannot decide on matters of dogma, though it holds a right of supervision over the Church, i.e., *inspectio*

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172 R. Bireley, *The Counter-Reformation Prince. Anti-Machiavellanism or Catholic statecraft in early-modern Europe*, Chapell Hill-London 1990, p. 111–135.

173 G. Botero, *De regia sapientia libri tres, quibus ratio Reipub. bene foeliciterque administrandae continentur*, Mediolani 1583; S. Bielański, *Giovanni Botero. Historyk i pisarz polityczny epoki kontrreformacji*, Kraków 1995, p. 129–157; S. Obirek, "Antymakiawelizm jezuicki", [in:] *Jezuicka ars educandi. Prace ofiarowane Profesorowi Ludwikowi Piechnikowi SJ,* ed. L. Grzebień, J. Paszenda, S. Witkowski, Kraków 1995, p. 149–154.

174 F. Meinecke, *Machiavellism*, London 1957, p. 67; M. Stolleis, "Friedrich Meineckes' Die Idee der Staatsräson' und die neue Forschung", [in:] idem, *Staat und Staatsräson*, p. 134–164; H. Lutz, *Ratione di stato und christliche Staatslehre im 16. Jahrhundert*, Münster 1961, Chpt II: „Staatsräson und christliche Staatsethik"; M. van Gelderen, "The Machiavellian Moment and the Dutch Revolt", [in:] *Machiavelli and Republicanism,* ed. G. Bock, Q. Skinner, M. Viroli, Cambridge 1990, p. 205–223.

175 J. Lipsius, *Politicorum sive de civilis doctrinae libri sex, qui ad principatum maxime spectant*, Lugduni Batavorum 1589; E. Lasocińska, "Politicorum sive Civilis doctrinae libri sex Justusa Lipsjusza – kilka uwag o przekładzie Pawła Szczerbica", [in:] *"Wszystko tu najdzie, co wy macie w głowie". Świat prozy staropolskiej*, ed. E. Lasocińska, A. Czechowicz, Studia Staropolskie, Series Nova, vol. XVIII (LXXIV), Warszawa 2008, p. 182, footnote 2.

176 G. Oestreich, *Antiker Geist und moderner Staat bei Justus Lipsius, 1547–1606. Der Neostoizismus als politische Bewegung*, hrsg. N. Mout, Göttingen 1989, p. 106–147; R. Bireley, op. cit., p. 72–100.

in sacra[177], from which stemmed a conclusion that a well structured state ought to legitimate the worship of only one denomination – the established religion: "Ergo firmiter haec nostra sententia est, unam religionem in uno regno servari. […] In regno, inquam, bono et composito, et quale formamus atque optamus."[178] Arguments put forward by advocates of equality, who pointed out the stability and welfare of multidenominational countries, did not convince Lipsius, who deemed the security of such states provisional: "Postremum de Polonis aut Transsilvanis non me movet. Infida profecto illa quies est, et videmus quem in omni occasione, ut in comitiis aut electione regis, inter se dividentur, imo in se armentur. Continentur tamen prudentia et autoritate paucorum capitum, quae ubi desierint, vereor ut desinat illa."[179]

This did not, however, lead Lipsius to champion the necessity of eliminating the practitioners and advocates of non-established religions. He divided religious dissenters into two categories: "Ut rem intelligas, duo genere eorum facio, qui in religione peccant: qui publice et qui privatim. Publice peccare dico, qui et ipsi male dedeo receptisque sacris sentiunt, et alios ad sentiendum per turbas impellunt. Privatim, qui pariter male sentiunt, sed sibi."[180] He went on to elucidate that, for the sake of the state, punishment ought to be meted out to those who „publice peccant" (religious dissenters demanding freedom of public worship). In such a case, authorities ought to act reasonably: "Non enim quoscunque in religione errantes puniri velim (tu ubique confundis et objicis) sed hos peccantes. Qui ergo turbatores isti sunt? Meo judicio duplices. Nam hoc quoque discrimino ad poenarum discrimen. Priores qui palam contra leges, contra magistratus, novam religionem invehunt, docendo, scribendo, coetus colligendo. Alteri, qui non tam novam religionem invehunt, quam produnt, et receptam quoque per disputatiunculas et argutias in publico novellunt."[181] Only dissenters who actively resisted authority, rebelled and posed a threat to the state, were to be treated with absolute seriousness. Drawing on Cicero, Lipsius came to the conclusion that such dissenters were to be dealt with mercilessly; they were to be eliminated for the sake of the state: "Clementiae non hic locus. Ure, seca, ut membrorum potius aliquod, quam totum corpus intereat."[182]

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177   J. Lipsius, *Politicorum*, hrsg. W. Weber, Hildesheim-Zürich-N. York 1998 (reprint of Francofurti et Lipsiae 1704), lib. IV, cap. II.
178   Ibidem, p. 259.
179   Ibidem, p. 251.
180   Ibidem, p. 263.
181   Ibidem, p. 265.
182   Ibidem, p. 266.

These suggestions made Lipsius, in the eyes of later commentators, an ideologue of intolerance. It took Peter Schröder to state recently that "a closer look at, for example, Jean Bodin and Justus Lipsius reveals that the obvious outcome of this traditional position was not by any means the enforcement of religious homogeneity through coercion in the interest of a peaceful society."[183] Although views held by Lipsius were close to those of Erasmus, as expressed in his advice given to Johann Faber in 1526 (to his students, Lipsius was a philosophical successor of Erasmus)[184], it is Erasmus that has been regarded since the Enlightenment as the paragon of tolerance, while Lipsius has been considered the adversary of tolerance[185]. It is no wonder that, today, Lipsius' rival and an epigone of both Erasmus and Castellio, namely Dirck Volckertszoon Coornhert[186], enjoys far greater popularity.

Initially, their disagreement was private in nature. After the publication of *Politicorum sive Civilis doctrinae libri sex* in 1589, the two exchanged correspondence. Coornhert criticised Lipsius, claiming that it would beneficial for there to be one established religion, but since it was uncertain which religion was in fact

183   P. Schröder, Thomas Hobbes: Christian Thomasius and the Seventeenth-century Debate on the Church and State, *History of European Ideas* 23, 1997, 2–4, p. 59–79; see also G. Abel, *Stoizismus und Frühe Neuzeit. Zur Entstehungsgeschichte modernen Denkens im Felde von Ethik und Politik*, Berlin 1978, p. 90–92; M. Mulsow, "Mehrfachkonversion, politische Religion und Opportunismus im 17. Jahrhundert. Ein Plädoyer für eine Indifferentismusforschung", [in:] *Interkonfessionalität-Transkonfessionalität-binnenkonfessionelle Pluralität*, p. 132–150.

184   S. Żurowski, "Reflections on the Pitti Friendship Portrait of Rubens. In Praise of Lipsius and Remembrance of Erasmus", *Sixteenth Century Journal* 23, 1992, 2, p. 727–753.

185   Z. Ogonowski, *Filozofia polityczna w Polsce w XVII w. i tradycje demokracji europejskiej*, Warszawa 1992, p. 103–105; for a simplified overview of Lipsius' views see S. Kot, "Stosunki Polaków z Uniwersytetem Lozańskim (w 500 rocznicę otwarcia Uniwersytetu Lowańskiego)", [in:] idem, *Polska złotego wieku a Europa. Studia i szkice*, publisher: H. Barycz, Warszawa 1987, p. 551.

186   D. V. Coornhert, *Proces vant ketterdoden ende dwang der conscientien tusschen Iustum Lipsium, schryver van de Politien Anno 1589*, Ter Goude 1590; J. Lipsius, *Adversus dialogistam liber de una religione, in quo III capita libri IV Politicorum explicantur*, Lugduni Batavorum 1590. For the dispute see B. Becker, *Bronnen tot de kennis van het leven en de werken van D. V. Coornhert*, s' – Gravenhage 1928; J. D. Tracy, "Erasmus, Coornhert and the Acceptance of Religious Disunity in the Body Politic. A Low Country Tradition?" [in:] *The Emergence of Tolerance in the Duch Republic*, ed. Ch. Berkvens-Stevelinck, J. Israel, H. Posthumus Meyjes, Leiden 1997, p. 49–62; J. Israel, *The Intellectual Debate about Toleration in the Dutch Republic*, ibidem, p. 3–36.

the genuine one, such an idea ought not be propagated. Besides, persecution of dissenters was not only immoral but fruitless – freedom of conscience is a right of everybody, not just of rulers and judges. In this respect, he demanded the separation of Church and state, the latter of which should be the neutral arbiter in denominational disputes. By contrast, Lipsius upheld the idea of a "state religion" and explained that only rebellious dissenters were to be punished, while "ure, seca" (the phrase that so deeply offended Coornhert) was just an allegory. At this juncture, the two polemicists made their views more precise. They both supported the separation of Church and state, though Lipsius deemed the ruler a protector of the chosen denomination and not a neutral arbiter, as Coornhert did. In the face of the popularity of Lipsius' ideas, Coornhert opted to make their discussion public, and in 1590 he published *Proces van 't ketter-dooden*, where he not only revised his arguments in favour of freedom of conscience and the separation of Church and state, but he also accused Lipsius of acting on behalf of Spain and of urging rulers of the United Provinces (*Verenigde Provinciën*) to renounce the policy of tolerance, the consequence of which could potentially lead to the Inquisition being set up there[187].

Confronted with such dangerous accusations, Lipsius replied in 1590 with *De una religione adversus dialogistam liber. In quo tria capita libri quarti Politicorum explicantur*, which proved to be an important update on earlier theses that attracted considerable attention (as evidenced by the republication of both works in Antwerp in 1610)[188]. In spite of its hard-hitting tone, Lipsius' polemical work does not equal Coornhert's treatise in terms of its scathing fierceness; its central thesis can be summarised as follows: Church-state relations constitute such a sensitive issue that they should not be the object of public debate. The author states that political authority is incompetent with regard to matters of religion; its primary objective is to act preemptively so as to prevent riots and, for that reason, authorities ought to endorse one denomination. However, nowhere in his works did Lipsius specify which of the Christian denominations was the most "pro-state"[189]. Furthermore, in contrast with Coornhert, Lipsius did not imagine the practical application of religious liberty and regarded all historical arguments as incidental. To Lipsius, religious

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187 G. Voogt, "Primacy of Individual Conscience or Primacy of the State? The Clash Between Dirck Volckertsz. Coornhert and Justus Lipsius", *Sixteenth Century Journal* 28, 1997, 4, p. 1231–1249.

188 Ibidem, p. 1244.

189 G. Güldner, *Das Toleranz-Problem in den Niederlanden im Ausgang des 16. Jahrhunderts*, Lübeck-Hamburg 1968, p. 110, Historische Studien, 403.

equality and the separation of Church and state would destroy the very foundation of ecclesiastical organisations and would lead to the kind of anarchy and havoc that the Anabaptists had wreaked in Münster[190].

On 31 January 1591 The States of Holland and West Frisia banned further publications on the matter, perhaps having realised that Lipsius was right and that such topics ought not to be discussed publicly. Despite that, the very same year Lipsius left the Cathedral of Leiden, abandoned Protestantism, and started work at the Catholic University of Leuven, by doing which he gave credence to at least some of the accusations directed at him. Eventually, the dispute between these two Humanists was won not by the Erasmian Coornhert but by the Tacitist Lipsius, who went down in history as a creator of the standard for interdenominational relations based on a realist evaluation of the external world and recognition of the raison d'état, which dominated the seventeenth-century political practice: "Duldung erschien als ein Gebot der Staatskunst zur Wahrung der politischen Einheit, nich als eine Erfüllung des gedankes religiöser Freiheit der einzelnen."[191]

As the research of Gerhard Oestreich and Martin van Gelderen has shown, Lipsius postulated the strengthening of the state with a view toward realising its primary objective – preserving and facilitating *bonum publicum*. And since Lipsius was convinced that religious homogeneity was conducive to the resilience of the state, he recommended the prohibition of public worship by members of minority denominations and the introduction of strict measures for its supervision. At the same time, he remained a proponent of state-guaranteed freedom of denomination and was conscience all along of the right of private worship. In addition, he did not condone the persecution of loyal dissenters and recommended repression only if they posed a real threat to the state[192]. In the seventeenth century, the views that Lipsius espoused were to be found on both sides

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190   G. Voogt, op. cit., p. 1244–1246; G. Güldner, op. cit., p. 91–118.

191   U. Scheuner, "Staatsräson und Religionseinheit des Staates. Zur Religionspolitik in Deutschland im Zeitalter der Glaubensspaltung", [in:] *Staatsräson. Studien zur Geschichte eines politischen Begriffs*, hrsg. R. Schnur, Berlin 1975, p. 367; G. Güldner, op. cit., p. 147–158.

192   G. Oestreich, *Antiker Geist und moderner Staat bei Justus Lipsius (1547–1606). Der Neostoizismus als politische Bewegung*, hrsg. M. E. H. N. Mout, Göttingen 1989, p. 127–130, 170–179, Schriftenreihe der Historischen Kommission bei der Bayerischen Akademie der Wissenschaften, Bd. 38; M. van Gelderen, *Holland und das Preussentum. Justus Lipsius zwischen niederländischen Aufstand und brandenburg-preussischem Absolutismus*, ZHF 23, 1996, 1, p. 29–56.

of the theological fence: they were shared by, among others, the Lutheran Johann Gerhard and the Jesuit Martin Becanus, who was an influential advisor to Ferdinand II Habsburg; the writings of Lipsius were also highly popular in Spain[193]. In practice, the realpolitik of limited toleration of dissenters in the name of the raison d'état was advocated and carried out by many outstanding Catholic politicians, including the most iconic of them all – Cardinal Richelieu[194].

The attractiveness of Lipsius' political theory is also explained by the practical origins of many of its key elements, a case in point being the above-mentioned typology of two types of dissenters: benign/harmless („qui peccant privatim") and malignant/harmful to the state („qui publice peccant"), which constitutes a clear reference to the division between „exercitium religionis publicum" (public worship) and „exercitium religionis privatum" (private worship). This classification was first introduced by Jean Bodin and put into practice in Austria on the basis of Maximilian II's declarations dated 1568 and 1571. In the seventeenth century, while "exercitium religionis publicum" became the prerogative of the sovereigns of the Holy Roman Emperor on a par with *ius reformandi*, "exercitium religionis privatum" became a privilege for the dissenters that signified a higher level of tolerance than "standard" *ius emigrandi*[195].

Neo-Stoicism began to play a dominant role in seventeenth-century European political thought (both Catholic and Protestant), despite the fact that, at the end of the sixteenth century, *Politicorum sive Civilis doctrinae* was included in the *Index librorum prohibitorum* as a book that postulated the dominance of secular authority over the Church and of tolerance of non-Catholics, which in practice implied the acceptance of post-Reformation religious diversity[196]. However, from the standpoint of politicians, a close relationship between the concept of raison d'état and the reality of political life seemed to guarantee

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193 S. Obirek, *Jezuici w Rzeczypospolitej Obojga Narodów w latach 1564–1668. Działalność religijna, społeczno-kulturalna i polityczna*, Kraków 1996, p. 129–130; R. Skowron, "Spory o rację stanu. Antymakiawelizm w Polsce i w Hiszpanii w XVI i XVII wieku", [in:] *Spory o państwo w dobie nowożytnej. Między racją stanu a partykularyzmem*, ed. Z. Anusik, Łódź 2007, p. 348n.; J. Leclerc, op. cit., vol. 1, p. 301–311.

194 W. J. Stankiewicz, op. cit., p. 112–128; see H. Butterfield, "Toleration in Early Modern Times", *Journal of the History of Ideas* 38, 1977, 4, p. 573–584.

195 W. Grossman, "Toleration – exercitium religionis privatum", *Journal of the History of Ideas* 40, 1979, p. 129–144.

196 P. Burke, op. cit., p. 494; R. Biereley, *The Counter-reformation Prince. Anti-Machiavellianism or Catholic Statecraft in Early Modern Europe*, Chapel Hill-London 1990, p. 91.

the efficiency of projects aimed at streamlining interdenominational relations. Political neo-Stoicism also became an element of the ideology behind confessionalization processes. The politics of religious homogeneity and the strengthening of the central authority (the aim of which was to rationalise politics) are some of the *loci communes* of the proponents of confessionalization and the concept of raison d'état. To seventeenth-century Italian, Spanish and German students and followers of Lipsius, while religious divisions constituted one of the primary causes of political crises, religious unity was construed as the raison d'état and the foundation for the state's strength[197]. The attitude to dissenters was a political issue, not a religious matter, and *bonum publicum* justified a great deal in the course of ensuring the loyalty of dissident subjects. In practice, the difference between necessary limitations and persecution, in particular from the point of view of religious minorities, posed – and still frequently poses – great difficulty[198].

Lipsius' views were of decisive importance in the further development, and later the practice, of theories of Church-state relations and relations between the state and its religiously diverse subjects. A few decades later, in 1603, Johannes Althusius, a syndic from Frisian Emden, published a work devoted to politics, in which he directly argued in favour of the principle of popular sovereignty[199]. Otto von Gierke deemed it an intellectual bridge "zwischen der Lehre der sogenannten Monarchomachen und der welterschütternden Theorie des Contrat social"[200]. An even more illustrious figure – Hugo Grotius (Huig de Groot) – wrote a treatise in 1618 entitled *De imperio summarum potestatum circa sacra*, which was not published until 1647. Grotius argued that public religious worship ought to be regulated by the state; private religious convictions were exempt from such denominational control[201]. In the seventeenth century, Lipsius was also referenced

197 M. Behnen, "Arcana – haec sunt ratio status". *Ragion di stato und Staatsräson. Problemen und Perspektiven (1589–1651)*, *Zeitschrift für Historische Forschung* 14, 1987, 2, p. 129–195.

198 R. Biereley, op. cit., p. 60–63.

199 J. Althusius, *Politica methodice digesta et exemplis sacris et profanis illustrata*, Herbornii 1607; idem, *Politik*, übers. H. Janssen, hrsg. D. Wyduckel, Berlin 2003.

200 O. von Gierke, *Johannes Althusius und die Entwicklung der naturrechtlichen Staatstheorien. Zugleich ein Beitrag zur Geschichte der Rechtsystematik*, Breslau 1913, p. 9; cf. S. Bildheim, op. cit., p. 63–84.

201 H.-J. van Damm, "De imperio summarum potestatum circa sacra", [in:] *Hugo Grotius theologian. Essays in honour of G. H. M. Posthumus Meyjes*, ed. H. J. M. Nellen, E. Rabbie, Leiden 1994, p. 19–39

by "German Monarchomachs", who linked the acceptance of his interpretation of *bonum publicum* with the idea of popular sovereignty[202].

Obviously, the practical realisation of Lipsius' concepts was applicable only where a strong central authority prevailed, while "free" countries (for instance, decentralised ones) were less receptive to the ideas of the Flemish Humanist. The Republic of the Seven United Provinces, along with the Commonwealth of Poland, were countries, as Olaf Mörke noted, where efficient confessionalization was impeded or impossible[203]. In spite of that, at the end of the seventeenth century, acting on the contention that religious dissenters posed a veritable threat to the state in France and in Poland, authorities undertook a programme to curtail the rights of non-Catholics in the name of the raison d'état. Understandably, Lipsius' ideas reached England and influenced Thomas Hobbes, whose theory of civil government remains the most widely known solution to the dilemma of state-Church-subjects relations. Hobbes legitimated the state as a sovereign instance that made decisions with a view toward preserving peace and securing public safety. The state's goals are thus clearly separated from the Church's goals: the state was supposed to take care of the security (welfare), and not the salvation, of its subjects[204]. Finally, in Holland, during the era of "real liberty", Republican ideology gave rise to new political ideas, which – through the concepts of brothers Johan and Pieter de la Court as well as the works of Baruch Spinoza – deprived the ecclesiastical powers of jurisdiction and the right of supervision over public opinion[205]. It was also in Holland that John Locke worked on the idea of the separation of Church and state as the definitive remedy for permanent conflict between the authority and subjects of diverse persuasions. Started in 1555, the process of separating the influence of the state and of the Church with regard to religious freedom was drawn-out and fraught with numerous difficulties, but "in the face of absolute

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202 M. Stolleis, op. cit., p. 232–267; H. Dreitzel, op. cit., p. 82–84, 529–546.

203 O. Mörke, "'Konfessionalisierung' als politisch-soziales Strukturprinzip? Das Verhältnis von Religion und Staatsbildung in der Republik der Vereinigten Niederlande im 16. und 17. Jahrhundert", *Tijdschrift voor Sociale Geschiedenis* 16, 1990, 1, p. 31–60; idem, "Die politische Bedeutung des Konfessionellen im Deutschen Reich und in der Republik der Vereinigten Niederlande oder: War die Konfessionalisierung ein 'Fundamentalvorgang'", [in:] *Der Absolutismus – ein Mythos? Strukturwandel monarchischer Herrschaft in West- und Mitteleuropa (ca. 1550–1700)*, hrsg. R. G. Asch, H. Duchhardt, Köln 1996, p. 125–164.

204 E.-W. Böckenförde, op. cit., p. 113–115.

205 N. Malcom, "Hobbes and Spinoza", [in:] *Cambridge History*, p. 547–550.

demands of all the disputing factions, religious freedom became practicable only through the systemic reforms of the state and through the non-negotiable decisions of the political authorities. It was only in the nineteenth century that religious freedom became a right in its own way – legally guaranteed and actively upheld by the state."[206]

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206   E.-W. Böckenförde, op. cit., p. 51.

Part III: Religious Relations in Western European Federal States

Chapter 1: The Holy Roman Empire

In the seventeenth century, in particular after 1648, the Holy Roman Empire was popularly regarded as a monster; in 1667, Samuel Pufendorf described it as "irregulare aliquod corpus et monstro simile"[1]. It was a state with no shape, no borders, no tax or customs system, and no uniform laws, for its courts drew on canon law, Roman law, Saxon law, local law and custom[2]. To say that the Reformation influenced the decentralisation of the Empire would be stating the obvious[3]. It is equally obvious to state that it would be an oversimplification to view the German Reformation in political terms; nonetheless, for the sake of the present study, it is precisely this perspective that needs to be adopted. According to Thomas A. Brady, "[t]he Protestant Reformation, which created a situation of religious plurality in many societies, did not directly promote religious toleration, but it did weaken rulers' will to persecute dissenters with the law's full rigor and to kill them"[4]. It was the Holy Roman Empire that hammered out the idea of the separation of secular and spiritual power, while preserving the principle of the divine origin of state power[5].

At this stage, it is worth pointing out the contradictions that characterize religious relations in the Empire at the turn of the fifteenth and sixteenth centuries. On the one hand, social forms of religiosity develop: pilgrimages, processions, Rosary sessions[6]. On the other, disapproval of the clergy, perhaps even

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1   S. Pufendorf, *De statu imperii Germanici*, 1667, quoted from P. Schröder, "Thomas Hobbes, Christian Thomasius and the Seventeenth-century Debate on the Church and State", *History of European Ideas* 23, 1997, 2–4, p. 60.

2   R. Friedenthal, *Marcin Luter. Jego życie i czasy*, trans. C. Tarnogórski, Warszawa 1991, p. 111.

3   H. Schilling, "The Reformation and the Rise of the Early Modern State", [in:] *Luther and the Modern State in Germany*, ed. J. D. Tracy, Ann Arbor 1986, p. 21–30; cf. R. H. Murray, *The Political Consequences of the Reformation*, London 1926.

4   T. A. Brady Jr., "Architect of Persecution. Jacob Sturm and the Fall of the Sects at Strasbourg", [in:] idem, *Communities, policies and Reformation in early modern Europe*, Leiden 1998, p. 128, Studies in Medieval and Reformation Thought, vol. LXVIII.

5   P. Hinschius, *Staat und Kirche*, Freiburg i. B. 1883, p. 200.

6   See among others *Ecclesia et civitas. Kościół i życie religijne w mieście średniowiecznym*, ed. H. Manikowska, H. Zaremska, Warszawa 2002; H. Manikowska, *Jerozolima-Rzym-Compostela. Wielkie pielgrzymowanie u schyłku średniowiecza*, Wrocław 2008; for a unique interpretation of early modern religiousness see: J. Delumeau, *Strach w kulturze Zachodu XIV – XVIII w.*, trans. A. Szymanowski, Warszawa 1986, p. 202–213.

anti-clerical attitudes, can increasingly be seen[7]. In the contest between spiritual and secular power in the late Middle Ages, the latter was clearly gaining the upper hand. In 1504, Johannes Hug, Rector at Saint Stephen's in Strasburg, writes on Church-state relations in the Empire: "Conseruatur autem imperium per religionem. Unde dicit imperator rem publicam magis religionibus quisquam officijs et laboribus corporis contineri."[8] Papal authority was undermined as a result of the conflict between conciliarists and the Empire; it was with the Empire that many great minds of the era sided: William of Ockham, Marsilius of Padua, Dante Aligheri, Jan Hus. It was secular power, embodied by the Holy Roman Emperor Sigismund of Luxemburg, that ended "the great Western schism". Increasingly, it was secular authorities that solved problems previously under spiritual jurisdiction[9].

The case of Doctor Martin Luther of Wittenberg would turn out to be an example of such a victory of the profane over the traditionally understood *sacrum*. On 31 October 1517, Luther, an Augustinian monk and a theologian at the Wittenberg University, announced his 95 theses concerning indulgences[10]. Whether the Latin theses were nailed onto the Wittenberg church, or merely passed on to the spiritual authorities, is of secondary importance[11]. What is interesting, however, is the fact that this scholarly work rapidly gained popularity among a lay audience. Luther would later claim that posters with his theses were available all over Germany within two weeks[12]. Indeed, copies were circulated in

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7   The issue of late Mediaeval "anti-clericalism" has been widely discussed – see *Anticlericalism in Late Medieval and Early Modern Europe*, ed. P. A. Dykema, H. A. Oberman, Leiden 1993, Studies in Medieval and Reformation Thought, vol. LII; K. Schreiner, *Gab es im Mittelalter und in der frühen Neuzeit Antiklerikalismus? Von der Schwierigkeit, aus einen modernen Kampfbegriff eine Kategorie historischer Erkenntnis zu machen*, ZHF 21, 1994, p. 513–521. Undoubtedly, such attitudes contributed to the dissemination of the ideas of the Reformation, H.-J. Goertz, *Pfaffenhaß und groß Geschrei. Die reformatorischen Bewegungen in Deutschland 1517–1529*, München 1987.

8   J. Hug, *Quadrivium ecclesie Quatuor prelatorum officium Quibus omnis status tum Saecularis tum vero Ecclesiasticus subiicitur* [Strasbourg 1504], quoted from T. A. Brady, "In Search of the Godly City. The Domestication of Religion in the German Urban Reformation", [in:] idem, *Communities*, p. 170–171.

9   J. Delumeau, *Reformy chrześcijaństwa w XVI i XVII w. Narodziny i rozwój Reformy protestanckiej*, trans. J. M. Kłoczowski, Warszawa 1986, p. 28–31.

10 M. Luter, "Tezy", [in:] *Myśl filozoficzno-religijna reformacji XVI wieku*, edit. L. Szczucki, trans. I. Lichońska, Warszawa 1972, p. 11–22.

11 See: E. Iserloh, *Luthers Thesenanschlag – Tatsache oder Legende?*, Wiesbaden 1962.

12 R. Friedenthal, op. cit., p. 135.

Germany in the late autumn of 1517, and printed versions appeared outside the Holy Roman Empire as early as the beginnings of 1518. A translation into German was also being prepared, as those with less education also wished to be able to read the theses[13].

Why did Luther's act arouse so much interest, becoming a "media revolution"?[14] The dispute concerned a cardinal issue – Luther called into question the certainty of salvation gained as a result of indulgences. Political circumstances were no less important, however, simultaneously at the countrywide and local levels. Luther's speaking out against the Dominican Johann Tetzel's activity in the borderlands of Saxony and Brandenburg was interpreted as directed against Albrecht Hohenzollern[15]. The brother of the Elector of Brandenburg, Joachim I, Albrecht, had been made Archbishop of Magdeburg in 1513. He simultaneously became administrator of the Halberstadt diocese, which meant that – against the law of the Empire – he held two prominent church offices at the same time. Moreover, when he was elected Archbishop of Mainz in 1514, he refused to give up his power in the Magdeburg archdiocese and the diocese of Halberstadt[16].

What caused public indignation was that Albrecht Hohenzollern sought to preside over the electoral college of the Holy Roman Empire, a privilege tied to the office of the Archbishop of Mainz, by means of simony: his election by the Mainz chapter was influenced by his promise to pay 14,000 ducats owed to Rome not from the budget of the See, but from the pocket of the Hohenzollerns. This was no mean sum for a family not among the wealthiest in the Empire. There was also the sum of 10,000 ducats to be paid to Pope Leo X, who in return agreed to approve the election of Albrecht without mandating him to surrender other offices he held. These sums were borrowed from the Fugger family; the collateral for the loan was 50% of the income from the sales of indulgences in dioceses administered by Albrecht Hohenzollern and in Brandenburg. It was this

13 K. Honselmann, "Die Veröffentlichung der Ablassthesen Martin Luthers 1517", *Theologie und Glaube* 55, 1965, p. 1–23; cf. E. L. Eisenstein, *The Printing Press as an Agent of Change: Communications and Cultural Transformations in Early-modern Europe*, Cambridge 1979, vol. 1, p. 367–378.

14 J. Burkhardt, *Stulecie reformacji w Niemczech (1517–1617). Między rewolucją medialną a przełomem instytucjonalnym*, trans. J. Górny, Warszawa 2009, p. 21–129.

15 H. Volz, "Erzbischof Albrecht von Mainz und Martin Luthers 95 Thesen", *Jahrbuch der Hessischen Kirchengeschichtlichen Vereinigung* 13, 1962, p. 3–44.

16 F. Jürgensmeier, "Kurmainz", [in:] *Die Territorien des Reichs im Zeitalter der Reformation und Konfessionalisierung. Land und Konfession 1500–1650*, Bd. 4, hrsg. von A. Schindling, W. Ziegler, Münster 1992, p. 68–69.

sale of indulgences which incited Luther's protest. The Wettins Elector Frederick III the Wise and his cousin Prince George the Bearded, competing against the Hohenzollerns in the Empire, did not allow indulgences to be sold in Saxony. The Wettins had long disapproved of the sale of indulgences and of the Emperor collecting funds for the war against Turkey, since these led to a flow of cash away from Saxony and Thuringia. More important still was the political aspect: Holy Roman Emperor Maximilian I Habsburg was 58, and Elector Frederick III was often listed among possible successors[17].

Purely religious factors were likely not decisive in Frederick III's decision to become Luther's protector, since the elector was fond of traditional forms of devotion and did not become a Protestant until he was on his deathbed in 1525. But when in 1518, at the Imperial Diet in Augsburg, the Dominican general and Cardinal Tommaso de Vio (known as Gaetano, after Gaeta, his birthplace, or Cajetan), announced – as the papal nuncio – the elevation to cardinalate of Albrecht Hohenzollern and the costly project of an anti-Turkish crusade, the elector of Saxony became a key figure of the opposition. This opposition, in a programme presented by the bishop of Liège, Érard de la Marck, attacked the profit-driven fiscal policy of the Roman Curia and focused on "the *gravamina* of the Holy Roman Empire", demanding an end to abuses of power[18]. In practice, secular princes wished to liberate themselves from religious jurisdiction, while spiritual electors, who invoked the 1448 Concordat of Vienna, objected to and strove to eliminate the jurisdiction of papal nuncios over the Empire, in particular, the profitable granting of dispensations[19].

This casts light on the reasons behind the lenient treatment received by Luther in Augsburg in October 1518: the Roman Curia did not wish to antagonise his protector, one of the most powerful German rulers. When Cardinal de Vio condemned Luther after the latter had left Augsburg, Frederick III refused to acknowledge the decree; this meant extending official protection over Luther and denying the jurisdiction of spiritual authorities in the electorate of Saxony. Holy Roman Emperor Maximilian I died on 12 January 1519, and the Holy See decided that the Elector of Saxony's position in the imminent election was more

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17 M. Roesgen, *Kardinal Albrecht von Brandenburg. Ein Renaissancefürst auf dem Mainzer Bischofsthron*, Moers 1980, p. 11–34.

18 R. Friedenthal, op. cit., p. 181.

19 K. Schatz, *Prymat papieski od początków do współczesności*, trans. E. Marszał, J. Zakrzewski SJ, Kraków 2004, p. 204–206.

important that Luther's beliefs. Rumour had it that Leo X was prepared to make him a cardinal should Frederick III demand it[20].

On 28 June 1519, Frederick III cast his vote in favour of the Spanish monarch, Charles I Habsburg, opening the door for him to rule the Holy Roman Empire as Charles V[21]. Both the debt with the Wettin incurred by the new Emperor and their family relations strengthened the position of the former[22] to such an extent that this influenced Luther's situation. It is likely an oversimplification to connect the 1519 election with Luther's public burning of Leo X's bull condemning him in 1520 and with the stance he adopted at the Diet of Worms in 1521. There is no doubt, however, that Luther could hardly have afforded to take such a radical position without the support of the Saxon elector. He felt safe in Worms not only because of the papal letter of safe conduct, but also thanks to the protection afforded to him by Frederick III[23].

On 16 April 1521 in Worms, the professor of theology at Ingolstadt Johannes Eck demanded – in the presence of the Emperor, princes, and Cardinal Girolamo Aleandro (the papal nuntio and a friend of Erasmus of Rotterdam)[24] – that Luther recant his "heretical" beliefs. The lawyer for the elector of Saxony intervened immediately, demanding that charges be specified and time to prepare a response be granted; on 18 April Luther refused to recant his theses. Typically, he would respond to Eck's Latin questions in the same language, but then paraphrase the answer in German, so as to be understood by everyone present[25]. Luther is then said to have referred to the duty to obey conscience, making the famous, oft-recalled statement: "Hier stehe ich, ich kann nicht anders, Gott helfe mir. Amen." In fact, if one believes the report of Georg Spalatin, advisor to Frederick III, published in 1521, Luther made a speech which ended thus: "Ich bin überwunden durch schrifft, so von mir gefürt unnd gefangen im gewissen, in dem wort gottes, derhalben ich nit mag noch wil widerrufen, dwyl wider gewissne beschwärlich zu handeln unheilsam unnd unfridlich ist. Got helff mir. Amen."[26]

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20 R. Friedenthal, op. cit., p. 202.

21 F. Braudel, *Morze Śródziemne i świat śródziemnomorski w epoce Filipa II*, vol. 2, trans. M. Król, Warszawa 2004, p. 22.

22 M. Fernández Álvarez, *Cesarz Karol V*, trans. J. Antkowiak, Warszawa 2003, p. 42–43.

23 R. Friedenthal, op. cit., p. 261.

24 *Dizionario Biografico degli Italiani*, Roma 1960, p. 128–135.

25 J. Burkhardt, op. cit., p. 64–66.

26 [G. Spalatin], *Die gantz Handlung, so mit dem hochgelerten D. M. Luther, dwyl er uff dem Keis. Rychstag zu Wormbs gewest, ergangen ist, uffs kürtzest begriffen*, no place or date of publication [Hagenau 1521], copy: Bayerische Staatsbibliothek München, ark. A IV,

More important than the exact wording of Luther's statement is its meaning. Having outlined his assessment of his own writings, Luther refused to recant opinions contained therein. He invoked an interpretation of the Gospel which was consistent with the best of his knowledge and which he could only repudiate against his conscience, and this – according to the doctrine of St. Thomas – would be a mortal sin[27]. Thus, out of concern for salvation, he chose his knowledge and the resulting interpretation of truth over the authority of popes and councils. This, of course, was not a reference to "the freedom of conscience" in the Enlightenment sense, but it was an act of similar importance. Already during the Leipzig debate in July 1519, Luther stated that popes and councils had misjudged the notions of Jan Hus. He now went even further, putting his own interpretation of the Bible over canons and the authority of the pope[28].

This meant that not even the emperor or the papal nuncio could impose a theological interpretation (along with its consequences) to a Christian acting in good faith and in accordance with the best of his knowledge and his conscience. Luther also publicly legitimised "the *gravamina* of the Holy Roman Empire" directed against the pope and the emperor. Thus, the basis of correct social relations consisted of conclusions yielded by individual interpretation of the biblical text, in practice done by scholars acting at the behest of local authorities. No wonder that Eric I the Elder of the House of Welf, Prince of Calenberg-Göttingen, later a defender of the Catholic status quo in Northern Germany, treated Luther to beer served in his own tankard, as Julius Köstlin described with delight as late as the nineteenth century[29].

Whether Luther fully realised the political consequences of his Worms address is debatable; as Friedrich Wilhelm Kantzenbach emphasised, "Luther wollte

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p. 3. For the traditional interpretation of Luther's appearance in Worms, see among others J. Köstlin, *Luthers Leben*, Leipzig 1882, p. 258. The phrase "Hier stehe…" is not included in the documentation of the 1521 proceedings, *Deutsche Reichstagakten unter Kaiser Karl V.*, Bd. 2, Göttingen 1962 (2nd impression); B. Lohse, "Luthers Antwort in Worms", *Luther* 29, 1958, p. 124–134; E.-W. Kohls, *Die Deutungen des Verhaltens Luthers in Worms innerhalb der neueren Historiographie*, ARG 63, 1972, p. 43–71.

27 *Sancti Thomae de Aquino Summa Theologiae*, vol. I–II, quaestio XIX, art. 5, Romae 1891, www.corpusthomisticum.org.

28 K.V. Selge, "Capta conscientia in verbis Dei. Luthers Widerrufsverweigerung in Worms" [in:] *Die Reichstag zu Worms von 1521. Reichspolitik und Luthersache*, hrsg. F. Reuter, Worms 1971, p. 180–207.

29 J. Köstlin, op. cit., p. 259.

den Kampf mit der römisch-katholischen Kirche nicht."[30] It does, however, appear that Charles V was fully aware of these consequences, for he decided to oppose Luther and his supporters, and on 26 May 1521 he issued a proscriptive edict[31]. The reputation of one who could stand up to Rome's demands would turn Luther into a politician, regardless of his talents and awareness or will[32]. Many texts published by Luther from 1520, and after his return from Wartburg, are political in nature; this is particularly true of those concerning the organisation of Protestant communities, Andreas Karlstad's iconoclastic drive, and Thomas Münzer and peasant rebels[33].

Luther's views, presented in the previous chapters, will not be reiterated here; it is nonetheless worth remembering how strongly the Reformation was enmeshed in politics from its very beginning. Another important date in the process by which it was interwoven with theologians' disputes was the year 1526, when the Diet of Speyer decided that religious controversies may not be considered so-called *Reichssachen*. Thus, these conflicts would be decided by local authorities – princes and municipal authorities in cities of the Holy Roman Empire. The decision was a challenge to imperial power, limiting its competence and creating a strong relationship between local authorities and Lutheranism. This was the beginning of the territorialisation of the Empire and the birth of *ius reformandi*, giving local rulers the right to shape religious relations, and thus state-church relations, on territories under their jurisdiction[34]. Granting *ius reformandi* to civil authorities was, after 1526, justified with recourse to the law of patronage, which made them *praecipua membra ecclesiae*, and to the theory, developed by Reformers, which acknowledged them as *custodes utriusque tabulae*[35].

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30 F. W. Kantzenbach, *Das Ringen um die Einheit der Kirche im Jahrhundert der Reformation. Vertreter, Quellen und Motive des "ökumenischen" Gedankens von Erasmus von Rotterdam bis Georg Calixt*, Stuttgart 1957, p. 32.

31 H. A. Obermann, *Marcin Luter. Człowiek między Bogiem a diabłem*, trans. E. Adamiak, Gdańsk 1996, p. 157–159; J. Burkhardt, op. cit., p. 266–271; see L. Schorn-Schütte, *Karl V. Kaiser zwischen Mittelalter und Neuzeit*, (3rd impression) München 2006, p. 48–49.

32 E. Wolgast, *Die Wittenberger Theologie und die Politik der evangelischen Stände. Studien zu Luthers Gutachten in politischen Fragen*, Gütersloh 1977.

33 H. A. Oberman, op. cit., p. 223–225.

34 L. W. Spitz, "Luther's Ecclesiology and his Concept of the Prince as Notbischof", *Church History* 22, 1953, 2, p. 113–141; H. Raab, *Kirche und Staat. Von der Mitte des 15. Jahrhunderts bis zum Gegenwart*, München 1966, p. 37.

35 P. Hinschius, *Staat und Kirche*, Freiburg i. B. 1883, p. 200–203; J. Burkhardt, op. cit., p. 161–163.

The 1526 decision was a post-mortem success for Frederick III, who strove to liberate local authorities from church jurisdiction. When the 1529 Speyer diet attempted to abolish this law, part of those in attendance protested. Scholars often recall this event to explain the etymology of the term "Protestants", as well as the origins of the Schmalkaldic League[36]. More important for the development of church-state relations was the fact that the 1529 protest did not so much defend freedom of conscience as the principle of local regulation of religious relations, constituting in practice a step towards the decentralisation of the Holy Roman Empire[37]. Denominational politics was shaped by local authorities, and so it was not only objective circumstances that proved decisive, but also the individual preference of princes. This is best illustrated by the stance taken by elector John towards Southern German cities, which he attempted to force to renounce Zwinglianism[38].

As a result, the following were presented at the 1530 Diet of Augsburg: the Lutheran confession of faith; the so-called *Confessio Augustana*; the so-called *Confession Tetrapolitana*; a confession of Southern German cities prepared by Martin Bucer and Wolfgang Capito; and finally the Zwinglian confession. Accordingly, as many as three lines of division appeared: Catholics against Lutherans, Lutherans against Zwinglians, and Zwinglians against everyone else. However, the decision mandating that Protestants obey and return to the Catholic fold by 15 April 1531 unified them again. On 27 February 1531, in the Hessian town of Schmalkalden, protestant rulers established the so-called Schmalkaldic League, which would become a counterweight to imperial power in the Holy Roman Empire for years to come[39]. In Nuremberg in 1532, with the mediation of "unaligned" rulers – the Archbishop of Mainz, Albrecht Hohenzollern, and the Count Palatine of the Rhein, Ludwig Wittelsbach – agreement was reached between the

36 J. Burkhardt, op. cit., p. 166.

37 D. Böttcher, *Die Protestation vom 19. April 1529 gemeinrechtlich betrachtet*, ZHF 29, 2002, 1, p. 39–55.

38 W. Steglich, *Die Stellung der evangelischen Reichsstände und Reichsstädte zu Karl V. zwischen Protestation und Konfession 1529/1530. Ein Beitrag zur Vorgeschichte des Augsburgischen Glaubensbekenntnisses*, ARG 62, 1971, p. 161–192.

39 T. A. Brady Jr., "Jacob Sturm of Strasbourg and the Lutherans at the Diet of Augsburg", 1530, [in:] idem, *Communities*, p. 54–80; idem, "Phases and Strategies of the Schmalkaldic League. A Perspective after 450 Years", [in:] ibidem, p. 109–128; cf. E. Fabian, *Die Entstehung des Schmalkaldischen Bundes und seiner Verfassung 1524/29 – 1531/35. Brück, Philipp von Hessen und Jakob Sturm. Darstellung und Quellen mit einer Brück-Bibliographie*, Tübingen 1962, (2nd impression), Schriften zur Kirchen- und Rechtsgeschichte, Bd. 1.

Emperor and leaders of the League, the new Saxon elector John Frederick and Philip I, Landgrave of Hesse. Luther participated in the last stage of negotiations, and at the centre of the dispute was the extent of secular control over church matters. Ultimately, *ius reformandi* was confirmed, which meant the legalisation of Protestant public worship[40].

After the death of "the great hesitator"[41] Frederick III in 1525, the mantle of the champion of Protestants was assumed by Philip, Landgrave of Hesse, a land where he forcibly introduced the Reformation after 1524[42]. In 1534, the Landgrave restored (again forcibly) the Protestant duke Ulrik to Württemberg, from which he had been driven by the Swabian League, a group in which cities played a significant role[43]. Princes now ignored not only the opinion of the Emperor, but also the aspirations of influential cities, especially in the South of the Holy Roman Empire[44]. The importance of the "princely reformation" was confirmed by the plight of the last significant Catholic ruler in Northern Germany – Henry V, Prince of Brunswick-Wolfenbüttel. The armies of the Saxon elector John Frederick and Philip, the Landgrave of Hesse, took over the principality and enforced Reformation there[45].

The stability of relations in Germany might have been greater had Protestants been led by politicians in the vein of Frederick III, for the rulers who followed,

40 A. J. Dueck, "Religion and Temporal Authority in the Reformation. The Controversy Among the Protestant Prior to the Peace of Nuremberg, 1532", *Sixteenth Century Journal* 13, 1982, 2, p. 55–74; R. Friedenthal, op. cit., p. 535.

41 H. A. Oberman, op. cit., p. 21. (20 in English translation). Quoted by Luther's biographer, the opinion of historian of the Church Ignaz von Döllinger, who asserted that "Luther created a new faith, but he nevertheless failed to build a new Church" (R. Friedenthal, op. cit., p. 548), may be regarded as valid only if one assumes that Luther did not succeed in conducting the reform of the Catholic Church in accordance with his own precepts.

42 G. Müller, "Karl V. und Phillip der Großmütige", *Jahrbuch der Hessischen Kirchengeschichtlichen Vereinigung* 12, 1961, p. 1–34.

43 Ch. Methuen, "Securing the Reformation Through Education. The Duke's Scholarship System of Sixteenth-century Württemberg", *Sixteenth Century Journal* 25, 1994, 4, p. 841–851.

44 T. A. Brady Jr., "Princes' Reformation versus Urban Liberty. Strasbourg and the Restoration in Württemberg, 1534", [in:] idem, *Communities*, p. 81–107; H. A. Oberman, *Werden und Wertung der Reformation. Vom Wegstreit zum Glaubenskampf*, Tübingen 1977, p. 339–340.

45 T. A. Brady Jr., "Jacob Sturm and the Seizure of Brunswick-Wolfenbüttel by the Schmalkaldic League, 1542–1545", [in:] idem, *Communities*, p. 149–167.

imbued with a reforming zeal, often lost sight of reality[46]. Elector of Saxony John Frederick, a fervent Lutheran and a pillar of the Schmalkaldic League, was surprised on 24 April 1547 at Mühlberg by the Spanish army of Charles V, in part because he had all his soldiers, including the unit responsible for guarding the Elbe ford, take part in morning mass[47]. The Protestant forces were defeated, and the Elector of Saxony and Landgrave of Hesse imprisoned. The former accepted the so-called Capitulation of Wittemberg, on the basis of which the Ernestine line of the House of Wettin lost the dignity of Electors of Saxony to Maurice, Landgrave of Turingen of the Albertine line of Wettins, who was dubbed "Judas of Meissen" for having fought on the side of the Emperor[48].

After the defeat of the Protestants, Charles V announced in 1548 twenty-six articles regulating religious relations in the Empire for the duration of the Council of Trent, hence the name of the decree – *Interim*. The decree did not seek to restore the status quo ante, given that some Protestant practices were allowed, such as the marriage of the clergy and communion *sub utraque specie*. This compromise, however, was rejected both by Rome and by numerous Protestants, who sought shelter in Magdeburg. The city became not only the centre of Lutheran propaganda, but managed to offer resistance to the Emperor's army. The defence of Magdeburg and Charles V's deteriorating political situation mobilised Protestants. In 1551, as initiated by the Saxon Elector Maurice, who had by then abandoned the side of the Emperor, the union of princes was renewed in Torgau. Maurice took advantage of the fact that Charles V withdrew Spanish forces from Germany and forced him to agree to the 1552 Peace of Passau, where the *Interim* was waived, and the former Elector of Saxony John Frederick and Philip, the Landgrave of Hesse, were freed. The Emperor's brother Ferdinand would now become the key figure on the Catholic side. Given his responsibility for the situation in Germany and the defence of the Empire against Turkey, he would seek agreement[49].

46 G. Seebaß, "Die deutschen Fürsten und die Reformation. Kontext und Hintergrund des kirchlichen Wirkens Johann Friedrichs von Sachsen", [in:] *Johann Friedrich I. – der lutherische Kurfürst*, hrsg. V. Leppin, G. Schmidt, S. Wefers, Heidelberg 2006, p. 9–27, Schriften des Vereins für Reformationsgeschichte, Bd. 204.

47 G. Wartenberg, *Die Schlacht bei Mühlberg in der Reichsgeschichte als Auseinandersetzung zwischen protestantischen Fürsten und Kaiser Karl V.*, ARG 89, 1998, p. 167–177.

48 H. Schilling, *Veni, vidi, Deus vixit – Karl V. zwischen Religionskrieg und Religionsfrieden*, ARG 89, 1998, p. 144–166; J. Herrmann, *Moritz von Sachsen, evangelischer Christ und Judas zugleich,* ARG 92, 2001, p. 87–118.

49 F. Braudel, op. cit., p. 282–284.

In the spring of 1555, the Diet of Augsburg deemed as its key task reconciliation between religious confessions. An agreement was negotiated whereby the rule of territorialisation was combined with equal rights for the various creeds. As of now, Catholicism and Lutheranism were both official confessions in the Holy Roman Empire, but only one of these could be professed in any one territory. The most important clauses of the religious peace, announced on 25 September, stipulated, among other things, the suspension of Catholic jurisdiction in territories ruled by Protestants and recognition of the secularisation of church assets carried out before the 1552 Peace of Passau, as long as these were not directly under the control of the Emperor of the Holy Roman Empire. This meant the legitimisation of that aspect of the Reformation that was of greatest importance to the princes.

The Diet of Augsburg also accepted the proposal, put forward by Catholics, that the religious confession in a given territory be established not by its assembly (assembled estates), but by the ruler on the basis of *ius reformandi*. The ruler would also support church institutions of the given confession, which was described as *cura religionis* and then interpreted more broadly as *ius circa sacra*. Subjects of the Holy Roman Empire were expected to follow the principle of *ubi unus dominus, ibi una sit religio*, with those not conforming to the confession of the ruler allowed and expected to emigrate with no damage to their honour, rights and estates. It must be emphasised that, in the reality of the sixteenth century, *ius emigrandi* was a significant achievement. The emigration of dissenters was to take place in an orderly manner and such dissenters would be protected by law. The institution responsible for maintaining religious peace, and thus for solving any religious conflicts, was the Imperial Chamber Court (Reichskammergericht), made up of both Catholic and Protestant judges[50].

Two important matters were not resolved in Augsburg, however. Protestants demanded that the provisions of the Peace be extended onto territories under Catholic ecclesiastical jurisdiction, and Catholics called for the so-called *reservatum ecclesiasticum*, on the basis of which rulers converting to Protestantism would give up power in their domain. This measure was aimed at preventing the Protestantization of spiritual territories, an example of which would be the efforts of Archbishop of Cologne, Hermann of Wied, to introduce the Reformation into his archdiocese in 1540s[51], or the attempts made by Bishop Franz von

50 G. Wolf, *Der Augsburger Religionsfriede*, Stuttgart 1890, p. 81nn.
51 F. Bosbach, "Köln. Erzstift und Freie Reichsstadt", [in:] *Die Territorien des Reichs*, Bd. 3, Münster 1995 (2nd impression), p. 68–70.

Waldeck, an opponent of Anabaptists, to secularise the bishoprics of Münster, Minden and Osnabrück[52]. A somewhat feeble compromise resulted: on the basis of a clause from 24 September 1555 inserted into the treaty by Ferdinand I (*Declaratio Ferdinandea*), Lutherans in Catholic territories retained the right to public worship, and the principle of *reservatum ecclesiasticum* was included into the provisions of the Peace, although Protestants did not acknowledge it – the specific decisions would be made by the Reichskammergericht[53].

The provisions of the Peace of Augsburg of 1555 signified not only the definite legalisation of Lutheranism in the Holy Roman Empire, but also the introduction of bi-confessionalism, and – at the territorial level – the principle of the segregation of confessional denominations. It was an act of capitulation on the part of the Emperor, who abandoned efforts to restore the status quo ante. Granting *ius reformandi* to local authorities meant the acknowledgment of the independence of princes (and, to a lesser extent, of knights and city authorities) from imperial supremacy in religious affairs. And since religious relations were inextricably connected with political ones, local authorities acquired liberty in organising state-church relations, and thus a good measure of political independence. Heribert Raab went so far as to state that the Peace of Augsburg put an end to the unity of the Holy Roman Empire not only in religious, but also in political matters[54].

Much was gained at Augsburg by the princes, who were now able – in the name of increasing the cohesion of their territories – to implement the principle later known as *cuius regio eius religio*. This was of particular importance for Protestant rulers, who brought the so-called *Landeskirchen*, or state or regional churches, under their control. In Catholic territories, the formal subordination of church structures to the state was out of question, but the clergy cooperated with temporal powers since their security depended on it. The papal reaction to the provisions of the Peace of Augsburg came with the 1559 bull *Cum ex apostolatus officio*, in which Pope Paul IV announced all non-Catholic authorities illegitimate. Despite this, Ferdinand I, Holy Roman Emperor as of 1556, attempted

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52 H. Hoyer, "Untersuchungen über die Reformationsgeschichte des Fürstbistum Osnabrück unter den Bischöfen Erich II. von Grubenhagen und Franz I. von Waldeck", *Zeitschrift der Gesellschaft für niedersächsische Kirchengeschichte* 32/33, 1928, p. 76–200; T. Rohm, "Osnabrück", [in:] *Die Territorien des Reich*, Bd. 2, Münster 1995, (2nd impression), p. 133–137.

53 M. Maurer, "Kirche, Staat und Gesellschaft im 17. und 18. Jahrhundert", [in:] *Enzyklopädie Deutscher Geschichte*, hrsg. L. Gall u.a., Bd. 51, München 1999, p. 1–5.

54 H. Raab, op. cit., p. 40.

to convince the Holy See to acknowledge the terms of the Peace of Augsburg, in particular those concerning marriages of the clergy and a communion *sub utraque specie*; his efforts, however, were to no avail[55].

The terms of the Peace of Augsburg were not revolutionary; by granting temporal authorities *ius reformandi*, they merely codified tendencies which were becoming apparent as early as the 1530s, as a reaction to a wave of peasant riots[56]. Fearing the "peasants' war", and then the Anabaptist movement, Reformers channelled their support to Protestant princes, justifying the duty of the princes to provide care over religious worship. This was not yet the doctrine of *ius in sacra*, but an expression of the belief that *cura religionis* is an obligation of a Protestant (and thus a truly Christian) ruler[57]. This led Protestant theologians in the Empire to pose the question of what secular authorities are to do with those who dissent in religious matters. The above-mentioned Justus Menius[58] published writings proclaiming the duty of obedience to Protestant authorities, condemning Anabaptists and Catholics. These pamphlets were often circulated with forewords by Luther and can be considered the official stance of the Wittemberg centre of Reformation[59].

Yet the doctrine of obedience was a far cry from the practice of non-toleration, owing to – among other things – the influences of the supporters of Erasmus. In many political centres (from the court of Ferdinand I; to the court of George I the Bearded, the Catholic Elector of Saxony from the Albertine line, whose court had a similar ambience; to the courts of Evangelical rulers – Elector of Brandenburg Joachim II, or John III, Duke of Cleves) there was an openness to dialogue[60]. This was a period marked by public debate between Catholics and Protestants, the most important of which took place in Leipzig in 1534 and 1539 and then in Hagenau and Worms in 1540. In a 1541 debate in Regensburg,

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55 „Primum Ferdinandi imperatoris circa concilium indicendum responsum", Viennae, 20. et 26. iunii 1560, *Dokumenty soborów powszechnych. Tekst łaciński i polski*, vol. IV (1511–1870), ed. A. Baron, H. Pietras SJ, Kraków 2005, p. 554–572.

56 K. Blaschke, "The Reformation and the Rise of the Territorial State", [in:] *Luther and the Modern State in Germany*, ed. J. D. Tracy, Kirksville 1986, p. 66.

57 J. Lecler, *Historia tolerancji w wieku reformacji*, trans. L. i H. Kühn, vol. 1, Warszawa 1964, p. 257–261.

58 cf. Part II, Chapter III.

59 E.g. J. Menius, *Der widdertauffer Lere und geheimnis. Aus heiliger schrifft widderlegt*, Wittenberg 1530; idem, *Wie ein iglicher Christ gegen allerley lere gut und böse nach Gottes befelh* [sic] *sich gebürlich halten sol, mit einer Vorrede Mar. Luther*, Wittenberg 1538.

60 J. Lecler, op. cit., p. 240nn.

Johannes Eck, Johannes Gropper and Julius von Pflug resolved many dogmatic differences with representatives of Protestants (including Philip Melanchthon and Martin Bucer)[61]. However, the agreement faltered over the issue of the infallibility of popes and councils[62]. Discussion continued in Regensburg in 1546 and in Worms in 1557, and although there is no certainty that participants sought to reach an agreement or to publicise their views, there is no doubt that the atmosphere was not conducive to persecution[63].

The conviction that Catholics and Protestants may perceive each other as heretics from the theological point of view, but that this perception should have no legal consequences, gradually took hold. This stance had practical implications for the patronage over churches and the division of income from church assets in the Holy Roman Empire, including at the lowest level – that is, in the parishes (Gemeinde) or local communities[64]. According to Luther, this was the natural environment in which to foster the Reformation: "Wo das lautter Euangelion gepredigt wird, dort ist Gemeinde", he wrote in 1523[65]. This was a view shared by Zwingli and Calvin, and it was local communities, parishes, and municipalities that solved problems concerning the coexistence of adherents of different denominations as they arose. The phenomenon of "the community Reformation" ("the parish Reformation") is analysed on the example of those territories of the Empire where relations were based on the personal freedom of its residents, the postulated equality in their rights and duties, the right to participate in

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61 M. Greschat, *Martin Bucer. Ein Reformator und seine Zeit 1491–1551*, München 1990, p. 177–192.

62 Scholarship on the Catholic-Protestant dispute over papal primacy: W. Klausnitzer, *Das Papsttum im Disput zwischen Lutheranern und Katholiken. Schwerpunkte von der Reformation bis zur Gegenwart*, Innsbruck 1987.

63 W. Lipgens, *Kardinal Johannes Gropper (1509–1559) und die Anfänge der katholischen Reform in Deutschland*, Münster 1951, p. 111; see P. Fraenkel, *Einigungsbestrebungen in der Reformationszeit*, Wiesbaden 1965, Vorträge des Instituts für europäische Geschichte Mainz, No. 41.

64 P. Blickle, "Kommunalismus. Begriffsbildung in heuristischer Absicht", [in:] *Landgemeinde und Stadtgemeinde in Mitteleuropa. Ein Struktureller Vergleich*, hrsg. P. Blickle, A. Holenstein, HZ Beihefte, NF, Bd. 13, München 1991, p. 5–38; V. Press, "Stadt- und Dorfgemeinden im territorialstaatlichen Gefüge des Spätmittelalters und der Frühen Neuzeit", [in:] ibidem, p. 425–454.

65 Quoted from P. Blickle, *Reformation und kommunaler Geist. Die Antwort der Theologen auf den Verfassungswandel im Spätmittelalter*, München 1996, p. 19.

government, i.e., to be involved in decision-making processes and an oligarchic structure of elites[66].

Thus, scholars usually distinguish three strands of Reformation in the Holy Roman Empire: princely, urban, and that of the *Gemeinde* – parishes or local communities. Bob Scribner also identifies three ways of understanding denominational toleration in the sixteenth-century Empire. Firstly, it is interpreted as the freedom of conscience in the sense that Luther referred to in Worms in 1521; secondly, as a separation of spiritual and secular authorities referring to Luther's "zwei Reiche Lehre"; finally, as an Erasmian postulate of toleration stemming from the love of one's fellow man. Interestingly, the term "toleration", known and used by Luther as it was, rarely occurred in the denominational discourse of the sixteenth- and seventeenth-century Holy Roman Empire. Other terms tended to be used: *pax religiosa, libertas conscientiae, libertas religionis, concordia, amicitia, patientia*. In no way was *tolerantia* regarded as a fundamental term, presumably due to its negative context[67].

A frequent form of practical tolerance in the sixteenth-century Empire was the freedom of private worship, granted to individuals on condition of their refraining from voicing nonconformist views in public, which was long the case for Anabaptists in Strasburg[68]. Elsewhere, municipal authorities allowed freedom of conscience but denied nonconformists the right to public worship. The policy of unofficial freedom of dissident worship was also applied, especially in

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66 Scholarship on the urban Reformation in Germany is extensive; for an overview see T. A. Brady Jr., *Communities*, p. 1–48. See also H. Baron, "Religion and Politics in the German Imperial Cities during the Reformation", *English Historical Review* 52 (205), 1937, 3, p. 405–427; B. Moeller, *Imperial Cities and the Reformation. Three Essays*, Philadelphia 1972; S. E. Ozment, *The Reformation in the Cities. The Appeal of Protestantism to Sixteenth-century Germany and Switzerland*, N. Haven-London 1975; H. R. Schmidt, *Reichsstädte, Reich und Reformation. Korporative Religionspolitik 1521–1529*/30, Stuttgart 1986; H. Schilling, "Gab es im späten Mittelalter und zu Beginn der Neuzeit in Deutschland einen städtischen „Republikanismus". Zur politischen Kultur des alteuropäischen Stadtbürgertums" [in:] *Republiken und Republikanismus im Europa der Frühen Neuzeit,* hrsg. H. G. Koenigsberger, E. Müller-Luckner, München 1988, p. 104–143.

67 H.-J. Müller, *Irenik als Kommunikationsreform. Das Colloquium Charitativum von Thorn 1645*, Göttingen 2004, p. 62–69.

68 M. Greschat, op. cit., p. 127–138; M. Lienhard, *Religiöse Toleranz in Straßburg im 16. Jahrhundert*, Stuttgart 1991, Abhandlungen der Akademie der Wissenschaften und der Literatur Mainz, Geistes- und Sozialwissenschaftliche Klasse, No. 1; T. A. Brady Jr., "'The Earth is the Lord's and our Homeland as well.' Martin Bucer and the politics of Strasbourg", [in:] idem, *Communities*, p. 189–205.

cities in which the Reformation had flourished but which for various reasons were unable to officially proclaim it, attempting to show obedience to imperial authorities[69]. The best-known examples of toleration by the Protestant majority of public worship by Catholic minorities are Frankfurt am Main, Ulm, Worms, Speyer, Regensburg or Wetzlar[70].

The formula that has been most studied happens to be the rarest form of toleration, one that is close to equal rights, namely the official coexistence of Lutherans and Catholics. A good example of bi-confessionalism was Erfurt in the first half of the sixteenth century, or those cities where parity was introduced as part of the terms of the Peace of Augsburg: Augsburg itself, Ravensburg, Biberach, Dinkelsbühl[71]. Similar cases existed in Switzerland; denominational parity was introduced in Lausanne after it was taken over by the Protestant Bern in 1536, or in Solothurn, where bi-confessionalism was introduced in 1531[72]. And although the activity of Pierre Viret turned Lausanne Protestant, and Catholics maintained an advantage in Solothurn, these examples prove that, at least at the level of the urban commune, multidenominational communities were able to function.

The situation in the Empire, divided between Catholics and Lutherans, was complicated by the growing influence of the Reformed creed, especially as Calvinists began to gain ground, control territories and build their own church

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69 J. W. Zophy, "Lazarus Spengler, Christoph Kress and Nuremberg's Reformation diplomacy", *Sixteenth Century Journal* 5, 1974, 1, p. 35–48.

70 A. Schindling, "Die Reformation in der Reichsstädten und die Kirchengüter. Straßburg, Nürnberg und Frankfurt im Vergleich", [in:] *Bürgerschaft und Kirche*, hrsg. J. Sydow, Sigmaringen 1980, p. 67–87, Stadt in der Geschichte, Bd. 7; P. T. Lang, "Die katholische Minderheit in der protestantischen Reichstadt Ulm", [in:] ibidem, p. 89–96; F. Reuter, "Mehrkonfessionalität in der Freien Stadt Worms im 16.-18. Jahrhundert", [in:] *Städtische Randgruppen und Minderheiten*, hrsg. B. Kirchgässner, F. Reuter, Sigmaringen 1986, p. 9–48, Stadt in der Geschichte, Bd. 13.

71 P. Warmbrunn, *Zwei Konfessionen in einer Stadt. Das Zusammenleben von Katholiken und Protestanten in den paritätischen Reichsstädten Augsburg, Biberach, Ravensburg und Dinkelsbühl von 1548 bis 1648*, Wiesbaden 1983, p. 387–405, Veröffentlichungen des Instituts für Europäische Geschichte Mainz, Bd. 111; E. Naujoks, "Vorstufen der Parität in der Verfassungsgeschichte der schwäbischen Reichsstädte (1555–1648). Das Beispiel Augsburgs", [in:] *Bürgerschaft und Kirche*, hrsg. J. Sydow, Sigmaringen 1980, p. 38–66, Stadt in der Geschichte, Bd. 7.

72 B. Scribner, "Preconditions of Tolerance and Intolerance in Sixteenth-century Germany" [in:] *Tolerance and intolerance in the European Reformation*, ed. by O. P. Grell, B. Scribner, Cambridge 1996, p. 31–47.

structures[73]. Calvinists had no official status, which posed a serious problem to German lawyers in the second half of the sixteenth century. To many Lutherans, it was obvious that Calvinists should be viewed as heretics in the theological sense, but transposing this opinion into the sphere of law seemed a dangerous concession to Catholics. It was thus proposed that Reformed Protestants in the Holy Roman Empire be considered Lutherans *sui generis*, and that legal protections afforded by the Peace of Augsburg be extended to them. However, as animosity between Gnesio-Lutherans and Calvinists along with crypto-Calvinists grew, this notion became increasingly unpopular. In political practice, a compromise prevailed, which stipulated that Reformed Protestants are entitled to a high level of toleration: "Quod enim Status Calviniani quiete et tranquille viventes, hodie in Imperio tolerantur, ad Comitia admittuntur, parique dignitate, authoritate et honore in Imperio cum Lutheranis et Catholicis Statibus sine contradictione pollent et gaudent"[74]. It was, however, debatable whether Reformed rulers could resort to *ius reformandi*. Theoreticians held they could not, for they were merely tolerated, and so unable to take full advantage of the religious settlement; practice, however, was not uniform.

The Peace of Augsburg consolidated the political significance of Protestantism in the Empire, forming a transitional stage before its further expansion. Northern Germany was the first to convert. Lutheran states included the Pomeranian dukedoms, Mecklenburg, Lower Saxony and the principalities of Braunschweig, Calenberg, Lüneburg and Wolfenbüttel, as well as East Frisia and Holstein. The rulers of Saxony-Anhalt, the Electorate and the Duchy of Saxony, Hesse, Württemberg, the principalities of Ansbach and Bayreuth, numerous counties and knightly estates, and municipal authorities of many cities in Franconia and Swabia, also took the Protestant side. Protestantism was also thriving in officially Catholic territories, such as Bohemia and Upper and Lower Austria[75].

The dismantling of Catholic structures in Lutheran territories, the activity of Lutherans in Catholic territories, the growing influence of Calvinism, and

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73 E. W. Zeeden, *Grundlagen und Wege der Konfessionsbildung in Deutschland im Zeitalter der Glaubenskämpfe*, HZ 185, 1958, 2, p. 249–299.

74 Z. B. Cranius, *De pace religionis in Imperio servanda*, Helmstedii 1619, vol. I, 13, p. 161, quoted from M. Heckel, *Staat und Kirche nach den Lehren der evangelischen Juristen Deutschlands in der ersten Hälfte des 17. Jahrhunderts,* München 1968, p. 66, Jus ecclesiasticum, Bd. 6, 1st edition: "Zeitschrift der Savigny-Stiftung für Rechtsgeschichte" 73, Kanonistische Abteilung 42, 1956, p. 117–247 and 43, 1957, p. 202–308.

75 K. Brandi, *Deutsche Geschichte im Zeitalter der Reformation und Gegenreformation*, München 1960, p. 328–329.

diverging interpretations of the Augsburg terms concerning ecclesiastical territories, all caused friction. The Catholic Church in the Holy Roman Empire lost its dominions (domains) in the dioceses of Naumburg, Merseburg and Meissen in Saxony; Brandenburg, Havelberg and Lebus in Brandenburg; Schwering and Ratzenberg in Mecklenburg, and Cammin (Kamień Pomorski). The takeover of the domains of the archbishops of Bremen and the bishops of Verden, as well as the estate of the Magdeburg archdiocese, caused particularly intense protests, given that these acts were considered to be in breach of *reservatum ecclesiasticum*. The influence of the Reformation in the archbishopric of Bremen was already clear under the rule of the archbishops Christopher (1511–1558) and George (1558–1566), brothers of Henry V, Prince of Brunswick-Wolfenbüttel, who was exiled by the Schmalkaldic League in 1542. Both were Catholics, but found themselves unable to stem the Protestantization of territories under their rule, not to mention Bremen itself, which had long shed its allegiance to archbishops, and which in the mid-sixteenth century was a centre of Calvinism[76]. The consolidation of Protestantism in the Bremen archbishoprics took place under the rule of Prince Henry of Saxe-Lauenburg (1567–1585), a crypto-Lutheran, who failed to obtain papal confirmation but was made administrator of the estates of the Osnabrück bishops in 1574 and of those of Paderborn in 1577. His successors, the brothers John Adolf (1585–1596) and John Frederick of Holstein-Gottorp (1597–1634) officially professed the Protestant denomination and did not seek papal approval of the dignity of archbishop, which now became a secular office. However, until the Thirty Years' War, the Lutheran confession was not official in the Bremen archbishopric[77].

Not unlike the assets of the Bremen archbishopric, the possessions of the Archbishop of Magdeburg were also to be confiscated by the Evangelical rulers, as Magdeburg became the focus of competition between the Hohenzollerns and the Wettins. Eventually, the former won, as symbolised by the figure of Albrecht Hohenzollern. The influence of Protestantism in the towns of the archbishopric domain (Magdeburg, Halle) was powerful; during the Schmalkaldic War the Catholic mass was banned and the Roman clergy were ousted[78]. The

76 B. Moeller, "Die Reformation in Bremen", *Jahrbuch der Wittheit zu Bremen* 17, 1973, p. 51–73.

77 H.-G. Aschoff, "Bremen. Erzstift und Stadt", [in:] *Die Territorien des Reich*, Bd. 3, Münster 1995 (2nd impression), p. 45–57.

78 W. Freitag, *Konfliktfelder und Konfliktparteien im Proceß der lutherischen und reformierten Konfessionalisierung – des Fürstentum Anhalt und die Hochstift Halberstadt und Magdeburg im 16. Jahrhundert*, ARG 92, 2001, p. 165–194.

official takeover of power by the Protestants took place only after the Treaty of Augsburg, which in effect constituted an act of violation of *reservatum ecclesiasticum*, which in turn was perpetrated by the Archbishop of Magdeburg of the Hohenzollern family – Sigismund (1552–1566), son of the Elector of Brandenburg Joachim II, and grandson of the King of Poland, Sigismund I the Old. In 1561, he proclaimed Lutheranism the established religion, and in 1566 he informed about it the Estates of Germany. The sovereigns that followed him (except during the period of re-Catholicisation during the Thirty Years' War) were in practice Evangelical administrators of the assets and did not aspire to be anointed by the Papacy. However, it was not until 1680 that Magdeburg became incorporated into the territory controlled by the Hohenzollerns[79].

Still, the Protestants failed to take over the bishopric of Cologne. When in 1583 Archbishop Gebhard Truchseβ von Waldburg converted to Reformed Protestantism and announced his wish to transform the Catholic bishopric into a secular Evangelical duchy, which would provide the German Protestants with an advantage over the Catholics, the Cologne War (1583–8) ensued. The right of the Catholic Church to wield power over Cologne was defended by the army of the Bavarian Wittelsbachs, not without the assistance of the German and Spanish Habsburgs, despite the fact that the Protestant Elector was supported by the United Provinces. The Evangelicals, however, failed to breach *reservatum ecclesiasticum* and, as a consequence, the Cologne War strengthened Catholicism in Western and Northern-Western parts of Germany, not allowing the Reformed Protestants to reap the fruits of an absolute victory[80].

For a considerable number of years scholarship on religious relations in post-1555 Germany was limited in scope. Historians concentrated predominantly on the issue of the Counter-Reformation and neglected the broad panorama of social and political changes taking place at the time[81]. In the twentieth century, Gerhard Oestreich coined the term "Sozialdisziplinierung" to define certain aspects of post-Reformation social change, and he highlighted the neo-Stoic doctrine of Justus Lipsius that facilitated the enforcement of social discipline and, as a consequence, augmented the authority of the

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79 F. Schrader, "Magdeburg", *Die Territorien des Reich*, Bd. 2, Münster 1993, (3rd impression), p. 68–86.

80 J. Burkhardt, op. cit., p. 175–176.

81 For a bibliography and a short overview of related scholarship, see: H. Lutz, *Reformation und Gegenreformation*, München-Wien 1982, p. 165–168.

sovereigns[82]. This was evident in Brandenburg-Prussia, where in the seventeenth century the creation of a new type of administration, coupled with the reform of the army and the ideology of neo-Stoicism, paved the way for the development of absolutism[83]. The next scholarly impulse with regard to Germany's religiously diverse society was provided by Ernst Walter Zeeden, author of the term "Konfessionsbildung", which he used to specify the process by which a post-Reformation (confessionalized and denominational) consciousness was created[84].

Referring to the academic output of both researchers, Wolfgang Reinhard proposed a different model of interpreting the phenomenon of the Counter-Reformation, which he construed as a factor in the modernisation of the early modern state[85]. This particular scholarly route was also travelled by Heinz Schilling; both historians, using the notion of "Konfessionsbildung" as a point of departure as well as drawing on Oestreich and Max Weber, created a paradigm of confessionalization that they applied to scholarship on the religious relations in Germany[86]. This paradigm underwent numerous modifications, but its essence remained unchanged: "nicht nur die Entstehung der neuzeitlichen Konfessionskirchen als Institutionen, auch nicht nur die 'Konfessionsbildung' im Sinne eines Hervortretens von religiös-kulturellen Systemen, die sich bekenntnismäßig in der Lehre, in der Spiritualität und nicht zuletzt in der religiösen Alltagskultur deutlich voneinander unterscheiden. 'Konfessionalisierung' meint einen gesellschaftlichen Fundamentalvorgang […] mit der Herausbildung des frühmodernen Staates, mit der Formierung einer neuzeitlich disziplinierten Untertanengesellschaft, die anders als die mittelalterliche Gesellschaft nicht personal-fragmentiert, sondern institutionell-flächenmäßig organisiert war, sowie parallel zur Entstehung des modernen

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82 G. Oestreich, *Geist und Gestalt des frühmodernes Staates*, Berlin 1969, p. 37–38, passim; M. Stolleis, "Lipsius-Rezeption in der politisch-juristischen Literatur des 17. Jahrhunderts in Deutschland", [in:] idem, *Staat und Staatsräson in der frühen Neuzeit. Studien zur Geschichte des öffentlichen Rechts*, Frankfurt a. M. 1990, p. 232–267; H. Schilling, *Das konfessionelle Europa*, p. 34–37.

83 W. Schulze, *Gerhard Oestreichs Begriff "Sozialdisziplinierung" in der Frühen Neuzeit*, ZHF 14, 1987, p. 265–302.

84 E.W. Zeeden, *Die Entstehung der Konfessionen. Grundlagen und Formen der Konfessionsbildung im Zeitalter der Glaubenskämpfe*, München-Wien 1965.

85 W. Reinhard, *Gegenreformation als Modernisierung? Prologmena zu einer Theorie des konfessionellen Zeitalters*, ARG 68, 1977, p. 226–252.

86 H. Schilling, "Konfessionsbildung und Konfessionalisierung", *Geschichte in Wissenschaft und Unterricht* 42, 1991, p. 447–463, 779–794.

kapitalistischen Wirtschaftsystems das öffentliche und private Leben in Europa tiefgreifend umpflügte."[87]

The confessionalization processes in Germany can be also theorised in a way proposed by Norbert Elias, to whom such processes constituted acts of monopolisation by authorities over key spheres of social (public) life, e.g. administration, finances, and education. At the same time, the processes of confessionalization strengthened the state monopoly over religion and the Church. To Schilling, regardless of the differences between confessions and local specificity, one can distinguish in Europe four basic tendencies involving changes triggered by modernisation: (1) the ideology of state authority; (2) the sense of political and cultural identity; (3) the transformation of subjects into a state society; and (4) international relations[88].

To a certain extent, these four directions of modernisation are corroborated in the history of Germany. Undoubtedly, the clergy and municipal authorities benefited from the Reformation: their role as *defensores fidei* was reasserted on Catholic territories, while on Protestant territories they gained *ius circa sacra*. In both cases, the situation led to a union between the state authorities and the Church. With time, German territorial states, in particular Protestant states, were also fortified by the inclusion of cadres of educated lawyers who would create a new layer of bureaucracy, living off (and for) the state.[89] These secular lawyer-officials cooperated with theologian-clerics; arguably, some examples of such co-operation led to the creation of a form of clerical bureaucracy that ran parallel to the secular one, and that was based on the network of parishes, which in turn proved particularly efficient while conducting supervision in the countryside and in smaller municipalities[90].

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87 H. Schilling, "Konfessionelle und politische Identität im frühneuzeitlichen Europa", [in:] *Nationale, ethnische Minderheiten und regionale Identitäten in Mittelalter und Neuzeit*, hrsg. A. Czacharowski, Toruń 1994, p. 105.

88 Idem, *Das konfessionelle Europa*, p. 42–48.

89 G. Strauss, *Law, Resistance and the State. The Opposition to Roman Law in Reformation Germany*, Princeton 1986, p. 136–164.

90 L. Schorn-Schütte, "Prediger an protestantischen Höfen der Frühneuzeit. Zur politischen und sozialen Stellung einer neuen bürgerlichen Führungsgruppe in der höfischen Gesellschaft des 17. Jahrhunderts, dargestellt am Beispiel von Hessen-Kassel, Hessen-Darmstadt und Braunschweig-Wolfenbüttel", [in:] *Bürgerlichen Eliten in der Niederlanden und in Nordwestdeutschland. Studien zur Sozialgeschichte des europäischen Bürgertums im Mittelalter und in der Neuzeit*, hrsg. H. Schilling, H. Diedriks, Köln-Wien 1985, p. 275–336.

However, what remains problematic is the importance of confessionalization in the building of the German national consciousness. Indeed, territorialisation and division into three confessions contributed to a delay in the process of building a shared, pan-German consciousness[91]. What seems debatable is also the impact of confessionalization processes on the internal relations between the states that constituted Germany, at least before 1648. Although denominational matters undoubtedly played a major role in the construction of the new network of power in the sixteenth century[92], later on the agency of the German territorial sovereigns was much more restrained. Still, research conducted by Heinz Duchhardt and Johannes Burkhardt clearly proves that the issue of denominations was of significance as late as the eighteenth century.[93]

With regard to relations between Churches and states in Germany, one of the most interesting problems after 1555 is the division of the confessionalization processes into three strands: Catholic, Lutheran, and Reformed[94]. No doubt, this ran counter to irenicist tendencies that were widespread in the days of the Treaty of Augsburg. However, the formulation of a confessional identity that would be "hard" and distanced towards "the Other", in particular in terms of its territorial scope, was the direct consequence of the Augsburg resolutions[95]. This problematic contradiction generated by the confessionalization processes, which were on the rise on the territorial level, and the official bi-confessionalism on the central

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91 H. Plessner, *Die verspätete Nation*, Stuttgart 1957.

92 H. Schilling, "Konfessionalisierung und Formierung eines internationalen Systems während der Frühen Neuzeit", [in:] *The Reformation in Germany and Europe. Interpretation and Issues*, ed. H. Guggisberg, G. Krodel, Gütersloh 1992, p. 583–605.

93 H. Duchhardt, *Protestantisches Kaisertum und Altes Reich. Die Diskussion über die Konfession des Kaisers in politik, Publizistik und Staatsrecht*, Wiesbaden 1977, Veröffentlichungen des Instituts für Europäische Geschichte Mainz, Bd. 87; J. Burkhardt, *Abschied vom Religionskrieg. Der Siebenjährige Krieg und die päpstliche Diplomatie*, Tübingen 1985, Bibliothek des Deutschen Historischen Instituts in Rom, Bd. 61.

94 R. Po-chia Hsia, *Social Discipline in the Reformation. Central Europe 1550–1750*, London 1989, chapters: "Lutheran Germany", "Calvinist Germany", "Catholic Germany"; cf. J. Małłek, "Trzy konfesjonalizacje doby nowożytnej: katolicka, luterańska, kalwińska. Stan i perspektywy badań", [in:] *Sztuka i dialog wyznań w XVI i XVII wieku. Materiały Sesji SHS, Wrocław, listopad 1999*, ed. J. Harasimowicz, Warszawa 2000, p. 45–50.

95 E. Cameron, "One Reformation or Many? Protestant Identities in the later Reformation in Germany", [in:] *Tolerance and Intolerance in the European Reformation*, ed. O. P. Grell, B. Scribner, Cambridge 1996, p. 108–127.

level, was the task to be faced in the sixteenth and the first half of the seventeenth century, most predominantly by lawyers[96].

Initially, the religious division that started to become a fixture of German social life at that time caused immense disorientation among lawyers. Before long, however, "Reichsjuristen" came up with an ideology of supra-denominational *concordia*, which was juxtaposed with overtly religious *discordia*. The idea of *concordia* was ethical in nature, in line with Erasmian thought, and it was political in nature, in terms of legal interpretation. The latter part of the sixteenth century saw the substitution of the concept of *concordia* by the term *tolerantia* – the erstwhile unity was no longer a feasible aim; what mattered now was co-existence, as peaceful as possible. *Tolerantia* was introduced to the idiom of politics by a host of interesting personalities, including Lazarus von Schwendi, who was an advisor to Emperor Maximilian II, a soldier and a Humanist, who in the 1570s recommended in-depth reform of the German political system: he even suggested granting Catholics and Protestants unrestrained freedoms (rights) throughout the entire Reich[97]. The views put forward by von Schwendi, who referred to the raison d'état and the outlook of the French *politiques*, might have developed during his intellectual exchange among Humanists of a Calvinist persuasion who were active at that time in Silesia and in Poland, such as Andrzej Dudycz, the Bishop of Wrocław Andreas Gerstmann, or the Kraków-based (as of 1554) physician Jerzy Retyk (Georg Joachim de Porris; Rheticus)[98].

The idea of toleration was also disseminated by associates of Schwendi orbiting the Emperor's court, such as Zacharias Geizkofler, Johannes Löwenklau, and Johannes Crato von Krafftheim, who was the Habsburgs' court physician,

96 M. Heckel, "Die katholische Konfessionalisierung im Spiegel des Reichskirchenrechts", [in:] *Katholische Konfessionalisierung*, hrsg. W. Reinhard, H. Schilling, Münster 1995, p. 184–227.

97 E. von Frauenholz, *Das Lazarus von Schwendi Denkschrift über die politische Lage des deutschen Reiches von 1574*, München 1939; M. Lanzinner, "Die Denkschrift des Lazarus von Schwendi zur Reichspolitik (1570)", [in:] *Neue Studien zur frühneuzeitlichen Reichsgeschichte*, hrsg. J. Kunisch, Berlin 1987, p. 141–185, ZHF, Beiheft 3.

98 For an enthusiastic interpretation of von Schwendi's concepts, see R. Schnur, *Lazarus von Schwendi (1522–1583). Ein unerledigtes Thema der historischen Forschung*, ZHF 14, 1987, 1, p. 27–46; for a more reserved analysis, see Th. Niclas, *Um Macht und Einheit des Reiches. Konzeption und Wirklichkeit der Politik bei Lazarus von Schwendi (1522–1583)*, Husum 1995, p. 184nn., Historische Studien, Bd. 442; for a more critical approach, see J. Burkhardt, *Stulecie reformacji*, p. 358–360.

a friend of Luther and Melanchthon, and the protector of the Czech Brethren[99]. Geizkofler did not construe toleration as a political manoeuvre that was necessary due to the interests of the Habsburgs, in cooperation with the estates of the Empire during the war with Turkey. Instead, he believed that religious toleration was beneficial in its own right, and he wanted to found a political order for Germany upon it. To do so, he referred to the experience of the Polish-Lithuanian Commonwealth, where he spent some time in 1587 while supporting Archduke Maximilian Habsburg[100]. Similarly, the Westphalian Humanist Löwenklau opted for the Erasmian notion of religious toleration, which he put forward in his most widely known treatise *Zosimi Historiae novae libri VI* (Basel, approx. 1576)[101].

Similarly, Protestant intellectuals also favoured such an understanding, including luminaries such as the Vice-chancellor of the University of Altdorf, Philipp Camerarius, who theorised about toleration despite his personal resentment toward Catholics in general[102]. His *Horae subcisivae seu Meditationes historicae* (1591) provides evidence of his endorsement of the co-existence of different denominations within one country; he was even more progressive given that, in contrast to Lipsius, he claimed that the incumbent was not obliged to strive to maintain and/or impose confessional unity. His junior colleague, the Luther theologian Johann Gerhard, was a prolific author of various treatises, including a work on political theology (*Centuria quaestionum politicorum* […] *an diversae religiones in bene constituta republ. tolerandae* […] *examinata et discussa jamque altera vice in lucem edita,* Ienae 1608, *Locorum theologicorum* […] *tomus VI*, *in quo continentur haec capita: 26. De ministerio ecclesiastico, 27. De magistratu politico...*ˎ [Ienae, 1619]), written under the influence of the thought of Lipsius. Characteristically, Gerhard was an exponent of the notion that one ought to tolerate religious diversity, though only if the drive towards denominational unity

99 See H. Louthan, *The Quest for Compromise: Peacemakers in Counter-Reformation Vienna*, Cambridge 1997.

100 W. Schulze, "Concordia, Discordia, Tolerantia. Deutsche Politik im konfessionellen Zeitalter", [in:] *Neue Studien zur frühneuzeitlichen Reichsgeschichten*, hrsg. von J. Kunisch, ZHF Beiheft 3, p. 43–79; see J. Müller, *Zacharias Geizkofler 1560–1617. Des heiligen römischen Reiches Pfennigmeister und oberster Proviantmagister im Königreich Ungarn*, Baden bei Wien 1938.

101 M.-P. Burtin, "Un apôtre de la tolerance. L'humaniste allemand Johannes Löwenklau, dit leuenclavius (1541–1593?)", *Bibliotheque d'Humanisme et Renaissance* 52, 1990, 3, p. 561–570.

102 L. Szczucki, "Wprowadzenie", [in:] P. Camerarius, *Prawdziwa i wierna relacja o uwięzieniu w Rzymie*, trans. M. Szymański, edit. and introduction L. Szczucki, Warszawa 1984, p. 116–142.

would destabilise the state. To Gerhard, even public dissenter services (non-established church mass) were permissible if banning them would lead to the eruption of civil war[103].

With the increase in the confessional consciousness, which was followed by progress in terms of confessionalization (in particular, on Lutheran territories after the publication of *Liber concordiae* in 1580), came the institutionalisation of the paradigm of orthodoxy whose representatives waged a war not only on Catholics, but also on Calvinists and the advocates of Philipp Melanchthon, whom they suspected of Crypto-Calvinism. A rivalry between Gnesio-Lutherans and Philippists was becoming visibly fiercer in the early seventeenth century when, at the Synod of Dordrecht (1619), the Dutch Calvinists also publicly introduced the orthodox version of their conversion and openly condemned both their competitors (namely the Sublapsarians, who pushed the Calvinist doctrine of *praedestinatio gemina* to extremes) and opponents of the doctrine of predestination, i.e., the Arminians, also known as the Remonstrants[104].

In the Holy Roman Empire, the processes of confessionalization slowly washed away the foundation of the concept of the co-existence of denominations that was worked out in the mid seventeenth century. In the seventeenth century, German lawyers reverted to the old dogma of *religio vinculum societatis*, construed, however, in a new way: *religio* was no longer a byword for Christianity at large, but constituted one of the "closed" denominations[105]. A different philosophy gained new ground, as advocated by Henning Arnisäus, author of frequently reprinted, voluminous political and theological treatises (*De iure maiestatis libri tres*, Francofurti 1610, *De autoritate principum, in populum semper inviolabili, seu quod nulla ex causa subditis fas sit contra legitimum principem arma movere commentatio politica*, Francofurti 1612, *De republica, seu reflectionis politicae libri duo*, Francoforti 1615, *Doctrina politica in genuinam methodum, quae est Aristotelis, reducta, et ex probatissimis quibusque philosophis, oratoribus, jurisconsultis, historicis, etc. breviter comportata et explicata*, Amsterdami 1643). This neo-scholastic Lutheran theologian contributed significantly to the early seventeenth-century debate on the proper characteristics of the political system of the Holy Roman Empire: he renounced the coexistence of denominations and advocated

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103 M. Heckel, *Staat und Kirche,* p. 164–166; H.-J. Müller, *Irenik als Kommunikationsreform*, p. 65–67.

104 M. Maurer, op. cit., p. 6–8; J. T. Maciuszko, "Bariery dialogu międzywyznaniowego w XVI i XVII wieku", [in:] *Sztuka i dialog wyznań*, p. 27–36.

105 H. Schilling, *Konfessionelle un politische Identität*, p. 104; idem, *Das konfessionelle Europa*, p. 16.

the principle of *iura maiestatis in res sacras*, which implied the subordination of the Lutheran Church to the state. To Arnisäus, the raison d'état was founded upon the enforcement of unity rather than tolerating diversity[106].

Naturally, lawyers and theologians representing the Reformed denomination still advocated the need for religious toleration in the Holy Roman Empire, not infrequently even remonstrating with religious coercion. The most fitting case in point was the milieu associated with the Herborn Academy, established in 1584 by the brother of William of Orange, John of Nassau-Dillenburg; the school was set up as an educational centre of Reformed elites in Germany and even in Central Europe[107]. It was here that eminent lawyer Philipp Heinrich Hoenonius in the first half of the seventeenth century reminded his contemporaries about the autonomy of individuals and exhorted sovereigns to refrain from interfering in matters pertaining to their subjects' conscience[108]. Hoenonius cited the Warsaw Confederation (1573), which he attributed to Stephen Báthory, as the exemplary model of conduct[109].

It is worth introducing at this juncture one of the most intriguing political writers of the late sixteenth and early seventeenth centuries – Johannes Althusius (1557–1638)[110], who first studied in Geneva and Basel, and then at the Herborn Academy under Caspar Olevian. Later he taught law at Herborn and was

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106 H. Dreitzel, *Protestantischer Aristotelismus und absoluter Staat. Die „Politica" des Henning Arnisaeus (ca. 1575–1636)*, Wiesbaden 1970, p. 364–392, Veröffentlichungen des Institutes für Europäische Geschichte Mainz, Bd. 55; M. Stolleis, "Glaubensspaltung und öffentliches Recht in Deutschland", [in:] idem, *Staat und Staatsräson*, p. 268–297.

107 G. Menk, *Die Hohe Schule Herborn in ihrer Frühzeit (1584–1660). Ein Beitrag zum Hochschulwesen des deutschen Kalvinismus im Zeitalter der Gegenreformation*, Wiesbaden 1981, Veröffentlichungen der Historischen Kommission für Nassau, Bd. 30; S. Bildheim, *Calvinistische Staatstheorien. Historische Fallstudien zur Präsenz monarchomachischer Denkstrukturen im Mitteleuropa der Frühen Neuzeit*, Frankfurt a.M. 2001, p. 221–244; A. Mühling, "Anmerkungen zur Theologenausbildung in Herborn", *Dutch Review of Church History* 85: *The Formation of Clerical and Confessional Identities in Early Modern Europe*, ed. W. Jense, B. Pitkin, Leiden 2006, p. 71–87.

108 Ch. Strohm, *Calvinismus und Recht. Weltanschaulich-konfessionelle Aspekte im Werk reformierter Juristen in der frühen Neuzeit*, Göttingen 2008, p. 183–261.

109 W. Schulze, *Concordia*, p. 75.

110 For an extensive bibliography of works on the life and work of Althusius, see: *Althusius-Bibliographie. Bibliographie zur politischen Ideengeschichte und Staatslehre, zum Staatsrecht und zur Verfassungsgeschichte des 16. bis. 18. Jahrhunderts*, Bd. 1–2, hrsg. H. U. Scupin, U. Scheuner, bearb. von D. Wyduckel, Berlin 1973, Johannes-Althusius-Gesellschaft. Gesellschaft zur Erforschung der Naturrechtslehren und der Verfassungsgeschichte des 16. bis 18. Jahrhunderts; see also: T. O. Hüglin, *Sozietaler*

appointed Rector of the Academy (1602–1603)[111]. In 1604, he became the syndic of Frisian Emden, where he successfully put his political ideas and theory into practice[112]. Althusius drew on the concept of natural law, borrowed from Bodin, and quoted Calvin and the Monarchomachs, and yet he remained an original thinker and developed his philosophy based on his experience of political practice in the Netherlands. Critics interpreted his writings as a link between the doctrines of Calvin and the Monarchomachs on the one hand, and the theory of social contract on the other[113]. Discussing *ratio status*, Althusius simultaneously drew on Machiavelli and Lipsius; furthermore, he advocated the primacy of the political over the religious in a way that led Carl Joachim Friedrich to interpret it as almost typical of the Enlightenment, and decidedly rationalist[114].

Althusius' flagship work, *Politica methodice digesta, atque exemplis sacris et profanis illustrata*, was published in 1603.[115] However, his concept of state authority (i.e., the people are the veritable sovereigns – *corpus symbioticum* – and the incumbent is the administrator of the authority mandated by the people[116]) does not constitute the main focus of the present study. What seems more important,

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Föderalismus. Die politische Theorie des Johannes Althusius, Berlin-N.York 1991; D. Wyduckel, *Johannes Althusius*, Darmstadt 1997.

111   S. Bildheim, op. cit., p. 63–84.

112   H. Antholz, *Die politische Wirksamkeit des Johannes Althusius in Emden*, Aurich 1955, Abhandlungen und Vorträge zur Geschichte Ostfrieslands, 32; M. Behnen, *Herrscherbild und Herrschaftstechnik in der „Politica" des Johannes Althusius*, ZHF 11, 1984, 4, p. 417–472; J. Remmers Weerda, *Der Emder Kirchenrat und seine Gemeinde. Ein Beitrag zur Geschichte reformierter Kirchenordnung in Deutschland, ihrer Grundsätze und ihrer Gestaltung*, hrsg. M. Freudenberg, A. Heron, Wuppertal 2000, p. 212–235; S. Bildheim, op. cit., p. 256–260.

113   P. J. Winters, *Die „Politik" des Johannes Althusius und ihre zeitgenössische Quellen*, Freiburg i. B. 1963, p. 269.

114   C. J. Friedrich, *Johannes Althusius und sein Werk im Rahmen der Entwicklung der Theorie von der Politik*, Berlin 1975, p. 99–112: chapter – "Vernunft, Rationalität und Religion".

115   The author of this book used both the German edition: J. Althusius, *Politik*, übers. H. Janssen, hrsg. D. Wyduckel, Berlin 2003 and the English one: *The Politics of Johannes Althusius. An Abridged Translation of the Third Edition of Politica methodice digesta, atque exemplis sacris et profanis illustrata and Including the Prefaces to the First and Third Editions*, transl. with an Introduction F. S. Carney, preface C. J. Friedrich, London 1965, all quotations taken from the latter.

116   Z. Ogonowski (*Filozofia polityczna w Polsce XVII wieku i tradycje demokracji europejskiej*, Warszawa 1992, p. 60–62) pointed out that Althusius, as a proponent of elective authority controlled by subjects, had a very favourable opinion of the political system

though, are the elements of his theory of state that are related to matters of religion. In this respect, Althusius remained a child of his epoch, in light of the fact that he claimed that "die Idee der Glaubensfreiheit bleibt ihnen wie dem ganzen Zeitalter volkommen fremd"[117]. His theory of Church-state relations is a typical example of political Calvinism[118]. Althusius believed that state authorities were obliged to protect and attend to the real, i.e., Reformed, Church (religious worship) by taking care of religious education, defending church institutions against any threat and providing righteous Christians with assistance. Importantly, however, having enumerated all these duties on the part of the sovereign, Althusius stated that authorities ought to exercise restraint and moderation. He believed that it was crucial for the incumbent to maintain a state of equilibrium between dissenters and representatives of orthodoxy[119].

His stance on the limits of toleration is equally worthwhile. Althusius was adamant about the need to punish people who publicly disseminated atheist views. Similarly, he showed no leniency toward anyone who rebelled against authority or offended public decency. Moreover, he demanded that public negation (or even defiance) of articles of faith that were instrumental in the salvation of one's soul and the dissemination of ideas that were incongruous with Christianity[120] be prohibited. Significantly, he did not favour the idea of making dissenting thought punishable by law, but only advocated the prohibition of the public expression of such ideas.

In Chapter XXVIII of his *Politica*, Althusius came to the conclusion that state authorities ought to legitimate only the true religion, i.e., the doctrine of the Reformed Church, and any other denomination ought to be challenged and opposed. However, these claims were bound with a number of explanations and caveats. For instance, atheists and non-believers ought to be banished, but only those who did not show any potential for conversion and were unlikely to ever return to the fold; others ought to be tolerated as long as they did not proclaim

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of the Republic of Nobles, as corroborated in the 1610 edition of *Politica methodice digesta*.

117   O. von Gierke, *Johannes Althusius und die Entwicklung der naturrechtlichen Staatstheorien. Zugleich ein Beitrag zur Geschichte der Rechtssystematik*, Breslau 1913, p. 57.

118   H. Schilling, "Civic Calvinism in Northwestern Germany and the Netherlands", [in:] *Sixteenth-century Essays and Studies*, vol. 17, Kirksville 1991, p. 69–105.

119   Here, Althusius draws on Benedict Aretius (1505–1574), as the author of *Problemata theologica continentia praecipuosos nostrae religionis locus*, see *The Politics of Johannes Althusius*, p. 70–73.

120   Ibidem, p. 72.

their beliefs publicly. He even suggested that rules governing religious co-existence with dissenters should be laid down by the state with the participation of theologians. He thus assumed that dissenters would be, in practice, tolerated. To him, a soundly administered country ought to make a distinction between religious dissidents whose theses were detrimental to the Articles of the Faith (e.g. the Socinians) and dissenters who drew on wrong dogmas but whose presence and activities posed no threat, such as Catholics or Lutherans. The former ought to be punished with banishment, while the latter ought to be only criticised and admonished[121].

Ultimately, *Politica* contains assertions that not only point to direct links with the intellectual output of Lipsius but justify the reading of Althusius' thought as a type of political realism situated very close to rationalism. Using the examples of France, the Netherlands, Hungary and Poland, he stated that religious persecution caused riots, disturbances, strife, schisms and division. Peace reigned supreme wherever there was no such oppression. He even argued that the persecution of dissenting Christians constituted a menace to the state and that an increased level of denominational toleration ought thus be maintained for the sake of the public peace. As a consequence, state authorities were not only justified in tolerating religious diversity but were obliged to do so – all for the benefit of the state[122].

However, the scope of the reception of Althusius' thought in the Holy Roman Empire in the era of the Thirty Years' War is difficult to assess, but one may justifiably assume that not all critics and commentators who credit him with significant importance are mistaken (if only because of the territorialism that he endorsed and because he favoured the raison d'état over the interest of a particular denomination or a certain church[123]). Both of these aspects of Althusius'

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121 Ibidem, p. 165–167.

122 "We may say in this case that the magistrate who is not able, without peril to the commonwealth, to change or overcome the discrepancy in religion and creed ought to tolerate the dissenters for the sake of public peace and tranquillity, blinking his eyes and permitting them to exercise unapproved religion, lest the entire realm, and with in the household of the church, be overthrown. He shall therefore tolerate the practice of diverse religions as a skilled navigator bears with diverse and conflicting winds and clashing waves. Just as amidst these winds and waves the navigator bring his ship safely into the harbour, so the magistrate directs the commonwealth in a manner that keeps it free from ruin for the welfare of the church…", ibidem, p. 169.

123 U. Scheuner, "Staatsräson und religiöse Einheit des Staates. Zur Religionspolitik in Deutschland im Zeitalter der Glaubenspaltung", [in:] *Staatsräson. Studien zur*

thinking attracted a considerable following in the first half of the seventeenth century in Germany, where politics was gaining primacy over religion[124].

Before the eruption of the Thirty Years' War, it was generally acknowledged that, due to, among other things, changes brought on by the process of confessionalization, the bi-confessional Holy Roman Empire (bi-confessionalism was introduced in 1555) had turned into a loosely structured confederation of states. These changes were indeed deep, which was corroborated by the confessionalization of armies, which, however, proved in reality underwhelming[125]. Today, scholars take for granted this somewhat paradoxical relationship between confessionalization and the development of the modern form of statehood[126]. At the same time, one can point to a clear interdependence between the level of the Modern Age modernisation of the state and the economic, denominational relations, as well as even between the degree of toleration[127]. In Germany, Hamburg provided the best example of this phenomenon – a city dominated by Lutherans who tolerated religious dissenters based on politics and economic considerations, but who started to actually recognise their rights as late as 1785[128].

In the era before the Thirty Years' War, the Holy Roman Empire saw the emergence of three blocs of confessional states, all of which came into existence as a result of confessionalization: Lutheran, Catholic, and Reformed. That there were

Geschichte eines politischen Begriffs, hrsg. R. Schnur, Berlin 1975, p. 377; J. Lecler, op. cit., vol. 2, p. 284–288.

124   J. T. Maciuszko, "Bariery dialogu międzywyznaniowego w XVI i XVII wieku", [in:] *Sztuka i dialog wyznań*, p. 27–36.

125   M. Kaiser, "Cuius exercitus, eius religio? Konfession und Heerwesen im Zeitalter des Dreißigjährigen Kriegs", *Archiv für Kirchengeschichte* 91, 2000, p. 316–353; R. Pröve, "Reichweiten und Grenzen der Konfessionalisierung am Beispiel der frühneuzeitlichen Militärgesellschaft", [in:] *Interkonfessionalität – Transkonfessionalität – binnenkonfessionelle Plutalität. Neue Forschungen zur Konfessionalisierunsthese*, hrsg. K. von Greyerz et al, Gütersloh 2003, p. 73–90, Schriften des Vereins für Reformationsgeschichte, 201.

126   J. D. Tracy, "Luther and the Modern State: Introduction to an Neuralgic Theme", [in:] *Luther and the Modern State*, ed. J. D. Tracy, Kirksville 1986, p. 9–19; J. F. Harrington, H. Walser Smith, "Confessionalisation, Community and State-building in Germany, 1555–1870", *The Journal of Modern History* 69, 1997, 1, p. 77–101.

127   D. Stievermann, "Evangelische Territorien im Konfessionalisierngsprozess", [in:] *Die Territorien des Reichs im Zeitalter der Reformation und Konfessionalisierung. Land und Konfession 1500–1650*, Bd. 7: *Bilanz, Forschungsperspektiven, Register*, hrsg. A. Schindling, W. Ziegler, F. Brendle, Münster 1997, p. 45–65.

128   J. Whaley, *Religious Toleration and Social Change in Hamburg, 1529–1819*, Cambridge 1985.

three such bloc stemmed from the fact that (as already mentioned), at the beginning of the seventeenth century, relations between adherents of the Augsburg Confession (dominated by the Gnesio-Lutheran orthodoxy) and the Reformed Church left a great deal to be desired. The case in point involved the post-1618 politics of Lutheran Saxony towards the Catholic Empire and its enemies, the Calvinists. One ought not to overestimate the political relevance of the anti-Catholic solidarity of Protestants of different confessions.

By comparison, the processes of Catholic confessionalization were spurred on by the Counter-Reformation; according to Karl Brandi, if Protestantism had its roots in the Reformation, then the "new" or "Baroque" Catholicism was a product of the Counter-Reformation[129]. Re-Catholicisation in the 1570s, be it administrative or often more frequently mandatory, involved approximately 25% of the entire population of Germany and spread predominantly over the territories under the jurisdiction of the Habsburgs, the Wittelsbachs of Bavaria and the Church – Trier, Fulda, Mainz, Würzburg, Cologne, Paderborn, and Münster[130]. Territories where Catholicism remained the dominant confession underwent processes of increasing religious consciousness and experienced a series of changes, which among other things differed from similar phenomena that took place on Protestant territories due to the importance of the external factor – the Holy See. Policies, suggestions and instructions conveyed by papal nuncios led to the relative unification of the processes by which Catholic identity was built. The Jesuits played a major role in these developments – first in Germany, and later on in Poland. As early as 1553 Pieter Canisius started to build the foundation of the German branch of the Society of Jesus in Augsburg, Freiburg and Ingolstadt, which were soon to become Counter-Reformation centres for education and propaganda[131].

In contrast with the Protestants, German Catholic politicians had to take into consideration the Vatican's opinions in terms not only of the revival of religious

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129 "Von der Reformation als Entstehungsgeschichte des Protestantismus wenden wir uns zur Gegenreformation als Werdezeit des neuen Katholizismus." – K. Brandi, *Deutsche Geschichte im Zeitalter der Reformation und Gegenreformation*, München 1960, p. 292.

130 A. Herzig, *Die Rekatholisierung in deutschen Territorien im 16. und 17. Jahrhundert*, "Geschichte und Gesellschaft. Zeitschrift für Historische Sozialwissenschaft" 26, 2000, 1, p. 76–104; W. Ziegler, "Altgläubige Territorien im Konfessionalisierungsprocess", [in:] *Die Territorien des Reichs im Zeitalter der Reformation und Konfessionalisierung. Land und Konfession 1500–1650*, Bd. 7, p. 67–90.

131 J. Burkhardt, op. cit., p. 181–184.

culture but also the proper attitude toward dissenters. The Roman Curia was adamant in this regard – the aim of the Catholic Church was to reinstate the pre-Reformation status quo[132]. As a consequence, Catholic politicians soon mastered the art of navigating between conforming to the postulates of Rome and paying attention to political reality within the Holy Roman Empire, where religious relations grew even more complex after the Peace of Augsburg (1555).

The latter-half of the sixteenth century saw the emergence of the third bloc of German states (the first being Catholic, and the second Lutheran) – one that was governed by the Calvinists. The principal problem posed by these states was the unclear legal status of the confession itself[133]. Despite that, "the Second Reformation", which initially meant only the deepening or culmination of processes initiated by the original Reformation, developed into a latter-day incarnation that openly drew on Calvin and spread across considerable swathes of the Holy Roman Empire, starting from Hesse (Hessia) and reaching into the Palatinate and the Brzeg in Silesia, where Duke John Christian (of Brieg) introduced the Reformed confession in 1619.[134] In Germany, the Reformed confession which emphasised the role played by presbyters (i.e., the grass-roots democracy of a Protestant community) was endorsed by territorial lords, not infrequently through imposition[135]. These territories were typified by such processes of confessionalization that prevented authorities from taking decisive measures regarding the enforcement of obedience. Often, because of political reasons, acts of compromise with Lutherans took precedence, even in Heidelberg, the capital of German (and, before 1620, European) Calvinism[136].

Another interesting example of similar constraints was Montbéliard (Mompelgard), a small Francophone territory of the Holy Roman Empire, part

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132   *Die Hauptinstruktionen Clemens' VIII. für die Nuntien und Legaten an den europäischen Fürstenhofen 1592–1605*, bearb. K. Jaitner, Bd. 1, Tübingen 1984, p. XXVII–XXXIII; D. Willoweit, "Katholischer Konfessionalismus als politisches und rechtliches Ordnungssystem", [in:] *Katholische Konfessionalisierung*, p. 228–241.

133   M. Heckel, "Reichsrecht und 'Zweite Reformation'. Theologisch-juristische Probleme der reformierten Konfessionalisierung", [in:] *Die reformierte Konfessionalisierung in Deutschland – das problem der 'Zweiten Reformation'*, hrsg. H. Schilling, Gütersloh 1986, p. 11–43, Schriften des Vereins für Reformationsgeschichte, Bd. 195.

134   J.F. G. Goeters, "Genesis, Formen und Hauptthemen des reformierten Bekenntnisses in Deutschland. Eine Übersicht", [in:] ibidem, p. 44–59.

135   P. Blickle, *Kommunalismus. Skizzen einer gesellschaftlichen Organisationsform*, Bd. 2: *Europa*, München 2000, p. 307–313.

136   H. Schilling, *Konfessionalisierung und Formierung eines internationalen Systems während der Frühen Neuzeit*, ARG 84, 1993, p. 591–613.

of Württemberg. Bordering Lorraine, Franche Comté, Alsace and Switzerland, the state soon became a Reformation stronghold, and after 1555 it was, alongside the entire region of Württemberg, considered a Protestant territory. It happened so despite the fact that the land was exempt from the Augsburg Confession (1530) and followed instead the *Confessio Augustana Variata*, as proposed by Melanchthon in 1540, and it was soon declared by the Gnesio-Lutherans to be Crypto-Calvinist. Residents of Montbéliard, however, shied away from using such emotive modifiers and, not unlike the followers of Luther, Calvin or Zwingli, regarded themselves as Evangelicals. This in fact led to conflicts with authorities of Württemberg, who – in this era in which the principle of *Formula concordiae* was increasingly popular – endeavoured to coerce the residents to accept Lutheran orthodoxy. At that time, particularly after 1585, Montbéliard attracted a growing number of Huguenot emigrants from France who attempted to make the Reformed confession the established one. Yet, as late as the seventeenth century, the people and clergy of Montbéliard refused to take sides and opt for either Calvinism or Lutheranism, labelling themselves Evangelicals instead[137].

A dissimilar situation happened in the town of Wesel (located in Cleves), which in 1540 adopted Lutheranism. The next decades saw the arrival of adherents of the Reformed confession, who arrived from the Netherlands. The local Lutherans tried to convert the Dutch settlers and force them in 1550 to follow the Augsburg Confession. After 1561, the Calvinists a gained majority in the municipal council, leading at the end of the sixteenth century to the Lutherans' marginalisation. The former majority were driven to actively defend their denominational rights, in particular the right to public worship. Expertly navigating between the local estates of Cleves and the rivalry between the Wittelsbachs and the Hohenzollerns, the Lutherans of Wesel were eventually guaranteed the right to public worship, i.e., the practice of the Evangelical-Augsburg confession in the then formally Lutheran town[138].

The above examples clearly show the extent of the practical limitations of the processes of confessionalization in the Holy Roman Empire, which visibly manifested themselves on the territories that were simultaneously under the

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137 J. Raitt, "The Emperor and the Exiles. The Clash of Religion and Politics in the Late Sixteenth Century", *Church History* 52, 1983, 2, p. 145–156.

138 D. Fors Freeman, "'Those Persistent Lutherans'. The Survival of Wesel's Minority Lutheran Community, 1578–1612", *Dutch Review of Church History* 85, 2006: *The Formation of Clerical and Confessional Identities in Early Modern Europe*, ed. W. Janse, B. Pitkin, p. 397–407.

jurisdiction of multiple authorities, the so-called "condominiums"[139]. Calvinist rules of social discipline were far more liberally introduced in territories ruled by the Reformed Protestants than in, for instance, the Swiss cantons[140]. Relations between adherents of the Reformed confession and Lutherans were characterised by toleration, yet – in accordance with the postulates of Althusus – this was determined on political rather than ideological grounds[141]. On the other hand, Reformed authorities of Germany in the sixteenth and seventeenth centuries were not typified by phenomena characteristic of some of the strands of Dutch, French or Scottish Calvinism, namely the tendency towards democratisation of relations within the community itself. It seems that the history of the Reformed confession in Germany does not provide ample evidence to corroborate the thesis that the ecclesiological practice of this denomination stimulated the modernisation of social relations. Nor does it prove the thesis that the origins of democracy and of human rights were Calvinist[142].

The late sixteenth and the early seventeenth centuries saw a worsening of relations among the German territories and among denominations. This constitutes one of the most widely known (and accepted) reasons for the outbreak of the Thirty Years' War, though one ought to remember that sovereigns attempted to ameliorate the situation. The politics of Holy Roman Emperor Rudolf II provides a highly characteristic example: his 1609 decree established equal rights for – primarily Protestant – Silesian estates and utraquist Czech ones, and Lutherans in the countries of the Crown of Saint Wenceslas were additionally granted the right to free worship not only in the territories of royal domains but also in the Catholic domains. All of this happened in the hope of normalising the already

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139   A. Schindling, "Konfessionalisierung und Grenzen von Konfessionalbarkeit", [in:] *Die Territorien des Reichs im Zeitalter der Reformation und Konfessionalisierung. Land und Konfession 1500–1650*, Bd. 7, p. 10–44, in particular – p. 24–28.

140   J.R. Watt, "The Control of Marriage in Reformation Switzerland, 1550–1800", [in:] *Later Calvinism. International Perspectives*, ed. W. F. Graham, Kirksville 1994, s. 29–53, *Sixteenth Century Essay and Studies*, vol. 22; cf. W. Reinhard, "Sozialdisziplinierung-Konfessionalisierung-Modernisierung. Ein historischer Diskurs", [in:] *Die Frühe neuzeit in der Geschichtswissenschaft. Forschungtendenzen und Forschungserträge*, hrsg. N. B. Leimgruber, Paderborn 1997, p. 39–56.

141   H. J. Cohen, "The Territorial Princes in Germany's Second Reformation, 1559–1622", [in:] *International Calvinism, 1541–1715*, ed. M. Prestwich, Oxford 1985, p. 135–165.

142   P. Münch, *Zucht und Ordnung. Reformierte Kirchenverfassungen im 16. und 17. Jahrhundert (Nassau-Dillenburg, Kurpfalz, Hessen-Kassel)*, Stuttgart 1987, chapter IV: "Demokratisierung?", Spätmittelalter und Frühe Neuzeit. Tübinger Beiträge zur Geschichtsforschung, Bd. 3.

tense relations between Catholics and Protestants living in territories under the direct jurisdiction of the Habsburgs.

A particularly important conflict of the era was the above-mentioned dispute between the Brandenburg electors and the Neuburg dukes over Jülich and Cleves in Rhineland. In 1609, when the last Catholic ruler of Cleves died, the rights of Catholics and Protestants became equal; it was the first time that official equality of denominations had been introduced in Germany on a territorial level. In 1610, this solution was endorsed by the estates of Germany and by the King of France, Henry IV. The situation became even more complicated in 1613 when John Sigismund Hohenzollern converted to Calvinism, while Count Palatine of Neuburg Wolfgang Wilhelm Wittelsbach converted to Catholicism; the latter was supported in his claim to Cleves by Spain and Bavaria. The division of the heritage led to the escalation of inner tensions and acts of retaliation. Bilateral religious relations were yet to be regulated by the treaty of 1672, according to which dissenting subjects, whether living on territories governed by Reformed Hohenzollerns or by Catholic Wittelsbachs, were to be granted mutual and symmetrical rights. Soon, the state of the denominational relations on the territories of Jülich, Berg, Cleves, Mark and Ravensburg provided the litmus test for the practice of Church-state relations in areas characterised by religious diversity.

Another example of complex and multi-layered Church-state relations and a case study of attempts on the part of secular authorities to maintain peace are provided by the internal religious policies of the Hohenzollerns. In 1605, the Elector of Branbenburg Joachim Frederick swore allegiance to the Polish King Sigismund III Vasa, and in return for his homage (fealty), Joachim Frederick was enfeoffed as Regent of the Duchy of Prussia, thus allowing Catholics to hold office in Prussia. Elector John Sigismund repeated the act in 1611 and, when in 1613 he converted to the Evangelical-Reformed confession, he did not resort to *ius reformandi* – that is, he did not impose the Reformed confession on his Lutheran subjects. During the reign of "Grand Elector" and "Soldier King" Frederick William, denominational politics was in principle informed by the elusive reason of this exceptionally divided state, i.e., politics was marked by a consistent attempt to peacefully negotiate relations between Lutherans and Reformed Protestants and to find a public place for Catholics. Based on the Treaty of Wehlau and Bromberg (1657) and the Treaty of Oliva (1660), the Elector of Brandenburg solemnly promised to respect the privileges of Catholicism in the Duchy of Prussia, and Poland, in case the Hohenzollern line would become extinct, stipulated the right to subordinate Prussia and, symmetrically, swore to respect the rights of the Evangelical dwellers of the areas in question.

The above agreement was also possible because the Thirty Years' War, which was only partially a religious conflict, thoroughly disrupted the status quo: religion no longer had primacy over the state (politics). Already in the first phase of the war, there arose a series of internal conflicts among Evangelicals; consider, for example, the differences between the Reformed Protestant advocates of Frederick V Wittelsbach (also known as the Winter King) and the Lutheran supporters of Emperor Ferdinand II Habsburg (the Lutherans were led by Elector of Saxony John George I), or the conflict between the Reformed Protestant Hesse-Kassel and Lutheran Hesse-Darmstadt[143].

Similarly, Catholics in the era of the Thirty Years' War were divided into "zealots" and "politicians", as in the case of Bavaria, where the former were represented by Electoral Councillor William Jocher, who strove to cement the peace treaty that would be beneficial to Catholics in exchange for the absolute legitimisation of Protestantism in Germany. The latter were represented by his antagonist, the confessor of the Elector of Bavaria Maximilian I and Jesuit Adam Contzen, who advocated the harshest of measures, namely, waging the war until the Protestant "heresy" was driven out of Germany once and for all[144].

Despite obvious inconsistencies and imperfections of the Treaty of Augsburg (1555), during the Thirty Years' War this peace agreement was construed as *palladium Germaniae*, *aurea pax religiosa*, *sacratissima constitutio*, to quote from the *Dissertatio de ratione status in imperio nostro Romano-Germanico…* by the Pomeranian historian and diplomat in the service of the Swedish crown, Bogislaua Philipp von Chemnitz (the work was published under the pen name Hippolithus à Lapide around 1640)[145]. At that time, Evangelical jurists were attempting to develop the Augsburg resolutions – full mutual acknowledgement of the confessions and acceptance of parity in Germany were the staples of their programme long before 1648. They primarily focused on the complete institutionalisation of *ius reformandi*: to them, the dukes were to be vested with "liberum arbitrium religionis exercitium in suis ditionibus instituendi et mutandi", as formulated in

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143 S. Bildheim, op. cit., p. 197–198.

144 W. Behringer, *"Politiker" und "Zelanten". Zur Typologie innenpolitischer Konflikte in der Frühen Neuzeit*, ZHF 22, 1995, 4, p. 455–494; R. Biereley SJ, *Spowiednicy dworscy a polityka w XVII wieku*, trans. T. Pronobis SJ, *Przegląd Powszechny* 1991, 4, p. 92–116; cf. E.-A. Seils, *Die Staatslehre des Jesuiten Adam Contzen, Beichtvater Kurfürst Maximilians I. von Bayern*, Lübeck 1968.

145 M. Heckel, *Staat und Kirche*, p. 14; M. Behnen, *"Arcana – haec sunt ratio status." Ragioni di stato und Staatsräson. Probleme und Perspektiven (1589–1651)*, ZHF 14, 1987, 2, p. 129–195.

1624 by Matthias Stephani[146]. Obviously, these postulates did not amount to the introduction of equal rights for different denominational communities in the modern understanding of the word, but rather involved demands for the equality of authorities or subjects of authority in Germany. Equality, as understood by Stephani, was not supposed to constitute the primary rule of positive law but rather constitute a rule useful in the adjudication of particular cases, which in turn corroborated the rule of equality that was still construed as religious parity[147].

The treaties of Münster and Osnabrück that put an end to the Thirty Years' War supplanted bi-confessionalism with tri-confessionalism in Germany[148]. Among the most important provisions relating to denominational matters involved the rule of *uti possidetis* that concerned the territorial scope of particular confessions, including the Reformed Church (as of 1 January 1624), and which in turn meant that Vienna would forgo Ferdinand II's Edict of Restitution (1629) and accept the prior acts of secularisation performed by Protestants. Finally, it signified the end of the return of the pre-Reformation status quo. Nonetheless, further secularisation was prohibited while territories riven with dispute were often regulated in a unique way: the practice of the so-called "alternation", i.e., rotation between Protestant and Catholic holders, respectively, an Evangelical administrator and a Catholic bishop, was introduced in the Prince-Bishopric of Osnabrück. However, some territories were exempt from the rule of *status quo anni 1624*, including the hereditary land of the Habsburgs, the Lower Palatinate (to enable the restitution of the Wittelsbachs), the Duchies of Silesia (with the exception of the Duchy of Legnica-Brzeg-Wohlau), the Duchy of Ziębice-Oleśnica,

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146   M. Stephani, *Discursus academici ex iure publico, tam ecclesiastico, quam seculari*, Rostochi 1624, vol. I, disc. 7, k. 52, quoted from M. Heckel, *Staat und Kirche*, p. 17.

147   F. Dickman, "Das Problem der Gleichberechtigung der Konfessionen im Reich im 16. und 17. Jahrhundert", [in:] *Zur Geschichte der Toleranz und Religionsfreiheit*, hrsg. H. Lutz, Darmstadt 1977, p. 203–251, 1st impression HZ 201, 1965, 2, p. 265–305.

148   R. G. Asch, "Das Problem der religiösen Pluralismus im Zeitalter der 'Konfessionalisierung'. Zum historischen Kontext der konfessionellen Bestimmungen des Westfälischen Friedens", *Blätter für deutsche Landesgeschichte* 134, 1998, p. 1–32; A. Schindling, "Andersgläubige Nachbarn. Mehrkonfessionalität und Parität in Territorien und Städten des Reichs", [in:] *1648. Krieg und Frieden in Europa*, Textband 1: *Politik, Religion, Recht und Gesellschaft*, hrsg. K. Bußmann, H. Schilling, Münster 1998, p. 465–473; W. Schulze, "Pluralisierung als Bedrohung. Toleranz als Lösung", [in:] *Die Westfälische Friede. Diplomatie – politische Zäsur – kulturelles Umfeld – Rezeptionsgeschichte*, hrsg. H. Duchhard, ed. E. Ortlieb, HZ Beihefte NF, Bd. 26, 1998, p. 115–140.

and Wrocław (Breslau) – all of which were guaranteed the right to Lutheran worship. In addition, Lutherans in Silesia were granted the right to erect the so-called Churches of Peace in Świdnica (Schweidnitz), Jawor (Jauer) and Głogów (Glogau). This meant acceptance of the advantage that Catholics had gained over the course of the Thirty Years' War[149].

One of the most important developments came with the acknowledgement of the Reformed confession as the legitimate religion in Germany, which thus corroborated the validity of the authority of those dukes who had converted to that confession[150]. These primarily included the Electors of the Palatinate and Brandenburg and the Landgrave of Hesse. However, with regard to the German parliament, it was still divided into two estates, not into three, i.e., *Corpus evangelicorum* and *Corpus catholicorum*. The former encompassed an equal number of representatives from the Lutheran and Reformed Churches so as not to allow one group to dominate the other; the rule was defined as *aequalitas extra mutuaque*, or "genaue und gegenseitige Gleichheit". In practice, with regard to the denomination, the incumbent was separated from the state. Correspondingly, the Elector of Saxony Frederick August, who in the late seventeenth century converted to Catholicism and became King of Poland as Augustus II the Strong (as did his son – Augustus III), remained the hereditary director of *Corpus evangelicorum*[151].

The treaties of Westphalia paved the way for the de-confessionalization of politics and the future (formally, after 1806) coexistence of denominations in Germany as a post-confessional state, which was not based on theological or philosophical grounds but was informed by practice and legal precautions. What seemed impossible in many European countries of the era was practically realised in Germany if only at the price of further decentralisation[152]. The practice of religious relations after 1648 still remained complicated in German territories. Activities undertaken by the Habsburgs in Silesia, which to a considerable extent

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149 J. Deventer, *Gegenreformation in Schlesien. Die habsburgische Rekatholisierungspolitik in Glogau und Schweidnitz 1526–1707*, Köln 2003, p. 156–251.

150 S. Keller, "Die staatsrechtliche Anerkennung der reformierten Kirche auf dem westfälischen Friedenskongreß. Zugleich ein Beitrag zur Geschichte der deutschen Diplomatie im XVII. Jahrhundert", [in:] *Festgabe der Bonner Juristischen Fakultät für Paul Krüger zum Doktor-Jubiläum*, Berlin 1911, p. 475–510.

151 J. T. Maciuszko, "Rzesza Niemiecka w okresie nowożytnym", [in:] *Rzeczpospolita – Europa. XVI – XVII wiek. Próba konfrontacji*, ed. M. Kopczyński, W. Tygielski, Warszawa 1991, p. 163–201.

152 M. Maurer, op. cit., p. 15–17.

did not benefit from the introduction of the regulation of "Normaljahr 1624", were in accordance with the treaties of Westphalia, which in turn put an paid to religious freedoms previously enjoyed by numerous Silesian Protestants. After the death of Evangelical Duke John William of the Polish Piast Dynasty, the process of re-Catholicisation of the Duchy of Legnica-Brzeg-Wohlau was set in motion. It took the Treaty of Altranstadt, which happened at the behest of King of Sweden Charles XII in 1707, to introduce in Silesia norms that were consistent with the Treaty of Osnabrück. Given that these norms excluded the Calvinists and (to make matters worse) in light of the relentless persecution of Protestants at the hands of authorities, especially during the reign of Charles VI, dissenters in 1740 welcomed Frederick II into Silesia as their liberator – the successor to Gustavus Adolphus and Charles XII[153].

In other parts of Germany, the regulations of the 1648 treaty were consistently implemented, the best example being the improved situation of Evangelicals in the "bi-confessional" towns of Germany, for instance, in Augsburg, where they had previously been oppressed. And although in the mid-eighteenth century the influence of Catholics even grew there, religious parity among municipal authorities lasted until 1806.[154] In the latter part of the seventeenth century, the practice of denominational relations was increasingly being affected by politics and economic issues: "Pragmatic political and economic considerations rather than the radical theological ideals of religious dissenters were crucial in extending the principles laid down by the Peace of Westphalia."[155]

Even the religious conversion of the sovereigns in the late seventeenth century and early eighteenth centuries was of little relevance as far as the denominational relations of their subjects were concerned. The best example of this was the Elector of Saxony Frederick August's conversion to Catholicism in 1697. By the same token, sustained efforts on the part of the Emperor's court and Rome

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153 J. Bahlcke, "Religion und Politik in Schlesien. Konfessionspolitische Strukturen unter österreichischer und preußischer Herrschaft (1650–1800)", *Blätter für deutsche Landesgeschichte*, NF 134, 1998, p. 33–57; see also J. Deventer, op. cit., p. 246–319.

154 E. François, *Protestants et catholiques en Allemagne, Identités et pluralisme. Augsbourg, 1648–1806*, Paris 1993, p. 23–29, diag. p. 370; W. Wüst, *Konfession, Kanzel und Kontroverse in einer paritätischen Reichsstadt. Augsburg 1555–1805*, "Blätter für deutsche Landesgeschichte", NF 134, 1998, p. 123–149.

155 J. Whaley, "A Tolerant Society? Religious Toleration in the Holy Roman Empire, 1648–1806", [in:] *Toleration in Enlightenment Europe*, ed. O. P. Grell, R. Porter, Cambridge 2000, s. 175–195, quote. p. 182; see also R. Po-chia Hsia, op. cit., p. 84–88: "Mercantilism and toleration".

to attract Northern German Protestant elites, which resulted in notable conversions of, among others, Duke of Brunswick-Hanover John Frederick, Elector of Hanover Ernest August, Duke of Brunswick-Wolfenbüttel Anthony Ulrich, Duke of Pfalz-Sulzbach Christian August, Duke of Hesse-Rheinfels Ernest, and Duke of Württemberg Charles Alexander (as well as other lesser rulers and German aristocrats), did little to change the new denominational relations that had been already established in 1648[156]. Similarly, efforts by the Archbishop of Mainz, Johann Philipp von Schönborn, and Papal Legate Bishop Cristofor de Rojas y Spinol to re-Catholicise Protestant territories were of no avail in the 1670s. Analogously, attempts made by latitudinarian Evangelical theologians to unite Protestants in the early eighteenth century were all in vain.[157]

Pioneered in the late sixteenth century by Arnold Clapmar (Klapmeier, Clapmarius), an advocate of the doctrines of Lipsius and an Altdorf-based professor of political thought, the idea that the network of denominational relations ought to be subordinate to the raison d'état (i.e., the competence of the secular authorities)[158] gained unprecedented prominence in the latter part of the seventeenth century.

Clapmar wrote at length about the issue in his seminal political work entitled *De arcanis rerumpublicarum libri sex* (1605)[159]. The victory of the doctrine of the raison d'état, which for a long time was heavily contested and perceived as immoral Machiavellianism, is corroborated by the writings of the most eminent of German political thinkers of the seventeenth century: Hermann Conring, neo-Scholastic polymath and lawyer, author of among others *Propolitica sive brevis introductio in civilem philosophiam*, (Helmestadii 1663); Samuel Pufendorf, historian and lawyer, author of among others *De statu imperii Germanici liber unus* (1667); Johann Wolfgang Textor the Elder, author of among others

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156 G. Christ, "Fürst, Dynastie und Konfession. Beobachtungen zu Fürstenkonversionen des ausgehenden 17. und beginnenden 18. Jahrhunderts", [in:] idem, *Studien zur Reichskirche der Frühneuzeit*, Stuttgart 1989, p. 111–131; D. Stievermann, *Politik und Konfession im 18. Jahrhundert,* ZHF 60, 1991, 2, p. 177–199; H. Schmidt, *Konversion und Säkularisation als politische Waffe am Ausgang des konfessionellen Zeitalters. Neue Quelle zur Politik Herzogs August von Hannover am Vorabend des Friedens von Nymwegen*, [in:] idem, *Persönlichkeit, Politik und Konfession im Europa des Anciens Régime. Aufsätze und Vorträge zur Geschichte der Frühen Neuzeit*, Hamburg 1995, p. 133–193.

157 M. Maurer, op. cit., p. 19–21.

158 M. Stolleis, "Lipsius-Rezeption", [in:] idem, *Staat und Staatsräson*, p. 232–267.

159 Idem, *Arcana Imperii und Ratio Status. Bemerkungen zur politischen Theorie des frühen 17. Jahrhunderts*, [in:] ibidem, p. 37–72; M. Behnen, op. cit., p. 189nn.

Über die Staatsräson des Heiligen Römischen Reiches (1667)[160]. Finally, in the early eighteenth century, the foundation of the separation of Church and state was laid in Germany by an advocate of the primacy of secular authorities over ecclesiastic powers (and a vocal opponent of the religious coercion), namely "the father of the German Enlightenment" Christian Thomasius, whose thought was influenced by Thomas Hobbes[161].

Although the late seventeenth century and the early eighteenth centuries saw the victory of the doctrine of toleration, practised and theorised in the name of the raison d'état, problems posed by the question of denominations were still affecting the German political reality[162]. Truth be told, Church-state relations in Germany in the era under consideration can be generally characterised as typical of the development of the Northern European political philosophy, originated in Late Humanism by German and Dutch Monarchomachs (Johannes Althusius, Johann Heinrich Alsted) and neo-Scholastics (Henning Arnisäus, Bartholomäus Keckermann), leading to Republicanism, as represented by two brothers – de la Court and Franciskus van der Enden[163].

The further development and shape of denominational relations in Germany were to be decided in the latter part of the eighteenth century by the Protestant Enlightenment and the emancipation of the burghers, the influence of which

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160   M. Behnen, op. cit., p. 185–189; M. Stolleis, "Machiavellismus und Staatsräson. Ein Beitrag zur Conrings politischem Denken", [in:] idem, *Staat und Staatsräson*, p. 73–105; idem, "Textor und Pufendorf über die Ratio Status Imperii im Jahre 1667", [in:] ibidem, p. 106–133. Cf. S. Pufendorf, *Die Verfassung des Deutschen Reiches (De statu imperii Germanici, 1667)*, hrsg. H. Denzer, Stuttgart 1976; T. Behme, *Samuel von Pufendorf. Naturrecht und Staat. Eine Analyse und Interpretation seiner Theorie, ihrer Grundlagen und Probleme*, Göttingen 1995.

161   I. Hunter, *The Secularisation of the Confessional State. The Political Thought of Christian Thomasius*, Cambridge 2007, p. 113–167; P. Schröder, "Thomas Hobbes, Christian Thomasius and the Seventeenth-century Debate on the Church and State", *History of European Ideas* 23, 1997, 2–4, p. 59–79.

162   J. Burkhard, "Konfession als Argument in den zwischenstaatlichen Beziehungen. Friedenschancen und Religionskriegsgefahren in der Entspannungspolitik zwischen Ludwig XIV. und Kaiserhof", [in:] *Rahmenbedingungen und Handlungsspielräume europäischer Außenpolitik im Zeitalter Ludwigs XIV.*, hrsg. H. Duchhardt, Berlin 1991, p. 135–154, ZHF, Beiheft 11.

163   M. van Gelderen, "Aristotelians, monarchomachs and republicans. Sovereignty and respublica mixta in Dutch and German political thought, 1580–1650", [in:] *Republicanism. A Shared European Heritage*, vol. I: *Republicanism and Constitutionalism in Early Modern Europe*, ed. M. van Gelderen, Q. Skinner, Cambridge 2002, p. 195–217.

was notable in Northern Germany. It was there that the dissemination of the paradigm of German culture[164] and the circulation of the new, enlightened understanding of religious toleration was initiated[165].

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164 G. Schmidt, "Konfessionalisierung, Reich und deutsche Nation", [in:] *Die Territorien des Reichs im Zeitalter der Reformation und Konfessionalisierung. Land und Konfession 1500–1650*, Bd. 7, p. 171–199.

165 J. Whaley, "The Protestant Enlightenment in Germany", [in:] *The Enlightenment in National Context*, ed. R. Porter, M. Teich, Cambridge 1981, p. 106–117; idem, *Religious Toleration and Social Change in Hamburg 1529–1819*, Cambridge 1985.

Chapter 2: The United Provinces of the Northern Netherlands

In 1579, Northern-Western Europe saw the emergence of a new political entity – a union of Friesland, Guelders, Groningen, Overijssel, Utrecht and Zeeland; the union, which actively attempted to assert its autonomy, was later joined by Drenthe.[1] Previously, the German dominion on the lower Rhine and Meuse, known as the Netherlands, consisted of seventeen territories (states): the Duchy of Brabant, Guelders, Limbourg, Luxembourg, the country of Artois, Flanders, Hennegouwen (Hainaut), Holland, Namen (Namur), Zeeland, Zutphen, the territories of Tournai (Doornik), Drenthe, Friesland, Groningen, Overijssel, and the Bishopric of Utrecht. In the late fifteenth century, the Netherlands, which (alongside Italy) constituted the most urbanised area in Europe at that time (208 towns altogether, including 16 whose population exceeded 10 000 residents), experienced another phase of accelerated growth. With approximately 90 000 residents, Antwerp served as the economic and financial centre of the region. Bruges and Ghent, the established and affluent Flemish centres of commerce, played a major role in the region, while Dutch port cities (Hoorn, Enkhuizen, Amsterdam) developed rapidly, capitalising on trade with the Baltic region. The first university in the Netherlands was founded in 1425 in Leuven, but it was the premium quality of secondary school education as well as the abundance of secondary schools as such that was a decisive factor contributing to the residents' high level of education. In addition, each town boasted primary schools that provided residents with a basic education; in Antwerp alone there were about 160 such institutions of education in the first half of the sixteenth century. These schools were dominated by the so-called Northern European Humanism – a synthesis of Renaissance Humanism and the ideas of *devotio moderna* that were first cultivated in the Netherlands in the Late Middle Ages.

In 1506, King of Spain Charles I (eventually known as Holy Roman Emperor Charles V) became the sovereign of the Netherlands. Because he was under age until 1515, his grandfather Emperor Maximilian appointed as Regent of the

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1   Principal facts are based upon: A. E. M., Janssen, P. J. A. Nissen, "Niederlände, Lüttich", [in:] *Die Territorien des Reichs im Zeitalter der Reformation und Konfessionalisierung. Land und Konfession 1500–1650*, Bd. 3: *Der Nordwesten*, hrsg. A. Schindling, W. Ziegler, Münster 1995 (2nd impression), p. 200–235; J. I. Israel, *The Dutch Republic. Its Rise, Greatness, and Fall (1477–1806)*, Oxford 1995, p. 129–933.

Netherlands his daughter Margaret of Austria, Duchess of Savoy, who at that time resided in Brussels. After his succession, Charles initiated a policy of centralisation, which was opposed by the States General. From 1513 onwards, Charles of Egmond, the Duke of Guelders and Count of Zutphen, attempted to play the role of the rival incumbent. Although he was acknowledged as the rightful ruler of Groningen and Friesland (1514–15), he failed to compete with Charles I of Habsburg over the Bishopric of Utrecht and he eventually lost dominion over Groningen and Friesland. After 1538, his land was inherited by Duke William of Jülich-Cleves-Berge, who in 1543 relinquished his supremacy over Guelders. As a result, the mid-sixteenth century saw the unification of the Netherlands under the Habsburgs. Incumbency on behalf of Charles V was represented first by his aunt Margaret and then, after 1530, his sister Mary of Austria (also known as Mary of Hungary). However, due to the implementation of centralised politics and increasing fiscalism, tension grew, as signalled by the Revolt of Ghent, which was relatively easily quashed in 1540.[2]

Dissatisfaction with state politics directly strengthened advocates of the Reformation. As early as in 1518, Luther's writings were circulated in Antwerp while his thought was endorsed by Jacobus Praepositus, Prior of the local Augustinian Eremite convent. Imprisoned in 1522, he fled to Wittenberg; his successor Henrik van Zutphen also turned out to be a Lutheran and – after his incarceration – also managed to escape to Germany. As a consequence, authorities incarcerated the entire Antwerp convent: the majority of monks renounced their "heretical" views, but three of them adamantly stood their ground and were burnt at the stake in Brussels in July 1523 (they were the first martyrs of the Reformation in the Netherlands). When, in 1523, the Inquisitor of the Netherlands, Frans van der Hulst, demanded that Dutch authorities hand over Cornelis van Hoen, a lawyer from the Hague who was accused of being a proponent of Lutheranism, the States General of the Netherlands refused, which is evidence of their affirmation of radical religious ideas (van Hoen had defied the Catholic interpretation of the Eucharistic dogma in the spirit of Zwingli). This was perhaps the first manifestation of divergence from Luther's thought and of movement toward the theories of "the sacramentarians".

To authorities in Brussels, it was a clear-cut signal that, with regard to religious matters, they could only rely on the higher clergy and the University of Leuven, which as early as 1519 had renounced Luther's theses. This stance was

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2   H. G. Koenigsberger, *Monarchies, States Generals and Parliaments. The Netherlands in the Fifteenth and Sixteenth Century*, Cambridge 2001, p. 140–145.

reaffirmed by Adriaan Florenszoon Boeyens, a lecturer in philosophy and theology at the University of Leuven, an influential tutor to Charles V, and – after 1522 – Pope Adrian VI. In 1520, Apostolic Nuncio Cardinal Girolamo Aleandro launched the Papal bull *Exsurge Domine*. In effect, state authorities published the so-called „plakaaten", i.e., regulations prohibiting the printing, dissemination and even ownership of Luther's writings.

The Anabaptist movement was also of primary importance in the development of the Reformation in the Netherlands. In the late 1520s, the Anabaptist theology was forged under the influence of the Franconian secular minister Melchior Hoffman (Hoffmann), who was initially active in Livonia and then moved to Scandinavia and Northern Germany. After 1530, Hoffman established an Anabaptist community in Frisian Emden; similar communities were founded in Antwerp, Amsterdam, Deventer and Maastricht. An attempt to create "the New Jerusalem" in Münster (1534–35) turned into a tragic bloodbath – the Anabaptists tried to take power in Leiden and Deventer, managed to seize Oldeklooster off Frisian Bolsward in March 1535, and eventually in May strove to subjugate Amsterdam.

Despite military failures and draconian repression, some leaders of the Anabaptist movement, including the brothers Obbe and Dirk Filips, David Joris and, in particular, Menno Simons (who was from Witmarsum in Friesland and who renounced the Catholic Church upon the death of his brother Pieter inOldeklooster[3]), did not cease their activities; they did, however, renounced physical violence. Simons is universally credited with the creation of Mennonite communities (they were known as "peaceful" Anabaptists) that were yet to play a significant role in the development of Church-state relations. Still, in the 1530s advocates of the Reformation were forced to go underground in the wake of the short, bloody and tumultuous lifespan of the "kingdom" in Münster and – above all – due to a wave of repressions. In 1545, the General Inquisitor of the Netherlands Ruard Tapper appointed a number of governors (stadtholders) in all the provinces; Pieter Titelmans[4], the Inquisitor of Flanders, Friesland and Overijssel, became the most notorious of them all.

In the late 1540s, the influence of Calvinism, radiating across the Southern Provinces from France and Strasbourg and across the North from the Dutch communities in Emden and in London, was becoming more visible than ever

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3 K. Vos, *Menno Simons, 1496–1561, zijn leven en werken en zijne reformatorische denkbeelden*, Leiden 1914, p. 228nn.

4 E. W. Monter, *Judging the French Reformation. Heresy Trials by Sixteenth-century Parlements*, Cambridge Mass. 1999, p. 39–43.

before. To a large extent, the impact of Calvinism was orchestrated by emigrants working under the direction of Jan Łaski (John a Lasco): Maarten Micron drew up the Reformed Catechism, while Jan Utenhove translated the New Testament into Dutch. Pieter Datheen (Petrus Dathenus), theologian and head of the refugee congregation in Frankfurt am Main, was the creator of the Dutch Reformed Liturgy and a translator of, among other works, *The Heidelberg Catechism*[5]. In 1544, Francophone Evangelicals from Tournai asked Strasbourg to send them a minister. In response, Evangelical authorities appointed Pierre Brully, who also preached in Arras, Douai, Lille and Valenciennes. In 1545, he was arrested and sentenced to death. In 1561, Mons-born Guido de Brès created the *Belgic Confession* (*Confessio Belgica*); he acted as a minister in the Southern Netherlands until 1567, when he was tried by the Spanish Inquisition, sentenced to death and hanged in the market square in Valenciennes[6].

Persecuted advocates of the Reformation also resorted to violence. In 1562, in Boeschepe (Western Flanders), Calvinists staged a regular demonstration of power. Early in the morning of 12 July, paralleling a Catholic mass that was taking place in the local church, an Evangelical service (with guards and the faithful in attendance) was celebrated at a nearby cemetery by a pastor who had come from England for this particular occasion. The event was masterminded by emigrants, most probably in tandem with local Evangelicals, given that – the following day – authorities initiated an investigation and arrested a number of residents of Boeschepe, accusing them of Calvinist tendencies; as a result, 12 of them were sentenced to death[7].

Acts of persecution, along with the executions that took place in the mid-sixteenth century, were the product of the new phase of anti-Protestant activity inaugurated around 1550. April 1550 saw the publication of the so-called "Bloedplakaat" – a resolution that justified sentencing the laity to death for discussing the Holy Writ. After the enthronement of Philip II of Habsburg in 1555, Emanuel

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5   H. Klaassens, "The Reformed Tradition in the Netherlands", [in:] *The Oxford History of Christian Worship*, ed. W. Wainwright, K. B. W. Tucker, Oxford 2006, p. 463–465.

6   *Confessio Belgica* in French: *Confession de foy. Faicte d'un commun accord par les fidèles qui conversent és pays bas, lesquel désirent vivre selon la pureté de l'Evangile de nostre Seigneur Jesus Christ,* (1561); Dutch version: *Belydenisse des gheloofs. Ghemaect met een ghemeyn accoort door de gheloovighe, die in de Nederlanden over al. verstroyt zijn, de welcke na de suyverheyt des Heylighen Evangeliums ons Herren Jesu Christi begheeren te leven,* (1562), http://dutchrevolt.leidenuniv.nl/Nederland/personen/b/bres.htm.

7   M. F. Backhause, *The Official Start of Armed Resistance in the Low Countries. Boeschepe 12 July 1562*, ARG 71, 1980, p. 198–226.

Philibert, Duke of Savoy, became Governor of the Netherlands, while new people joined the ranks of the executive power there. The States General of the Netherlands distanced themselves from the new "alien" executive powers, which was symbolised by the pejorative term "spaanse raad" (the Spanish Council)[8]. In spite of the frequently draconian measures taken by authorities, the provinces, especially those removed from Brussels, experienced an erosion of Catholicism. Friesland constitutes a fitting example: in the mid-sixteenth century, it was a Catholic country with a considerable Protestant and Mennonite presence. At that time, many parishes selected their own ministers and preferred priests living in stable relationships over advocates of celibacy. Furthermore, many of the clergy in question openly negated the dogma of transubstantiation. Here, graduates of the University of Heidelberg were appointed pastors and even a Premonstratensian (Norbertine) graduate of Wittenberg became an abbot. The combination of folk conservatism and Erasmian tolerationism of the local elites helped slow the polarisation and division within the community between Catholics and Protestants. Nonetheless, in 1566, first Leeuwarden and then the entire province of Friesland opted in favour of the Reformation[9].

Prepared by the advisors to Philip II in the spirit of the Trent reform and approved in 1559 by Pope Paul IV, the new organisation of the Church was one of the better projects aimed at reinstating Catholicism as the dominant religion. The Netherlands were divided into three provinces and fifteen dioceses[10], while new bishops were selected from among the graduates of the University of Leuven and the inquisitors. Cardinal Antoine Perrenot de Granvelle, advisor first to Philip II and then to Charles V's daughter Margaret of Parma (who ruled the Netherlands from 1559), was elevated to the position of Archbishop of Mechelen and became the Primate of the Netherlands. Catholic reform, however, was met with vocal opposition from the States General, which asserted that the reforms encroached upon their privileges. Furthermore, many members of the States General were Protestants who undoubtedly identified reform as a means of stimulating the Counter-Reformation movement. The political and denominational motivations

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8   H. G. Koenigsberger, op. cit., p. 172–192.

9   J. Spaans, "Welfare Reform in Frisian Towns. Between Humanist Theory, Pious Imperatives, and Government Policy", [in:] *The Reformation of Charity. The Secular and the Religious in Early Modern Poor Relief*, ed. T. M. Safley, Boston-Leiden 2003, p. 120–136.

10   F. Postma, "Nieuw licht op een oude zaak: de oprichting van de nieuwe bisdommen in 1559", *Tijdschrift voor Geschiedenis* 103, 1990, 1, p. 10–27.

of the opposition augmented each other, leading to a volatile mix that was about to prove explosive and incendiary[11].

Composed of representatives of the local authorities and members of the States General, the opposition was presided over by three aristocrats: the stadtholder (Governor) of Holland, Zeeland and Utrecht – William, Prince of Orange and Count of Nassau; the stadtholder of Flanders and Artois – Lamoraal, Prince of Gavere and Count of Egmont; and the stadtholder of Guelders – Philip de Montmorency-Nivelle, Count of Horn (Hoorn), all of whom were affiliated with the so-called "conciliatory faction" of the Spanish court. Leaders of the Dutch opposition immediately became overt and influential antagonists of Cardinal Granvelle, which led to his deposition and departure from the Netherlands in March of 1564. At the end of 1564, William I addressed the Council of State in Brussels in a speech in which he demanded revocation of the practice of religious coercion and the introduction of freedom of conscience for dissenters[12]. Still, Philip II's views and policies discouraged – even more than before – his nobility from supporting him. William of Orange, as Baron of Breda, and John of Glymes, as Baron of Bergen-op-Zoom and Valenciennes, openly espoused policies conducive to the interests of the Evangelicals[13].

In 1565, the opposition was joined by members of the lower echelons of the Dutch nobility, and the following year Margaret of Parma was presented with a petition ("Smeekschriften") to cease further persecution of religious dissenters and to uphold the rights of the States General[14]. It is worth emphasising here that the opposition's policies should not be reduced to one or the other of the above postulates; undoubtedly, religious issues were of considerable importance, but the fact is that the nobility drew more from the tradition of the right of resistance that was particularly characteristic of the Duchy of Brabant[15]. The

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11 H. G. Koenigsberger, op. cit., p. 193–219.

12 F. Rachfahl, *Wilhelm von Oranien und der Niederländische Aufstand*, Haag 1906–1924, Bd. 2, p. 474.

13 F. Braudel, op. cit., p. 400; K. Brandi, *Deutsche Geschichte im Zeitalter der Reformation und Gegenreformation,* München 1960, (first published in 1927), p. 360.

14 *Smeekschrift der edelen,* 5 April, 1566; *Tweede smeekschrift der edelen,* 30 VII 1566, http://dutchrevolt.leidenuniv.nl; H. G. Koenigsberger, op. cit., p. 209–216.

15 The final passage of the privileges of the Duchy of Brabant: „So verre de Furst hare privilegien wil breken door gewelt of andersins, so werden die van Braband na ordentlijke gedane protesten, van haren gedanen eed en huldinge ledich en vry, en mogen als vrye, ledige en onverbondene na haer gevallen voornemen 't gund hem beste dunkt.", P. Ch. Bor, *Oorsprongk, begin, en vervolgh der Nederlandsche oorlogen,*

mid-1560s saw the confluence of two vital ideas in the Netherlands: the defence of liberties and political rights (*haec libertatis ergo*) and the defence of religious freedom (*haec religionis ergo*). In subsequent decades these two elements would become the cornerstone of the latitudinarian state ideology of the United Provinces, i.e., the so-called "Batavianism"[16].

The activities of the noble opposition emboldened commoners to hold public Reformed religious service in Flanders in May of 1566, which by August had evolved into iconoclastic riots. In Flemish cities throngs of people invaded churches and monasteries with a view toward destroying paintings and sculptures that depicted religious figures. Interestingly, in areas where local authorities exercised flexibility, such acts of destruction were averted. In Haarlem, mayor Nicolaas van der Laen, whose assistant was Humanist Dirck Volckertszoon Coornhert, ordered the Cathedral of Saint Bavo temporarily shut and decreed that religious service ought to be performed in smaller, i.e., less prominent, churches. In late autumn of 1566, when it was not permissible to perform religious services outdoors, authorities of Haarlem even built a temporary wooden church for the local Calvinists. Friendly relations in the city ended when the Spanish army entered Haarlem and a series of repressive measures targeting both Protestants and advocates of reconciliation commenced. Coornhert was forced to live in exile; before long, Haarlem joined the anti-Spanish rebellion[17].

Before the conflict escalated, however, Dutch elites counted on the "conciliatory faction" in the court of Philip II, as evidenced by the anonymously published treatise entitled *Brief discours envoyé au Roy Philippe* (1566), whose author – perhaps William of Orange's associate François Baudoin – suggested the need for freedom of conscience and freedom of Protestant worship to be introduced in the Netherlands. Concurrently, William I, Prince of Orange opted to implement the same model in Antwerp and even addressed a memorial to the States General, in which

    beroerten, en borgerlyke oneenigheden, vol. 1, Amsterdam 1679, p. 19, http://dutch revolt.leidenuniv.nl.

16 I. Schöffer, "The Batvian Myth During the Sixteenth and Seventeenth Centuries", [in:] *Britain and The Netherlands*, vol. 5: *Some Political Mythologies. Papers Delivered to the Fifth Anglo-Dutch Historical Conference*, ed. J. S. Bromley, E. H. Kossmann, The Hague 1975, p. 78–101; G. Groenhuis, "Calvinism and National Consciousness. The Dutch Republic as the New Israel", [in:] *Britain and The Netherlands*, vol. 7: *Church and State Since the Reformation. Papers Delivered to the Seventh Anglo-Dutch Historical Conference*, ed. A. C. Duke, C. A. Tamse, The Hague 1981, p. 118–133; A. Ziemba, *Nowe dzieci Izraela. Stary Testament w kulturze holenderskiej XVII wieku*, Warszawa 2000, p. 77–79.

17 A. Ziemba, op. cit., p. 125–128.

he postulated the introduction of freedom of conscience and limited freedom of dissenter worship. Sent as an envoy to pacify the riots in Holland, he signed an agreement with the States Provincial regarding toleration of Calvinists; according to the agreement, the Calvinists – on condition that they returned the churches to the Catholics[18] – were to be granted the right to worship outside of the city walls.

However, the Spanish court eventually favoured the "militant faction", which was headed by the victor of the Battle of Mühlberg, Duke de Alva. In the spring of 1567, despite the fact that the Protestant rebellion was on the wane after the loss at Oosterweel near Antwerp and the fall of Valenciennes, Philip II chose to implement strong-arm policies in the Netherlands. In August, Duke de Alva entered Brussels and on 5 September ordained the Council of Troubles (Raad van Beroerten), a special tribunal that indiscriminately sentenced people to death (approximately 1000 cases) and ordered the confiscation of personal assets (approximately 10 000 cases). For that reason alone, the Council quickly grew in notoriety, eventually being labelled "bloody"[19]. On 30 December 1567, Margaret of Parma left the Netherlands and Duke de Alva was appointed Governor. His reign was symbolised by the execution of politicians who previously attempted to reconcile the interests of the Netherlands with the political practice of the Spanish sovereign. Under Duke de Alva, they became regarded as leaders of the rebellion. On 5 June 1568, Count of Egmont, Count of Horn, and Tobias van Leeuwen were beheaded in Brussels' Grand Place (Grote Markt); the first two became symbolic martyrs in the struggle for the independence of the Netherlands. William of Orange, having fled to Dillenburg in 1567, was already involved in preparations for the forthcoming war against Spain[20].

At that time, noble and municipal elites of the Netherlands, aided by Geneva-educated proponents of the right of resistance that included Franciscus and Johan de Jonghe, Hubert Languet, and Philips of Marnix, Lord of Saint Aldegonde (who is the most famous of the group and is the purported author of *Wilhelmus*, an anthem of the Dutch rebels[21]), attempted to galvanise fellow European Protestants into action and to organise resistance under the banner

18 J. Lecler, *Historia tolerancji w wieku reformacji*, vol. 2, trans. L. and H. Kühn, Warszawa 1964, p. 182–185; H. H. Rowen, *The Princes of Orange. The Statholders in the Dutch Republic,* Cambridge 1990, p. 12.

19 H. G. Koenigsberger, op. cit., p. 220–233.

20 H. H. Rowen, *The Princes of Orange*, p. 8–32.

21 A. Th. van Deursen, "Marnix van Sint Aldegonde een calvinistisch propagandist", [in:] *Een intellectuele activist. Studies over leven en werk van Philips van Marnix van Sint Aldegonde*, ed. H. Duits, T. van Strien, Hilversum 2001, p. 23–27.

of fidelity to God and the battle against tyranny[22]. However, the Spanish army managed to conquer the majority of territories and subdue the revolutionaries. In the early 1570s, only the coast of Zeeland and Holland maintained resistance, where the landscape was detrimental to the Spanish forces and the geographic location provided the revolutionaries with access to assistance and provisions from England. A military breakthrough came in April of 1572, when "the Beggars" ("geuzen", "les gueux" was the name originally used to describe a group of petitioners submitting "smeekschriften" to the regent, Margaret of Parma) – i.e., the anti-Spanish rebels – invaded Den Briel (Brielle) in the south of Holland and commenced their victorious land offensive[23]. The military campaign was led by William of Orange, who proclaimed his triumph in a Dillenburg manifesto dated 14 April 1572.[24]

The war waged to defend political rights and religious freedoms provided a decisive impulse for the development of the Dutch Reformed Church (Nederduitsch Gereformeerde Kerk; known after 1816 as Nederlandse Hervormde Kerk). Before the eruption of the iconoclastic movement in the Netherlands, there were only small-scale, clandestine Evangelical churches that provided the seed for the further gestation of the new Church. Over the course of the uprising, especially in the Northern Provinces, a decline in the efficiency of the Catholic Church structure ensued. In 1571, in Emden, in the capital of Eastern Friesland, the synod of the Dutch Reformed Church was founded, during which exiled Calvinist leaders chose the Presbyterian-synodal structure for the newly established organisation[25].

22 S. Bildheim, *Calvinistische Staatstheorien. Historische Fallstudien zur Präsenz monarchomachischer Denkstrukturen in Mitteleuropa der Frühen Neuzeit*, Frankfurt am Main 2001, p. 144–147.

23 H. W. Bloom, "Two Models of Resistance. Beggars and Liberators in the Dutch Revolt", [in:] *Widerstandsrecht in der frühen Neuzeit. Erträge und Perspektiven der Forschung im deutsch-britischen Vergleich*, hrsg. R. von Friedeburg, Berlin 2001, p. 61–81, ZHF Beiheft 26.

24 *Oproep van prins Willem van Oranje aan de inwoners van de Nederlanden in verzet te komen tegen het bestuur van de hertog van Alva,* Dillenburg 14 April 1572, *Correspondence de Guillaume de Taciturne*, ed. L. P. Gachard, Bruxelles 1850–1857, vol. VI, p. 297–301, http://dutchrevolt.leidenuniv.nl.

25 W. van 't Spijker, "Stromingen onder de reformatorisch gezinden te Emden", [in:] *De Synode van Emden Oktober 1571. Een bunel opstellen ter gelegenheid van de vierhonderdjarige herdenking*, ed. D. Nauta, J. P. van Dooren, O. J. de Jong, Kampen 1971, p. 50–74; J. Plomb, *De kerkorde van Emden,* ibidem, p. 88–121.

In 1572, more Northern Dutch towns (Vlissingen, Dordrecht, Enkhuizen, Leiden, Haarlem, and Delft) sided with "the Beggars". During a meeting in Utrecht in July of 1572 William of Orange gained control over rebellious provinces, while the ideological justification for military resistance was prepared by two Monarchomachs: Johan de Jonghe and Philips of Marnix, Lord of Saint Aldegonde[26]. In August, the army of William of Orange seized Mechelen in the Duchy of Brabant and, in the October of 1573, "the Sea Beggars" triumphed at the Bay of Zuiderzee over the Spanish fleet commanded by Maximilien de Hénin-Liétard, Count of Boussu (appointed by Philip II Governor of Holland, Zeeland and Utrecht), thereby capturing de Hénin-Liétard alongside the imperial flagship "Inquisition". In 1575, William of Orange, who was determined in his struggle for equality between Catholics and Protestants, was appointed Governor of two Calvinist provinces, i.e., Holland and Zeeland, which provides evidence that his stance on the interdenominational relations was recognized by the Protestant milieu[27].

In the autumn of 1576, a series of peace talks took place in Ghent between the States General, William of Orange, the delegates of Holland and Zeeland and their allies. On 8 November, a few days after the plundering of Antwerp by the army of Philip II (the event itself has gone down in history as "the Spanish Fury"), agreement was reached: both the Spanish army and the Spanish administration were to be removed from the Netherlands, and denominational matters were to be eventually decided by the States General. Until that time, Calvinism was to be regarded as the established religion in Holland and Zeeland, with a proviso that Catholics were to be guaranteed religious autonomy in the remaining provinces. Correspondingly, all anti-Protestant legislation was rescinded, which enabled the construction of the Evangelical Church structure on the entire territory under Dutch control[28].

Initially, small groups of Calvinists attracted the greatest following in towns of the southern provinces and in Holland and Zeeland. Both in Holland and in Zeeland Catholics started to be identified as advocates of Spain and, as a result, public Catholic worship was banned there in 1573. In the early 1570s, the society in the Netherlands was divided into three denominational groups: (1) Evangelical

26 S. Bildheim, op. cit., p. 151–152.

27 *Holland en Zeeland dragen te hoge overheid op aan prins Willem van Oranje*, 11 July 1575, http://dutchrevolt.leidenuniv.nl.

28 *Klein plakkaatboek van Nederland. Verzameling van ordonnantiën en plakkaten betreffende regeeringsvorm, kerk en rechtspraak (14e eeuw tot 1749),* ed. A. S. de Blécourt, N. Japikse, Groningen – Den Haag 1919, nr XVI, p. 113–117 as well as http://dutchrevolt.leidenuniv.nl; see H. G. Koenigsberger, op. cit., p. 270–273.

elites with Calvinists at the very top; (2) their Catholic antagonists representing the Trent model of religiousness; (3) and the moderate, predominantly urban population located between the two, i.e., Protestant and Catholic, extremes, unwilling to choose between "Geneva" and "Rome". The third group included also non-conformist politicians and writers, the so-called "libertines" who, following in the footsteps of the French *politiques*, attempted to tone down religious emotionality for the sake of the state. Such an attempt was an uphill struggle given that the Reformed religion was construed as "the denomination of the Beggars" that fought for freedom, and that Catholicism evoked, especially in the North, the notion of "the Spanish tyranny"[29].

Despite mounting difficulties, William of Orange attempted to introduce religious equality[30]. On 9 June 1578, his envoys presented the States General with a draft version of a religious peace that, relying on the resolutions of the Ghent agreement of 1576, stipulated that both Catholics and Evangelicals would be granted the right of public worship. It was also suggested that in any town, village, place of residence where *at least* 100 families opted for a particular denomination, followers of that denomination would be granted the right of public worship[31]. Working in a similar spirit of toleration, William I once again regulated denominational relations in Antwerp, issuing in August of 1578 a decree regarding freedom of worship and a prohibition on mutual persecution[32]. At the same time, Calvinist representatives from the South and North met during the General Synod of Dordrecht, which was clearly preoccupied with, among other things, issues pertaining to the model of Church-state relations. After much deliberation, a compromise was reached: pastors were to be ordained by congregations, but instated only upon approval by the local secular (state) authorities. As subsequent decades would prove, these issues remained some of the most pressing

29 N. Mout, "Staat und Calvinismus in der Republik der Vereinigten Niederlande", [in:] *Territorialstaat und Calvinismus*, hrsg. M. Schaub, Stuttgart 1993, p. 87–96, Veröffentlichungen der Kommission für Geschichtliche Landeskunde in Baden-Württemberg, Reihe B: Forschungen, Bd. 127.

30 G. Güldner, *Das Toleranz-Problem in den Niederlanden im Ausgang des 16. Jahrhunderts*, Lübeck-Hamburg 1968, p. 41–65, Historische Studien, 403; A. Th. van Deursen, H. de Schepper, *Willem van Oranje. Een strijd voor vrijheid en verdraagzaamheid*, Weesp 1984, p. 125–134.

31 A. Duke, *Reformation and Revolt in the Low Countries*, London 1990, p. 203–226.

32 *Provisionele ordonnantie op't stuck van de Religionsvrede binnen Antwerpen*, 29 August 1978, [in:] P. Ch. Bor, op. cit,. vol. 1, p. 974–975, http://dutchrevolt.leidenuniv.nl.

and complex problems in relations between secular and Church authorities in the Northern Netherlands[33].

Residents of Holland and Zeeland were adamant in their joint refusal to grant freedom of worship to Catholics. In 1579, in his treatise *Discours contenant le vray entendement de la Pacification de Gand, de l'Union des Etats et autres traités*, an anonymous Evangelical author defended the proposal put forward by William I, criticised the concept that drew a distinction between freedom of conscience from freedom of worship, and demanded the full separation of the religious from the political (these were ideas introduced by Calvinists residing in the Northern Netherlands)[34]. On 6 January 1579, the Southern Provinces of Hennegouwen and Artois signed an agreement in Arras expressing willingness to remain both Catholic and under the sovereignty of Philip II. In response, the Northern Provinces signed a union agreement in Utrecht on 23 January, which served as a prelude to the proclamation of autonomy. United in Utrecht, the provinces and towns acknowledged religious duality, allowing Holland and Zeeland to rely on their own internal legislation with regard to religious matters; all the remaining provinces either accepted William of Orange's 1578 proposal or codified their own rules. Nevertheless, two things remained constant in all the provinces: (1) freedom of conscience was introduced as a legal fact; (2) individual religious coercion and persecution were made illegal[35].

This, however, did not imply the introduction of religious equality in the North. On 3 March 1580, Catholic Georg van Lalaing, Count of Rennenberg, Governor of Friesland, Groningen, Drenthe and Overijssel (appointed by William of Orange), joined Philip II and surrendered Groningen to the Spanish troops. His act of treachery confirmed anti-Catholic resentment that was rife in the Netherlands and resulted in a revision of the religious policy. As early as March of 1580, the States of Friesland (the province which had so far remained "liberal" in terms of its denominational politics) issued a resolution prohibiting public Catholic worship[36]. Similar legislation was introduced in the provinces of Utrecht and Overijssel, while in Guelders Governor Louis of Nassau (Ludwig

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33 R. L. Jones, "Reformed Church and Civil authorities in the United Provinces in the Late sixteenth and Early seventeenth Centuries, as Reflected in Dutch State and Municipal Archives", *Journal of the Society of Archivists* 4, 1970, 2, p. 109–123.

34 J. Lecler, op. cit., vol. 2, p. 200nn.

35 *Klein plakkaatboek van Nederland,* no. XIX, p. 120–125.

36 W. Bergsma, *Tussen Gideonsbende en publieke kerk. Een studie over het gereformeerd protestantisme in Friesland, 1580–1650*, Hilversum 1999, p. 159–160.

van Nassau) not only enforced the ban on Catholic worship but even endorsed the iconoclastic movement.

After the dethronement of Philip II by the States General of the United Provinces in 1581 based on the Act of Abjuration ("Plakkaat van Verlatinghe")[37], and once the Spanish had issued the Edict of Proscription against William of Orange, the leader of the Dutch revolt against the Habsburgs wrote his *Apologia*, in which he warned fellow Dutchmen about Catholics, especially given that their clergy were subordinate to the Pope, which made them subjects of a country whose interests were inimical to the raison d'état of the Netherlands. Published anonymously in Antwerp in the summer of 1581, the *Apologia* offered arguments against the Papacy, stating that although "a papist" could potentially be as decent as a member of the Reformed Church, a Catholic was not to be considered an equally loyal and patriotic citizen of the United Provinces. Thus, Catholics were to be ousted from municipal offices, which were supposed to cooperate harmoniously, while the presence of Catholics among "the regents" did neither guarantee harmony nor safety[38]. As a result, it was becoming increasingly difficult to maintain conciliatory politics that drew on Erasmian Humanism[39]. The next wave of ant-Catholic legislation was spurred on by the murder of William of Orange in July of 1584[40].

After his death, not only the politics of religious equality (as preferred by William of Orange) but even the freedom of public Catholic worship turned out to be untenable: "The freedom of religious practice urged by Orange and some others seemed too radical and much too risky, to city governments, concerned above all with minimizing the disruptive consequences of the bitter political and religious diversions in society and restoring a semblance of political, religious

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37 *Placcaet van de Staten Generael vande geunieerde Nederlanden*…, Antwerpen 1581, sign. Universiteitsbibliothek Leiden 1056 F 45 http://dutchrevolt.leidenuniv.nl; see N. Mout, *Het Plakkat van Verlatinghe*, Den Haag 1981.

38 *Broederlijcke waerschouwinge aen alle Christen Broeders, die van Godt veroordent sijn tot de verkiesinghe der Overicheyt ende Magistraten inde Steden der ghem. Provincien, daer het H. Evangelium vercondlicht ende de ghereform. Religie gheexerceert wort,* T'Hanswerpen 1581, quoted from G. Griffith, *Democratic Ideas in the Revolt of the Netherlands*, ARG 50, 1959, p. 24.

39 N. Mout, "Limits and Debates. A Comparative View of Dutch Toleration in the Sixteenth and Early Seventeenth Centuries", [in:] *The Emergence of Toleration in the Dutch Republic,* ed. Ch. Berkvens-Stevelinck, J. I. Israel, H. P. Meyjes, Leiden 1997, p. 37–47.

40 J. Lecler, op. cit., vol. 2, p. 229.

and social stability."[41] However, after the United Provinces of the Northern Netherlands was founded in 1579, the most demanding task was not how to maintain equilibrium between Evangelicals and Catholics, but how to work out relations between the secular state and the Reformed Church. While elites continued to understand such relations in the vein of Erasmus, Evangelical radicals competed for the largest political leverage possible[42]. The municipal elites (regents) that reigned over the United Provinces came to the conclusion that the Reformed Church was to be officially endorsed, though it did not gain the status of established church. Still, subsequent years saw the process of top-down "de-Catholicisation" of the Provinces: the prohibition of public Catholic worship was upheld, relics and vestiges of the Catholic tradition and practice were duly removed from political life, and public spaces underwent "Calvinization"[43].

Starting in the 1570s, authorities of the Reformed Church, including the clergy, secular church councils, the so-called *classis*, i.e., the counterpart of Catholic archdeaconries, and the provincial synods all cooperated closely with state (secular) authorities[44]. Church buildings and monastic edifices were handed over to Reformed congregations to be used as places of worship, schools and care homes. Pastors were salaried and received money from the state thanks to the income generated by the secularisation of Church assets. Furthermore, initially, according to civil law, only marriage vows taken in the presence of a Reformed pastor were considered legally valid. With regard to the appointment of posts regarded to be within the remit of the Church, i.e., jobs of pastors and teachers as well as care home boards – the decisive voice was given to representatives of the secular authorities, who were granted the right of veto[45]. The Reformed Church enjoyed

41 J. I. Israel, "The Intellectual Debate about Toleration in the Dutch Republic", [in:] *The Emergence of Tolerance in the Dutch Republic*, p. 3–4.

42 N. Mout, "Ideales Muster oder erfundene Eigenart. Republikanische Theorien während des niederländischen Aufstands", [in:] *Republiken und Republikanismus im Europa der Frühen Neuzeit*, hrsg. H. G. Koenigsberger, E. Müller-Luckner, München 1988, p. 169–194.

43 A. Th. van Deursen, *Plain Lives in a Golden Age. Popular Culture, Religion, and Society in Seventeenth-century Holland*, trans. M. Ultee, Cambridge 1991, p. 244–247.

44 A. Duke, R. Jones, "Towards a Reformed Polity in Holland, 1572–1578", *Tijdschrift voor Geschiedenis* 89, 1976, p. 373–393.

45 D. Visser, "Establishing the Reformed Church. Clergy and Magistrates in the Low Countries 1572–1620", [in:] *Later Calvinism. International perspectives*, ed. W. Fred Graham, Kirksville 1994, p. 388–407; A. Pettegree, "Coming to Terms with Victory. The Upbuilding of a Calvinist Church in Holland, 1572–1590", [in:] *Calvinism in Europe, 1540–1620,* ed. A. Pettegree, A. Duke, G. Lewis, Cambridge 1994, p. 160–180; J. Pollmann, *Religious*

considerable privileges, though other denominations also benefited from a high degree of practical toleration, especially since the regents worked to maintain an equilibrium that was conducive to the state, which fostered the cultivation and preservation of local customs and alterities.

Holland in the 1570s constituted a Calvinist stronghold, but the overall position of the Reformed Church in the county left much to be desired. Taking charge of the rebels' offensive in April of 1572, William of Orange decreed freedom of public Reformed worship, stipulating simultaneously that Catholics were to be exempt from persecution. In many towns in Holland, local regents purposefully belatedly handed over buildings (to be used for religious practices) to Reformed congregations and, for that reason, the people of Holland frequently took matters into their own hands. After the conquest of Schoonhoven by Spain in 1572, Catholic churches in Dordrecht were plundered, while in April of 1573, with William of Orange nearby, the interior of the Oude Kerk in Delft was pillaged. Characteristically, the intruders explained that they had ruined the church to put paid to iconoclasm, i.e., the celebration of the Catholic mass, which in their mind angered God and delayed the victory over Spain. At the beginning of 1573, celebration of the Catholic mass was prohibited in Dordrecht, Gorinchem, Gouda, Leiden and Rotterdam; in April, the ban was extended over the entire territory of Holland. Soon, towns willing to join the revolt were required to conform to the prohibition, including Amsterdam (1578), whose population was dominated by Catholics, and Haarlem (1581), which was governed by liberal regents[46].

The Reformed Church in Holland was divided into two synodal districts: the Northern and the Southern, both of which in turn were divided into a variable number of *classes*. Initially, the Church was lacking clergy – the University of Leiden was established in the mid-1570s[47], so in the beginning German pastors were invited to take on clerical duties, while circa 20% of Evangelical ministers were former Catholic priests. The first Evangelical communities established in Holland were small: in 1572, a total of 156 people took communion in Enkhuizen, and 180 in Delft. In 1573, the only functioning congregation of considerable

Choice in the Dutch Republic. The Reformation of Arnoldus Buchelius (1565–1641), Manchester 1999, p. 6.

46 K. Bem, *Holenderski Kościół reformowany w XVI i XVII wieku. Struktura, organizacja, problemy*, OiRwP 49, 2005, p. 63–92; R. B. Evenhuis, *Ook dat was Amsterdam*, vol. 1, Amsterdam 1965, p. 97–99.

47 H. L. Clotz, *Hochschule für Holland. Die Universität Leiden im Spannungsfeld zwischen Provinz, Stadt und Kirche, 1575–1619,* Stuttgart 1998, p. 28–35, 67, Contubernium. Tübinger Beiträge zur Universitäts- und Wissenschaftsgeschichte, 48.

size was in Dordrecht – at first, 368 people took communion there, and by 1574 that number had grown to 536, which most probably was the result of the fact that, after 1573, ardent Calvinists took over municipal power, removed Catholic priests and subsequently took charge of all parishes in the vicinity, making sure that the prohibition on the celebration of the mass was enforced. This was not a typical example, though, as the cooperation between pastors and municipal regents was frequently less smooth. In general, however, as the number and quality of Reformed pastors rose, so too did the number of actively faithful in Holland, which in the late sixteenth century amounted to 10% of the population[48].

In Holland, Catholics, Lutherans and Anabaptists still played an important role in religious life in the late sixteenth and early seventeenth century. Despite the prohibition on the public practice of Catholicism, which was repeatedly extended after 1573, and in spite of a concerted effort on the part of pastors to enforce the ban, Catholic communities in Holland continued to function, often with the support of municipal authorities. The persistent extension of the anti-Catholic legislation in 1581, 1589, 1591, 1594, 1653 and 1659 provides evidence of the frequent violation of the regulation. Many towns refused to respect the law and exercised far-fetched (and handsomely paid) toleration of the Catholic cult in private buildings, the so-called "clandestine churches" ("schuilkerken"). The seriousness of this "conspiracy" is further corroborated by the fact that one of the biggest "schuilkerken" in Amsterdam (at present, it is a museum) stood next to the Evangelical Saint Nicholas Church (Oude Kerk). Interestingly, in a different location, a belfry of the Reformed church called the faithful to attend mass celebrated in a clandestine Catholic church[49]. In 1656, Northern Holland was 45% Catholic and Southern Holland was 29% Catholic. Over the course of subsequent decades, there was a steep decline in the number of Catholics there – in 1726, the two regions were 20% and 15% Catholic, respectively[50].

Leiden provides a fitting example of autonomous religious politics implemented by municipal authorities. The town council openly rejected the 1581 anti-Catholic legislation, deeming it incongruous with the privileges of Leiden. It was also asserted that, as residents of Leiden, loyal Catholic citizens had equal rights with non-Catholics; it was a town they had defended, alongside

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48 K. Bem, op. cit., p. 68.

49 Ibidem, p. 69.

50 H. Krippenberg, *De religieuze kaart van Nederland. Omvang en geografische spreiding van de godsdienstiege gezindten vanaf de Reformatie tot heden*, Van Gorcum-Assen 1992, p. 23.

the Evangelicals, against the Spanish between 1573 and 1574[51]. This did not, however, prevent the Catholic ministry from falling into structural disarray, which already in the late sixteenth century experienced a shortage of priests. Catholic masses were still celebrated in private homes and temporary buildings, and the oldest Leiden-based Catholic priest, Pouwels Claesz de Goede (d. 1635), made public appearances wearing his cassock. Hospitals and the so-called *hofjes* also constituted centres of Catholic ministry. Additionally, Leiden Catholics had access to schools, with one of them (run by canon Willem van Assendelft) being under the auspices of the Evangelical Academy of Leiden. In the early seventeenth century, the Catholic ministry in Leiden underwent reorganisation: two "mission stations" (parishes) were founded, and Franciscans and Jesuits started to work there starting in 1609; in 1622, there were 22 Catholic clergymen in Leiden. It was estimated in 1656 that the population of Leiden was 15% Catholic[52]. In a similar way, both Lutherans and Anabaptists enjoyed the status of tolerated minorities; not unlike the Catholics, they found especially favourable conditions in Haarlem, where exceptionally tolerant regents reigned for a considerable amount of time[53].

Zeeland constituted the second (after Holland) stronghold of Calvinism in the Netherlands. In 1574, "the Beggars" from Brielle seized the capital of the county – Middelburg. In 1578, Catholic Church assets there were secularised and public Catholic worship was prohibited. Still, authorities of the Reformed Church remained under the close supervision of the local States Provincial and the municipality of Middelburg. The Zeeland synodal district was divided into a number of *classes*, most of which managed to quickly reorganise the ministry and find suitable pastoral candidates. After 1574, the majority of the Catholic clergy left the province, while the remaining ones opted for retirement, which was paid on condition of yielding one's ministry. Soon, the Reformed confessionalization of residents of Zeeland gained momentum, and in the early seventeenth century a few Catholic communities remained only on the Isle of Zuid-Beveland. In 1656, it was estimated that Catholics constituted only 10% of the population of the entire province[54].

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51 L. Kołakowski, *Świadomość religijna i więź kościelna. Studia nad chrześcijaństwem bezwyznaniowym XVII wieku*, Warszawa 1997, p. 59.

52 Ch. Kooi, *Liberty and Religion. Church and State in Leidens Reformation, 1572–1620,* Leiden 2000, p. 179–192.

53 Eadem, "Popish Impudence. The Perseverance of the Roman Catholic Faithful in Calvinist Holland, 1572–1620", *Sixteenth Century Journal* 26, 1995, 1, p. 75–85.

54 H. Krippenberg, op. cit., p. 23; K. Bem, op. cit., p. 71–73.

Utrecht. Both the city and the province were characterized by religious relations that were different than those of Holland and Zeeland. After joining the anti-Spanish uprising, the Utrecht States Provincial acquiesced on the status of Catholicism as the established religion; from 1559, Utrecht served as the archbishopric. However, upon the death of Archbishop Frederia Schenk van Tautenburg in 1580, the Holy See did not appoint his successor, but still, both in the town and the province, the number of Catholic residents did not fall immediately; as late as 1656, an estimated 55% of Utrecht residents were Catholic[55]. On the one hand, the staunch Catholic affiliation was the result of concerted efforts on the part of the Catholic clergy in the town, which also served as the headquarters of the Dutch Catholic Mission. On the other hand, it was the result of marked divisions among Evangelicals. Furthermore, Utrecht (both the town and the broader province) was inhabited by a large number of Lutherans and Mennonites, who enjoyed considerable liberties[56].

It was not until 1577 that Reformed congregations started to be set up in Utrecht: initially, masses were celebrated in private homes and then in temporary spaces. Geneva-educated Werner Helmichus became the first full-time pastor and was employed by a congregation that, from 1578, held its religious services in a former Franciscan church. Also in 1578, Hubert Duifhuis, rector of Saint James' Church, abandoned Catholicism and chose the Reformed liturgy instead. In effect, Utrecht was divided into two camps – orthodox and liberal – which were unable to reconcile themselves over the issue of whether or not to introduce a hard congregational discipline based on the Genevan model, as postulated by Helmichus. This led to a dispute between "the libertines" (epitomised by Saint James' Church) and "the conservatives" (embodied by Helmichus and his followers) that remained unresolved for decades, given that municipal authorities clearly sided with "the libertines" until the early seventeenth century[57].

In 1579, the States Provincial of Utrecht finally legalised the Reformed confession, and in 1580 it prohibited the public celebration of the Catholic mass. However, with the exception of the years 1585–88, the ban was not enforced. Not only did liberal-minded regents refuse to implement repeated demands to introduce sustained discipline in Evangelical congregations but – endorsed as they were by local Catholics – they did not attempt to get rid of the vestiges of the Catholic ceremonial. For that reason, the Evangelical visitation conducted in

55   H. Krippenberg, op. cit., p. 23; K. Bem, op. cit., p. 73–76.

56   B. J. Kaplan, *Calvinists and Libertines. Confessions and Community in Utrecht, 1578–1620*, Oxford 1995, p. 272–278.

57   B. J. Kaplan, op. cit., p. 17.

1593 in Utrecht proved beyond a shadow of a doubt that numerous churches in the province still contained elements of the former (i.e., Catholic) décor. Furthermore, among the 31 active pastors working in Utrecht, only 18 were regarded as Evangelical, while the remaining ones where considered Catholic, given that they celebrated both Catholic masses and Protestant religious services, depending on the wishes of the faithful. It was not until after the Synod of Dordrecht (1619) that the process of Reformed confessionalization commenced.[58]

Friesland, a province in the northwest of the Netherlands, was not – in the first phase of its independence – a territory where denominational relations constituted a problem to be tackled by authorities of the United Provinces, whose decisions – as previously mentioned – were long characterized by a kind of pragmatism that was, however, affected by the crisis that came in the wake of Count Rennenberg's defection in 1580. This event led to riots, in the course of which Frisian Evangelicals perpetrated acts of iconoclasm inside Catholic churches. After the appointment of William of Orange as Governor of Friesland, the States Provincial shut down all Catholic churches, confiscated their assets, forced the clergy into exile and outright prohibited Catholic religious services. The Reformed Church gained a monopoly over public worship, while Catholic and Protestant dissenters were made legally unelectable to public office. At the same time, however, secular authorities held the Reformed Church in check, which in fact experienced a series of structural problems during its infancy due to a shortage of clergy. In 1585, a university was established in Franeker that soon became the hub of Reformed orthodoxy. The Frisian Reformed synodal district was divided into a number of *classes*, though in the late sixteenth century the community, taken together, was not particularly large. It was not until the early seventeenth century that the number of the Evangelicals exceeded 20% of the province's entire population. In the late seventeenth century, membership of the Reformed congregations amounted to only about 1/3 of Friesland residents[59]. The first Provincial Synod (1580) passed stringent legislation targeting both Catholics (it was estimated in 1656 that around 13–16% of Friesland residents were Catholic[60]) and the significantly more numerous Mennonites, whose denomination was first considered *de iure* in 1673.

Overijssel was a province where Catholic influence remained strong for many decades: municipal authorities of the most populated towns, such as Kampen,

58   K. Bem, op. cit., p. 73–74.

59   K. Bem, op. cit., p. 76–79.

60   H. Krippenberg, op. cit., p. 23

Odenzaal and Zwolle, were dominated by Catholics. In 1576, the province of Overijssel ratified an agreement in Ghent on the condition that Catholicism remained the established religion, while in 1579 the province refused to join the Union of Utrecht. Not unlike residents of Friesland, the population of Overijssel was traumatised by Rennenberg's treachery, which sparked off a series of riots and acts of pillaging of Catholic churches. Provincial authorities issued a ban on public Catholic worship and, in 1583, the Reformed confession was confirmed as the only denomination whose members were legally allowed to worship publicly. The Reformed Church in Overijssel was comprised of one synodal district, and though it was formally divided into *classes*, it was weak. Kampen and Deventer had more sizeable congregations. Congregations in the countryside employed a number of former Catholic priests. Because, until the 1620s, a considerable part of the province remained under Spanish control, the number of Catholics there was relatively high (in 1656 circa 43%[61]), particularly in the district of Twenthe, where they enjoyed freedom with regard to ministry. Lutherans and Mennonites living in the area enjoyed similar freedoms[62].

Guelders was an extensive county, where the nobility played a major role. Champions of independence contended for influence with supporters of Philip II, which affected denominational relations. In 1578, the Lutheran Jan van Nassau, brother of William of Orange, became Governor of Guelders, converted to the Reformed confession, and orchestrated a policy to oust Catholics from positions of power in the province. At the same time, the nobility of Guelders ratified the Union of Utrecht. In 1579, as Reformed Church structures were being set up, the synodal district was divided into four *classes* representing the administrative division of Guelders. Church authorities were under the protection of provincial authorities, which meant that they were under their control as well. It was not until the 1630s that Church authorities managed to employ enough adequately educated pastors so as to appoint them in all the parishes in the province. Still, the authorities had to come to terms with the huge Catholic presence (circa 50% in 1656), given that south of Nijmegen Catholics constituted the majority of residents and enjoyed the liberties of their ministry[63].

Groningen, both the province and the port town, ratified the Union of Utrecht. Here, Evangelical sympathies were particularly strong among the nobility. Yet, after the defection of Rennenberg, the city of Groningen and the surrounding

61   H. Krippenberg, op. cit., p. 23.
62   K. Bem, op. cit., p. 79–81.
63   H. Krippenberg, op. cit., p. 23; K. Bem, op. cit., p. 81–82.

area fell under Spanish rule for the next 14 years. In 1594, after Groningen rejoined the United Provinces, the structure of the local Reformed Church was laid, which – on the basis of the "Traktaat van Reductie" – was vested with exclusivity: "binnen der Stadt Groeninghen en de Landen gheen ander Religie geexerceert zal worden dan de gereformeerde Religie". This, however, did not imply the introduction of religious coercion: "mitz dat nyemandt in sijn conscientie oft gewissen zal wordden geinquireert, ondersocht oft beswaert."[64] Still, the prohibition on public Catholic worship was deeply entrenched and the clergy were given an option to either emigrate or retire (as long as they surrendered their ministry). Some Catholic churches were handed over to Evangelical congregations while the remaining ones were shut down. However, although the Reformed synodal district was composed of a number of *classes*, it was seriously lacking in ministers. Not unlike neighbouring Friesland, the Reformed community in Groningen was considered to be dominated by the orthodox model of religiousness, which resulted in acts of persecution against numerous Mennonites and Catholics, whose population in 1656 was estimated at 11% of the province[65]. Groningen nobles played a major role, in that they managed to uphold the right of patronage over churches on their estates, which was revoked in other provinces (except for Drenthe). Reformed noble families attempted to appoint pastors on their own volition in their "own" churches, which obviously led to recurrent disputes with local Church authorities[66].

Drenthe became part of the United Provinces as late as 1596 and, because of that, did not instantly share all rights. For instance, the highest official in the province, i.e., "drost", was appointed by the Hague and not by the local States Provincial. In 1598, the Reformed confession was vested with a monopoly on public worship, which did not annul, however, individual freedom of conscience. All Catholic clergy residing in the province were given an option to either emigrate or retire (the latter provided that they yield their ministry), while all Church assets were to return to the successors of former founders, who also gained the right of patronage over churches erected on their estates. The local Reformed Church, which until 1602 remained a constituent part of the Church organisation of the province of Groningen, was exclusively subordinated to secular

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64 J. van den Broek, "Groningen als Hafenstadt – Stadt und Kirche in der Frühneuzeit. Ein Archivbericht", [in:] *Niederlande und Nordwestdeutschland. Studien zur Regional- und Stadtgeschichte Nordwestkontinentaleuropas im Mittelalter und in der Neuzeit Franz Petri zum 80. Geburtstag*, hrsg. W. Ehbrecht, H. Schilling, Köln-Wien 1983, p. 258

65 H. Krippenberg, op. cit., p. 23.

66 K. Bem, op. cit., p. 82–83.

authorities; even the right to convene synods and validate their resolutions fell within the drost's remit. In 1608, the synodal district of Drenthe, which was separate from Groningen, was divided into *classes*, which in turn initiated the organisation of the structures of the Evangelical ministry with a view toward initiating the process of Reformed confessionalization of local (primarily peasant) communities. However, in the late seventeenth century, the number of Evangelical congregation members remained low, reaching 10% of the entire population; the majority of residents refused to comply with formal congregational discipline and limited their active participation in religious practices to listening to sermons. In 1674, new legislation was introduced, according to which official posts were to be occupied only by members of the Reformed Church. Still, this regulation was not scrupulously implemented, perhaps due to the fact that, generally speaking, religious relations in Drenthe were characterised by a relatively low number of Catholics (circa 3% in 1656) and Lutherans[67].

As previously mentioned, after 1572 the Catholic Church in the Northern Netherlands experienced a number of setbacks. Initially, thanks to the influence of William of Orange, the States General granted Catholics equal rights, but – in many towns and provinces over the course of the war against Spain – they were only given freedom of conscience without the right of public worship: celebration of the Catholic mass was outright prohibited as a despicable manifestation of "papal idolatry". The first anti-Catholic regulation issued by the States General of the United Provinces of the Northern Netherlands (which meant that it was legally binding across the entire country), dated 20 December 1581, prohibited celebration of the Catholic mass (including religious services held in private homes), running Catholic schools and disseminating religious publications. Anyone found in breach of this regulation was to be fined (fines were raised considerably after the murder of William of Orange). After 1591, some provinces precluded their residents from studying at Catholic universities in Leuven, Douai and Dôle[68].

Because it was impossible to reinstate the episcopal hierarchy in the United Provinces, Catholic Church structures at the end of the sixteenth century were missionary in character, while the faithful gathered either in private homes or in specially adapted rooms and spaces, i.e., in the above-mentioned clandestine churches ("schuilkerken"). Though still of considerable size in the seventeenth

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67   H. Krippenberg, op. cit., p. 23; K. Bem, op. cit., p. 84–85.
68   L. J. Rogier, *Geschiedenis van het Katholicisme in Noord-Nederland in de 16e en de 17e eeuw,* Amsterdam 1945, p. 457–459.

century, the Catholic community was beset with a shortage of priests and insufficient infrastructure (Catholic schools and care homes). There were cases in which the Catholic faithful gathered to participate in a mass held in one of the "schuilkerken" were forcibly dispersed. Despite such repressive measures, Catholicism in the Northern Netherlands survived and – in some regions – even flourished. But for the dedication of the first head of the Dutch Mission, Bishop Sasbant Vesmeer of Delft (appointed Apostolic Vicar in 1592), this would not have happened. Amsterdam, a cosmopolitan city that experienced a demographic boom in the seventeenth century[69], saw the biggest development of the Catholic community in the United Provinces: there were two Catholic parishes in 1610 and five in 1626; local Catholics claimed that in 1656 there were 62 masses. As previously mentioned, municipal authorities of Leiden, Utrecht and Haarlem also practised toleration, while Dordrecht became at that time notorious for its least tolerant attitude toward Catholicism and its practitioners[70]. In rural areas, the largest Catholic population resided in the so-called Generaliteitsland, i.e., the territories of Brabant and Flanders that were reclaimed from the Spanish. Overall, in 1656 Catholics made up around 47% of the entire population; by 1726 that figure had dropped to 34%[71].

Research conducted in the latter half of the twentieth century deepened our knowledge of the Catholic community of the Northern Netherlands and its importance for modern culture[72]. For years, Dutch historiography was involved in a debate on the mechanisms underpinning the development of the Reformed community[73]. The nationalistic-patriotic vision, according to which Calvinism gained wide acceptance during the war against the Spanish (as an expression of emancipatory tendencies on the part of the Netherlanders[74]) was successfully questioned. However, scholars came closer to an answer to this fundamental question – namely, what was the source of the Reformed confession's success? – thanks

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69 H. Diedriks, "Amsterdam 1600–1800. Demographische Entwicklung und Migration", [in:] *Niderlande und Nordwestdeutschland*, p. 328–346.

70 Ch. Kooi, *Popish Impudence*, p. 75–85.

71 H. Krippenberg, op. cit., p. 23.

72 L. J. Rogier, op. cit., p. 674–810; J. M. Montias, *Vermeer and his Milieu. A Web of Social History*, Princetown 1989, p. 129–153.

73 E. van Gelder, "Nederland geprotestantiseerd", *Tijdschrift voor Geschiedenis* 81, 1968, p. 445–464.

74 L. J. Rogier, op. cit., p. 428–438; J. A. de Kok, *Nederland op de breuklijn Rome-Reformatie*, Assen 1964, p. 248nn.; Ch. Kooi, *Converts and Apostates. The Competition for Souls in Early Modern Holland*, ARG 92, 2001, p. 195–214.

to research on the confessionalization paradigm conducted in recent last decades. It appears that the process of confessionalization was predominantly dependent on the education system[75], though also on the social system, as researched by Charles H. Parker. The latter turned out to be a very effective tool for Evangelical confessionalization, especially in municipal communities: "Calvinists [...] recognized that some poor people probably affiliated with the Reformed Church for pecuniary reasons. They treated them as they did all other recipients; deacons provided assistance when they believed circumstances warranted it and ministers and elders subjected them on the discipline of the church. Thus, the moral demands of Calvinist charity should not be understood simply as social control or as an attempt to 'protestantise' the poor. Rather, the interaction between recipients and church officers was a highly complex process in which Calvinists attempted to balance the pressing economic needs of the poor with the moral standards of the church."[76]

Interestingly, Lutheranism found little reception among the Netherlanders. Tolerated, the Lutheran Church established its congregations in larger towns in the Northern Netherlands and its authorities (acknowledged by the state in 1592) established their headquarters in Amsterdam. Held in 1605, the first General Synod of the Lutheran Church in the Netherlands was attended by the clergy and representatives of the following congregations: Amsterdam, Haarlem, Leiden, Rotterdam, Middelburg. In addition, there were active congregations in Woerden, Bodegraven, Gouda, Utrecht, the Hague, Delft, Dordrecht, Breda, Zwolle, Kampen and Alkmaar. In 1617, the Lutheran parish in Amsterdam, where sermons were presented in German, had 248 members. However, there were several disputes in the latter half of the seventeenth century that tore the parish from within, leading to a division between advocates of the "German" and "Dutch" variants of Lutheranism, which additionally weakened the influence of the Amsterdam Lutheran milieu[77].

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75 L. F. Groenendijk, "The Reformed Church and Education During the Golden Age of the Dutch Republic", [in:] *The Formation of Clerical and Confessional Identities in Early Modern Europe*, ed. W. Janse, B. Pitkin, Leiden-Boston 2006, p. 53–70, *Dutch Review of Church History*, vol. 85.

76 Ch. H. Parker, *The Reformation of Community. Social Welfare and Calvinist Charity in Holland, 1572–1620*, Cambridge 1998, p. 192; cf. idem, "Calvinism and Poor Relief in Reformation Holland", [in:] *The Reformation of Charity. The Secular and the Religious in Early Modern Poor Relief*, ed. T. M. Sofley, Boston 2003, p. 107–120.

77 J. W. Pont, *Geschiedenis van het Lutheranisme in de Nederlanden tot 1618*, Haarlem 1911, p. 439–490, 527–574; C. Ch. G. Visser, *De Lutheranen in Nederland tussen katholicisme en calvinisme 1566 tot heden*, Dieren 1983, p. 49–106.

The United Provinces, which – not without serious difficulty – put paid to the Spanish offensive in the late 1580s, regained political stability and took the initiative in the region in the late sixteenth century. Victories in the war against Spain are all connected with William of Orange's younger son, Maurice, Count of Nassau (Count of Orange as of 1618), who – upon his father's death – was appointed Governor of Holland and Zeeland, then of Guelders, Overijssel and Utrecht, and from 1620 also Groningen and Drenthe. He was the chief commander (*kapitein-generaal*) of the Dutch army, seizing a number of fortresses in the south (Breda 1590, Nijmegen 1591) and driving the Spanish from the Northern Provinces (in 1594, the Dutch army captured Groningen)[78]. Maurice's victories symbolised Dutch military power, while the political work undertaken by the Land's Advocate (*landsadvocaat*) of the States Provincial of the Netherlands, Johan van Oldenbarnevelt, symbolized internal stability. Thanks to Oldenbarnevelt's ongoing efforts and to his political and administrative talents, the union of Northern Provinces (which was founded *ad hoc* in 1579) was transformed into a strong state[79].

It appears that the future of the United Provinces was grounded in two seminal "post-revolutionary" decades, namely the period of 1590–1610. It was then that the Netherlands became actively engaged in global commercial and colonial expansion, as symbolised by the unparalleled economic success of the East India Company (EIC). With regard to politics, these two decades culminated in the momentous peace with Spain (1609), which in practice meant recognition of the autonomy of the United Provinces. Finally, taking into consideration the main theme of this book, i.e., (inter-)denominational relations and Church-state relations, this epoch saw the stabilisation of Reformed Church structures and the initiation of a theological and philosophical debate that was pregnant with consequences for the development of European ideas and history, i.e., the debate between the Remonstrants (the Arminians) and the Antiremonstrants (the Gomorists)[80].

In the 1570s and the 1580s, the founding fathers of the Dutch Reformed Church rejected "the doctrine of two swords" and, drawing on the theories of Calvin and Beza, worked out their own ecclesiology and theory of Church-state

78   H. H. Rowen, *The Princes of Orange*, p. 32–55.
79   J. den Tex, *Oldenbarnevelt*, vol. 1–5, Haarlem 1960–1972, vol. 2, p. 49–61.
80   C. Bangs, "Dutch Theology, Trade, and War, 1590–1610", *Church History* 39, 1970, 4, p. 470–482.

relations.[81] Acting on the contention that both the state and the Church constituted centres of power (clerical and secular, respectively) that were autonomous of each other but – in accordance with "the covenant theology" – subordinate to the Almighty, the Dutch theologians defined authority in a pragmatic way: they construed it as the ability to uphold discipline. However, Church discipline was only required of those who voluntarily became full members of the Reformed Church; thus, the purpose of discipline was to facilitate the permanence and integrity of the Church. It was believed that the Catholic Church had "fallen", as it had usurped the exclusive rights of secular authorities and thus tyrannised the conscience of the people.

The rule of the sword was bestowed by God on secular authorities and, for that reason, the sovereign's duty was to make sure that the Ten Commandments, which normalised relations between God and humanity (the 1st tablet) and among people (the 2nd tablet), were obeyed. Secular authorities were obliged to punish crimes against the first five commandments, i.e., idolatry, blasphemy, perjury, magic, alchemy, violation of religious festivities, as well as – obviously – all cardinal (criminal) sins enumerated on the 2nd tablet. In practice, there was no consensus of opinion with regard to how duties between the Church and the state (secular authorities) were to be divided[82]. At this juncture, it seems appropriate to remember that, in its formative period, the Dutch Reformed Church was dominated by the so-called "prophets", i.e., passionately religious people who were driven by a calling but did not have any professional qualifications as ministers and who only attended the so-called "profetenscholen". The late sixteenth century saw the beginning of the professionalization, institutionalization and bureaucratisation of the Reformed clergy and the subordination of ministers to secular authorities. Academic education became mandatory, though many ministers continued to vociferously defend "the prophetic ethos", which did not lose its currency in the seventeenth century, when many pastors, riding the wave of the second, deeper Reformation ("Nadere Reformatie"), gained considerable fame[83].

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81 While characterising the Dutch Reformed Ecclesiology of the late sixteenth century, the present author relies on the findings of John Witte Jr., "The Catholic Origins and Calvinist Orientation of Dutch Reformed Church Law," *Calvin Theological Journal* 28, 1993, 2, p. 328–351; all other resources are separately footnoted.

82 W. Nijenhuis, "Varianten binnen het Nederlandse Calvinisme in de zestiende eeuw", *Tijdschrift voor Geschiedenis* 89, 1976, 3, p. 358–372.

83 A. Ziemba, *Nowe dzieci Izraela*, p. 164–166.

In theory, Dutch theologians of Erasmian persuasion accepted the framework based on Calvin's doctrine, but as practitioners they opted for the decisive influence of secular authorities on the Church matters. To them, the 1st tablet of the Decalogue obliged state authorities not only to punish sins (crimes) against God, but to organise homogeneous (coherent) religious ministry and participate in Church management. Theologians of this kind included also the so-called "moderates" ("rekkelijken"), who opposed such a restrictive Church discipline, and whom their rivals labelled "libertines" or even "Epicureans". In the writings of past historiographers, the opinions of the "rekkelijken" were interpreted as grounded in Erasmian Humanism strengthened by the "emancipatory" inclinations of the Netherlanders. In contrast, in the latter part of the twentieth century, the intellectual relationship between the "liberals" and the tradition of Dutch spiritualism came to the scholarly fore[84]. Not surprisingly, their rivals were theocratically-oriented strict Calvinists ("preciezen"), who strove to strengthen the influence of Church authorities on state legislative and judiciary bodies. Having found the templates for ideal authority in the Bible, they attempted to erect a Militant Church that targeted both dissenters and disbelievers, the latter of whom included the "liberals".

Despite temporary advantage gained by the "preciezen" faction, the Dutch Reformed Church never demanded the introduction of corporal punishment as the ultimate penalty for "heretics". Beza's *De haereticis*, which was translated into Dutch by his pupils, pastors Goswin Geldorp and Johannes Bogerman, never set a normatively binding precedent[85]. Banishment was deemed the most appropriate punishment for heresy; Philips of Marnix, Lord of Saint Aldegonde demanded also the introduction of banishment for atheists and libertines from the Netherlands, the implementation of which – to him – ought to be the responsibility of secular authorities. Neither of the above-mentioned movements managed to secure undisputed supremacy in the late sixteenth century. Still, in the 1570s, Church authorities were most popular in Holland, Zeeland, and Guelders, as well as in Friesland and Groningen, i.e., areas dominated by "preciezen" theology[86]. In terms of organisational structure, the Dutch Reformed Church was divided into congregations (parishes), *classes* (archdeaconries) and synodal districts

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84   B. J. Kaplan, *Calvinists and Libertines*, p. 59–65.

85   H. de Vries de Heekelingen, *Genève. Pépinière du calvinisme hollandoise*, vol. I: *Les étudants de Pays-Bas à Genève au temps de Théodore de Bèze*, Fribourg 1918, p. 44.

86   A. Duke, R. Jones, op. cit., p. 373.

(dioceses), each with its own institutions and courts of law[87]. The congregation board, or Church council (*kerkraad*), was an independent, elective collegiate body vested with the competence of a consistory. In accordance with suggestions put forward by Calvin, Jan Łaski and Martin Micronius, each congregation had four types of officials (functionaries). Minister (*predikant*) was the highest-ranking official and was thus, by default, chairman of the Church council. In Holland and Zeeland as well as in other provinces, ministers were, despite frequent protests on the part of Church authorities, subject to the control of secular authorities, who paid their salaries[88]. To Calvin, doctors (scholars responsible for both the teaching and disseminating and purity of the doctrine and administering the congregational schools) were also Church officials. Their work was also subject to secular oversight given that state authorities financed the maintenance of schools and thereby felt authorised to supervise them.

In addition, each congregation chose its own "elders" (*ouderlingen*), who were in charge of righteousness (observance of morality), compliance with doctrine (dogma) and maintaining general order. The "elders" consisted of members of local elites, such as municipal officers, lawyers, physicians, university professors, and merchants. Their job involved visiting homes and overseeing the parishioners' morality, piousness and level of involvement in Church matters. Their duties also involved evaluating all candidates and those who expressed their wish to partake of the Lord's Supper. Finally, the "elders" supervised and judged the ministers and doctors and the quality of their work. Interestingly, the late sixteenth century marked the beginning of the homogenisation of certain clerical and secular powers: municipal authorities were frequently appointed "elders" or members of the consistories; at the same time, the position of "elder" helped one's municipal career[89]. The final group of Church functionaries were deacons, who were responsible for the congregations' finances, the organisation of collections, the administration of Church assets, and – most importantly – the administration of care for sick and poor members of a given congregation.

A group of congregations in a particular town or region constituted a *classis*, managed by members of Church councils – consistories. These boards primarily played the role of second instance (appellate) Church courts where appeals were heard regarding verdicts of consistories as well as *de novo* cases, involving trials

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87 A. Duke, "The Ambivalent Face of Calvinism in the Netherlands, 1561–1618", [in:] *International Calvinism*, ed. M. Prestwich, Oxford 1985, p. 121 nn.

88 J. Witte Jr, op. cit., p. 339–340.

89 A. Th. van Deursen, *Bavianen en slijkgeuzen. Kerk en kerkvolk ten tijde van Maurits en Oldenbarnevelt*, Gorcum-Assen 1974, p. 83–90.

against ministers and/or doctors accused of moral or spiritual degeneration and cases in which the Church council imposed the punishment of excommunication. In other words, this specialised court ruled primarily on disciplinary cases. In addition, it was also involved in visiting of congregations and supervising their administration.

The synod or provincial Church council, which was composed of representatives of *classes*, constituted the highest Church office in each of the seven (and later, after the accession of Drenthe in 1596, eight) United Provinces of the Northern Netherlands. Synods were vested with legislative and judiciary powers; they issued regulations concerning Church politics, doctrine and discipline, and they served as courts of appeal on verdicts ruled by *classes*. Synods also ordained ministers and evaluated doctors. In theory, provincial synods were obliged to convene once a year and send delegates to the national (general) synod, which constituted the supreme authority of the Dutch Reformed Church. In practice, however, until the end of the sixteenth century, provincial synods convened on average twice a decade and national synods were rare and exceptional.

Compared with the practices of the former Catholic judiciary, the competence of the Reformed Church jurisdiction in the Northern Netherlands was limited. Still, despite the fact that all heterogeneous cases (typified by a mixture of the clerical with the secular) were relegated to secular courts, Church courts ruled in a wide range of cases, including matters of doctrine, liturgy, morality, Church discipline, social welfare and education. With regard to doctrine, ministers were bound by synodal ordinances, according to which the Gospel ought to be preached on the basis of *Confessio Belgica* and *The Geneva Bible*. Religious education was supposed to be conducted within the framework of *The Heidelberg Catechism* and *The Catechism of the Church of Geneva*. With regard to morality and Church discipline, it was taken for granted that members of a congregation would lead daily in-home prayers that involved reading the Bible, family prayer and education of children in terms of religion and morality. On principle, synods obliged the faithful to regularly attend Sunday service, celebrate Christmas, Good Friday, Easter, Ascension and Pentecost.

Church courts punished the faithful for doctrinal sins, which included idolatry, blasphemy, violation of the Sabbath and religious festivities through work, magic, sacrilege and other crimes against religion. Other punishable acts included the teaching of heretical doctrines, printing ungodly publications, fraternising with dissenters, i.e., Anabaptists, Catholics and Lutherans, incessant refusal to participate in the Eucharist and disregard for Church exhortations. In practice, crimes/sins were divided into two groups: private (venial) and public (mortal).

The former included violation of a moral norm that did not, however, offend public decency, e.g., profligacy, jealousy, masturbation; these were punished by means of admonition on the part of the clergy or the "elders". Public sins included murder, robbery, larceny, drunkenness, bigamy and prostitution. In contrast with private sins, perpetrators of public sins were obliged to confess them, first in front of the consistory and then in front of the congregation, which was supposed to have a cathartic (purifying) effect as well as provide the sinner with the spiritual assistance of the congregation members' prayers. Anyone refusing to comply with the recommendations and/or to repent in the presence of the congregation was not allowed to participate in the Eucharist. Overall, the majority of disciplinary cases were related to family (domestic) matters: mixed marriages, illegal relationships, infidelity, etc.

The Church jurisdiction dealt exclusively with sins as such, while all crimes related to sins were processed independently by secular authorities (courts). The National Synod of Dordrecht (1578) stated that submitting oneself to the punishment ordered by a secular court did not render the sinner/criminal exempt from Church punishment and vice versa; punishment meted out by an ecclesiastic court did not shield a sinner from the secular jurisdiction[90].

Both Church discipline and pressure on the part of the clergy, who attempted to put into practice the idealised "Genevan model", was daunting to numerous Evangelicals, in particular regents and those in affluent circles who did not especially favour Puritanism. For that reason, the Dutch Reformed Church was quickly divided into two discreet categories of the faithful, each typified by a different degree of immersion in Church life. Church authorities drew a distinction between "lidmaten" (members) and "liefhebbers" or "toehoorders" (sympathisers, listeners). The former constituted a more elite and less numerous group, whose members made a public confession of faith, subjected themselves to Church discipline and took the Lord's Supper. In contrast, the sympathisers only attended religious services and listened to sermons but did not take the final step on the road to full participation in the life of the congregation[91]. The above-characterised rules of Church discipline were in fact obeyed by a relatively narrow group of full members. Thus, only a relatively small number of "lidmaten" were potentially subject to Church punishment for (for instance) Mennonite tendencies or preservation of Catholic *residua* in religious customs. According to the President of the Supreme Court of the Netherlands, Adriaen van der Mijle, in 1587

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90 J. Witte Jr, op. cit., p. 347.
91 A. Th. van Deursen, *Bavianen*, p. 128–133.

"lidmaten" constituted only 10% of the population of the entire province; the figures were even lower in Rotterdam (7%) and in Alkmaar (7%). By the beginning of the seventeenth century, these figures had not changed markedly: in 1608, only around 11% of the residents of Delft qualified as "lidmaten"; in 1617–18, there were around 10% "lidmaten" in Haarlem and Deventer[92]. Arguably, it was precisely the Dutch Reformed Church's use of the "lidmaten"-"liefhebbers" division that allowed the Evangelical community to thrive at all.

Another interesting and – in a way – unusually modern feature of Dutch religious life was its experiential individualism. Scholars of denominational relations point out that, after the Northern Netherlands was created, a significant number of residents existed (and functioned well) without any formalised link to the Church. As observed by Judith Pollmann: "As a result of this peculiar religion settlement, the men and women of the United Provinces, more than in any other area of Europe at the time, could decide to what extent they wanted to be involved in formal religious worship and could choose for themselves whether they wanted to join a Church. Such decisions were quite often made individually."[93] For instance, around 1620, after the victory of the Gomarist "precizen" over the Arminian "rekkelijken", 40% of residents of Haarlem did not align themselves with any of the local Churches available: Reformed, Catholic, Lutheran or Mennonite[94].

Such a situation, in which secular authorities did not coerce their subjects into formalising their relations with the Church and calmly tolerated non-denominational Christianity, can only be explained by the argument that authorities complied with the rule of freedom of conscience, as stipulated by the Pacification of Ghent and the Union of Utrecht. As a result, the choice of one's denomination and the degree of involvement in the life of one's congregation were considered matters exempt from official interference: "One of the most important recent discoveries in Dutch religious history has been that many chose not to become formally affiliated to any confession at all. The religious 'middengroepen' continued to exist after the Revolt, and were very slow to commit themselves. It is now thought that by 1620 a large section – perhaps a much as half the Dutch population did not formally belong to any confession."[95] This led to the development

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92 B. J. Kaplan, *Calvinists and Libertines*, p. 29.

93 J. Pollmann, *Religious Choice*, p. 7.

94 J. Spaans, *Haarlem na de Reformatie. Stedelijke cultuur en kerkelijk leven, 1577–1620*, Den Haag 1989, p. 104.

95 J. Pollmann, op. cit., p. 8.

and dissemination across the Netherlands of religious ideas and denominational concepts that were removed from – if not at odds with – Calvinism[96].

The fact that a number of residents remained outside of the Reformed Church's formal structures and that the state tolerated dissenters in the United Provinces was a cause of displeasure for some of the Reformed clergy[97], and it led in the 1590s to the escalation of the tension between the "precizen" and the "rekkelijken", the latter of whom were supported by the regents. Dominated by the "moderates", the States General drew up Church ordinances that were rejected by the "precizen" and vice versa[98]. Soon, the disagreement attracted the attention of leading scholars of the day: the most widely known discussion about Church-state relations (namely the academic polemic between Lipsius and Coornhert[99]) was already analysed above. The Erastian Caspar Janszoon Colhaes[100], ousted from the cathedral in Leiden, was another prominent "moderate" publicist. In spite of claims by scholars who, partial to Presentism, credited representatives of Modern Age *respublica litteraria* with indifference toward denominational matters, these issues generated heated debates and aroused controversy deep into the seventeenth century[101]. What remains unquestionable, however, is the fact that despite the tension between these two factions (the "precizen" and the "rekkelijken"),

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96 J. Rohls, "Calvinism, Arminianism and Socinianism in the Netherlands until the Synod of Dort", [in:] *Socinianism and Arminianism. Antitrinitarians, Calvinists and cultural exchange in seventeenth-century Europe*, ed. M. Mulsow, J. Rohls, Leiden-Boston 2005, p. 3–48.

97 J. Reitsma, *Geschiedenis van de Hervorming en de Hervormde Kerk der Nederlanden*, ed. J. Lindeboom, 's-Gravenhage 1949 (5th impression), p. 140–189.

98 N. Mout, *Ideales Muster*, p. 180nn.; Ch. Kooi, *Liberty and Religion*, p. 9–12.

99 J. D. Tracy, "Erasmus, Coornhert and the Acceptance of Religious Disunity in the Body Politic. A Low Country Tradition?", [in:] *The Emergence of Tolerance in the Dutch Republic*, p. 49–62; G. Voogt, "Primacy of Individual Conscience or Primacy of the State? The Clash between Dirck Volckertsz Coornhert and Justus Lipsius", *Sixteenth Century Journal* 28, 1997, 4, p. 1231–1249; idem, *Constraint on Trial. Dirck Volckertsz. Coornhert and Religious Freedom,* Kirksville 2000, p. 197–229, Sixteenth century Essays & Studies, vol. 11.

100 L. Knappert, *Geschiedenis der Nederlansche Hervormde Kerk gedurende de 16e en 17 e eeuw*, Amsterdam 1911, p. 87–92; J. A. van Dorsten, "Temporis filia veritas. Wetenschapen en religievrede", *Tidschrift voor Geschiedenis* 89, 1976, 3, p. 413–419.

101 A. Schubert, "Kommunikation und Konkurrenz. Gelehrtenrepublik und Konfession im 17. Jahrhundert", [in:] *Interkonfesionalität – Transkonfesionalität – binnenkonfesionelle Pluralität. Neue Forschung zur Konfessionalisierungsthese*, hrsg. K. von Greyerz u. a., Gütersloh 2003, p. 105–131, Schriften des Vereins für Reformationsgeschichte, 201.

Church-state relations (i.e., the relations between the Reformed Church and the United Provinces) provided the basis for informed dialogue, and left considerable room for the practice of toleration[102].

In the late sixteenth and early seventeenth centuries, conflicts that had been previously construed as internal Church affairs started to be regarded as serious political issues. All its oligarchic characteristics notwithstanding, the parliamentary system of the United Provinces provided the widest representation, and the greatest chance to participate in political life, of any European society of that day[103]. Not unlike the structure of the Polish Republic of Nobles (also known as "The Nobles' Democracy"), the political system of the Netherlands was founded upon a shaky balance between key political figures. While in Poland, they included the monarchy, the magnates and the nobility, the equilibrium in the Dutch context was maintained on the basis of constant tension between the court of Orange, which aspired to be the centre of authority in the country, and Reformed Church authorities, and municipal regents. The late sixteenth century saw the disruption of this balance as the supporters of the House of Orange and Reformed Church authorities grew closer. Initiated in 1591, a dispute over the Church ordinance, which – as the regents hoped – was supposed to enable them to gain control over the clergy, cemented differences between the two factions, as symbolised by the names with which they came to be associated: while the "preciezen" were called "democraten", "monarchisten" and "centralisten", their Erastian "rekkelijken" rivals were referred to as "aristocraten", "republikeinen" and "autonomisten". It seems that the above lexemes aptly characterised the tendencies represented by both groups and duly signalled that the dispute was not a mere internal Church affair but a serious struggle for the shape of the state system[104].

The breakthrough in late sixteenth-century denominational relations was manifested by the publication of a book by Simon Stevin, an outstanding mathematician, proponent of the decimal system and engineer employed by Maurice of Orange. Published in 1590, his *Het burghelick leven* was addressed to the regents, and asked them not to distance themselves from the Reformed Church. To Stevin, support for the Church would help society unite under the banner

102   A. Pettegree, "The Politics of Toleration in the Free Netherlands, 1572–1620", [in:] *Tolerance and intolerance in the European Reformation,* ed. O. P. Grell, B. Scribner, Cambridge 1996, p. 182–198.

103   M. van Gelderen, *The Political Thought of the Dutch Revolt, 1555–1590*, Cambridge 1992, p. 59.

104   A. Ziemba, *Nowe dzieci*, p. 153–160; B. J. Kaplan, *Calvinists and Libertines*, p. 302–303.

of Calvinist values. Still, he postulated the continuation of a policy of toleration towards dissenters[105]. Arguably, Stevin's theses reflected views and opinions that were the order of the day at the court of Maurice, Prince of Orange, just as they would in the future become an integral part of the political programme championed by the Dutch Orangists.

Filtered into the world of politics, disputes between proponents and opponents of the "Genevan model" resulted in a rivalry between the oligarchic groups of the patriciate, which in the latter part of the sixteenth century governed municipalities, and Reformed Church activists, who were elected members of the ecclesiastic boards and who aspired to play the role of the major political alternative of the period.[106] One also ought to remember that, accustomed to the luxuries of consumption, the higher echelons of the Dutch burghers were less prone to accept the kind of Puritan morality and discipline that was advocated by the "preciezen."[107]

In practice, the Dutch regents resorted to the raison d'état. For instance, in the early seventeenth century, Evangelicals in Leiden made up approximately 40% of residents and any attempt to impose Reformed discipline on the population could have resulted in a serious conflict. It comes as no surprise that one of the most outstanding politicians and writers of the era, twelve-time mayor of multi-denominational Amsterdam (1588–1626), Cornelis Pietersz. Hooft spoke out against enforcement of the "Genevan model"[108]. As a political ally of Johan van Oldenbarnevelt, Hooft advocated toleration of dissenters as long as it was governed by the raison d'état. In practice, he not only rejected religious coercion,

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105   J. I. Israel, "The Intellectual Debate", p. 8.

106   J. Gabriëls, "Patrizier und Regenten: städtische Eliten in den Nördlichen Niederlanden 1500–1800", [in:] *Bürgerliche Eliten in der Niederlanen und in Nordwestdeutschland. Studien zur Sozialgeschichte des europäischen Bürgertums in Mittelalter und in der Neuzeit*, hrsg. H. Schilling, H. Diederiks, Köln-Wien 1985, p. 37–64; H. Schilling, "Calvinistische Presbyterien in Städten der Frühneuzeit. Eine kirchliche Alternativeform zur bürgerlichen Repräsentation? (Mit eine quantifizierenden Untersuchung zur Holländischen Stadt Leiden)", [in:] *Städtische Führungsgruppen und Gemeinde in der werdenden Neuzeit*, hrsg. W. Ehbrecht, Köln 1980, p. 385–444.

107   S. Schama, *The Embarrassement of Riches. An Interpretation of Dutch Culture in the Golden Age*, London 1991, p. 323–343.

108   E. H. Kossmann, "The Course of Dutch Political Theory in the Seventeenth century", [in:] idem, *Political Thought in the Dutch Republic. Three Studies*, Amsterdam 2000, p. 31, Verhandelingen der Koninklijke Nederlandse Akademie van Wetenschappen, Afd. Letterkunde, Nieuwe Reeks, deel 179.

but he was even an opponent of reserving official (state) posts exclusively for Calvinists[109].

The early seventeenth century seemed to herald an improvement in inter-denominational relations. Calvinists rarely forced Catholic masses to disperse, and Lutheran congregations experienced a period of growth. However, long entrenched social prejudices and legal limitations did not disappear entirely. In 1608, over the course of negotiations with Spain, the Dutch delegation rejected the proposal to allow Catholics to maintain a church in each major town of the United Provinces. The majority of municipal councils maintained *numerus clausus* as far as the number of the Catholic clergy was concerned, limiting the number of active priests to three per town. Similar limitations were introduced with regard to Lutherans, Mennonite and Jews, and when in 1612 Sephardic Jews started to erect a synagogue in Amsterdam, municipal authorities – upon the request of the Reformed consistory – issued a ban. The Catholic population was allowed to celebrate Sunday masses only within the confines of their own homes.[110]

The dispute over the place of the Reformed Church within the political system continued. In February of 1604, Professor of theology at the University of Leiden, Jacobus Arminius, presented a series of critical theses directed against Calvin's views. In October, his university colleague, Franciscus Gomarus, avowedly defended the doctrine of double predestination, thereby initiating a series of polemical statements and counter-statements that did not cease upon Arminius' death in 1609. Nor was the debate affected by Gomarus' resignation from his university post. Instead, Reformed theology experienced a kind of schism, as theologians divided into Arminians and Gomarists.[111] In municipalities whose authorities were under the influence of Arminian "rekkelijken" (Haarlem, Gouda, Leiden, Utrecht), dissenters were in a better position than in towns with magistrates dominated by Gomarist "preciezen" (Dordrecht, Enkhuizen, Groningen, Middelburg). Amsterdam, governed by Gomarist mayor Reiner Pauw, occupied a somewhat liminal position. In fact, speaking in the States General, Arminians, who were afraid of the potential reign of the "preciezen", spoke against intolerance, although they themselves did not intend to provide dissenters with more liberties than those already offered by *de facto* toleration.[112]

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109   Ch. Kooi, *Liberty and Religion*, p. 194.
110   J. I. Israel, "The Intellectual Debate", p. 8.
111   J. Kołakowski, *Świadomość religijna,* p. 57–65.
112   J. den Tex, *Oldenbarnevelt*, vol. 3, p. 296; J. I. Israel, "The Intellectual Debate", p. 9–12.

However, given that this book concentrates on Church-state relations, which also constituted one of the most important topics addressed by the "rekkelijken" and the "preciezen", the theological nature of the dispute between the Arminians and the Gomarists is of less importance here. The Arminians were eager to transfer a wide range of Church powers to secular authorities, as manifested by Arminius himself in his 1606 speech delivered in Leiden.[113] However, until his death, he remained a proponent of the Calvinist concept of the separation of Church and state. Doctrinal issues were to be resolved during synods, and the role of secular authorities was to organise a synod, conduct the proceedings and accept the resolutions. After Arminius's death, the movement was led by Johannes Uytenbogaert (Wtenbogaert), Maurice of Orange's pastor. In 1610, as declared in the famous Five Articles of Remonstrance, Uytenbogaert expressed his belief that it was not the synods but the secular authorities of a given province that ought to supervise the Reformed liturgy, preaching and deaconries. As a result, against the intentions of the Arminians, the matter became the object of public debate.[114]

In his *Tractaet Van 't ampt ende authoriteyt eener Hoogher christelicker overheydt, in kerckelicke saecken* ('s Gravenhage 1610), Uytenbogaert clarified his views on Church-state relations. Specifically, he discussed three types of relations and renounced the first of them – the Catholic version, where secular authorities were subordinate to the Papacy. Endorsing the supremacy of secular authorities over Church matters, Uytenbogaert did not approve of "the collateral system", by which he referred to the principle of clergy-state cooperation, as posited by Calvin. With regard to theology, the secular authority ought to decide upon general matters and leave the minutiae to specialists, i.e., theologians, making sure that the polemics would not escalate into excess. In practice, this was an appeal to the United Provinces, urging the state to defend the Arminian theologians against the attacks of the Gomarists. Soon, the States Provincial of Holland and Friesland prohibited pastors from polemicizing from the pulpit.[115]

Published in 1614, *Decretum pro pace ecclesiarum* (*Resolutie tot den vrede der kercken*) included commentary prepared by, among others, Hugo Grotius (Huig de Groot), who was already established as the author of *Mare liberum* (1609) and

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113 C. Bangs, op. cit., p. 473–474.

114 R. Tuck, "Grotius and Selden", [in:] *The Cambridge History of Political Thought, 1480–1700*, ed. J. H. Burns, M. Goldie, Cambridge 1991, p. 509–510; A. Th. van Deursen, *Bavianen en slijkgeuzen*, p. 275–278.

115 D. Nobbs, *Theocracy and Toleration. A Study of the Disputes in Dutch Calvinism from 1600–1650*, Cambridge 1938, p. 27–49.

Ordinum Hollandiae ac Westfrisiae pietas (1613), in which he championed dialogue between advocates of different theological theories.[116] The decree of 1614 was rejected by the municipality of Amsterdam, and in 1616 Grotius addressed authorities, arguing that secular supremacy over the Church was a natural consequence of the Reformation. Furthermore, citing the raison d'état as the rationale, he asserted that the state was obliged to decide upon Church matters.[117] These assumptions stemmed logically from his general theory of the state, which he deemed one of the proofs for the existence of divine providence: "Providentiae divinae circa res hominum non leve argumentum et philosphi et historici agnoscunt in conservatione rerumpublicarum. Primum universim, quod ubicumque ordo ille regendi parendique receptus est, manet semper. Deinde saepe etiam specialiter, in longa duratione huius aut illus formae imperii per multa saecula…"[118]

His most important work on Church-state relations was published in 1614 and was at first entitled *Tractatus de iure magistratuum circa ecclesiastica*. However, it was only two years after the death of Grotius that the work was finally published as *De imperio summarum potestatum circa sacra* (1647)[119]. In the first part of his magnum opus, Grotius analysed general issues, and then in subsequent sections he discussed synods, legislation, Church jurisdiction, employment of ministers, the seat of the Bishop, and the problem of secular patronage over Churches. As far as Church-state relations are concerned, the most important part of the book is the first part, in particular chapter three, where Grotius delineated the reasons why he did not approve of the idea of differentiating between authority over secular matters and authority over spiritual matters. Here, he also negated the subjects' right of passive resistance against a legal sovereign; such a stance seemed nothing else but the outcome of the political reality in which Grotius lived.

He also recommended eliminating the distinction between spiritual and secular authorities, and argued – following in the footsteps of the Erastians – that the highest state powers were competent in both spheres and the only entity they had to reckon with was divine law: "Ex his quae diximus apparet veram illorum

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116   H. Grotius, *Ordinum Hollandiae ac Westfrisiae Pietas (1613). Critical Edition with Translation and Commentary,* ed. E. Rabbie, Leiden 1995, the text of *Decretum* is included in the annex, p. 628–629.

117   H.-J. van Dam, "Introduction", [in:] H. Grotius, *De imperio summarum potestatum circa sacra. Critical Edition with Introduction, English Translation and Commentary*, ed. H.-J. van Dam, vol. 1–2, Leiden 2001, p. 13–30, Studies in the History of Christian Thought.

118   H. Grotius, *De veritate religionis christianae*, Halae Magdeburgicae 1734, p. 21–22.

119   H.-J. van Dam, op. cit., p. 31–45.

esse sententiam qui docent tam in ecclesiasticis quam in ceteris rebus supremam gubernationem sive imperium summae potestati competere, ita tamen ut ei fas non sit aut in ecclesiasticis contra fidei ac religionis regulas a Deo traditas aut in ceteris contra perpetuam aequitatis normam quicquam decernere."[120] However, despite his own reading of the prerogatives (competences) of secular authorities, he reminded his contemporaries that divine law, in which he included natural law, contained very particular orders and specific injunctions. Authorities were thus in no position to impose on their subjects what had been forbidden by God or to prohibit what had been commanded by the Lord: "Duo igitur genera sunt actuum imperii qui ad ius imperantis non pertinent. Deo vetitio iubere, Deo iussa vetare."[121]

This reasoning led to the return of the perennial question concerning one's duties when faced with an authority's ungodly directive. Grotius drew on Calvin's original understanding and claimed that if the sovereign violated divine law, then subjects were not allowed to resort to active resistance; instead, they should only refuse to follow the sovereign's orders: "Neque ullo modo audiendi sunt qui contra sacras Litteras, contra rectam rationem, contra piae antiquitatis sententiam, inferioribus quibusdam potestatibus adversus summam induunt."[122] Grotius, a lawyer who in 1617 joined the Gecommitteerde Raden, (the board of the United Provinces that was elected by the States General), argued against not just the Monarchomachs but the tradition of political thought that justified the resistance by the Netherlanders against the reign of the Spanish kings.

In 1604, Arminius questioned Calvin's doctrine of grace. In 1610, Uytenbogaert negated his theory of the exclusivity of secular and spiritual powers. Finally, in 1614, Grotius rejected the subjects' right of resistance to ungodly activities of their sovereigns. It is little wonder that the Calvinist "preciezen" not only considered the Arminians to be heretics but also questioned their loyalty to the state founded over the course of the struggle against Spanish tyranny. One should remember, however, that Grotius and the Arminians, their Erstianism notwithstanding, were advocates of political liberties and proponents of a high degree of religious toleration. In 1628, the very same Grotius who claimed that it would be absurd to regard active resistance to legal incumbency as permissible included in his letter to Uytenbogaerta the following, very laconic sentence: "Ubi non est libertas non est religio."[123]

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120   H. Grotius, *De imperio*, p. 206n.
121   Ibidem, p. 210.
122   Ibidem, p. 214.
123   Quoted from H.-J. van Dam, op. cit., p. 6, footnote 5.

The conflict between the liberal Arminians and the Puritan Gomarists took place in the background of a political dispute between Johan van Oldenbarnevelt (who, at that time, presided over the States Provincial) and stadtholder Maurice of Orange. The political paths of the Arminians and Gomarists diverged for good when the Land's Advocate decided to sign the peace treaty with Spain in 1609.[124] Maurice of Orange feared that the peace would diminish the political stature he had so masterfully built for himself while commanding the Dutch army. His allies and associates included both politicians with high hopes for the reign of the House of Orange and regents who benefited economically from the ongoing war.[125] The stadtholder was also followed by refugees from the Southern Netherlands who counted on his victories as a warranty of their safe return home. Finally, Maurice of Orange was also supported by the Gomarists and the "precizen" clergy, who assumed that victory over Spain would accelerate the process of the orthodox confessionalization of Dutch society.[126]

By comparison, Oldenbarnevelt believed that the armistice with Spain, which *de facto* constituted recognition of the autonomy of the United Provinces, was victory enough. Furthermore, he thought that time was on the Netherlands' side and that, after the twelve-year truce was over, the Netherlands would be in a position to dictate the terms of the peace agreement. The Land's Advocate also had his own reasons to fear Maurice, in particular that latter's attempts to stabilise his shaky authority and turn it into a proper monarchy. Finally, Oldenbarnevelt was unwilling to accept attempts to solidify the political influence of the Reformed Church undertaken by the "preciezen". Instead, he endeavoured to uphold the supervision of the Reformed Church by secular authorities; for this reason he must have viewed the Arminians' initiatives in a favourable light.[127]

This was also the origin of the dispute between Oldenbarnevelt and the Gomarists, which – with the former being regarded as the representative of the affluent and the latter as the mouthpiece of the lower classes – has often been interpreted as a social conflict. Oldenbarnevelt was in fact a leader of Republican elites, but – given that the Orange circles also included members of the regent milieu – to claim that the Gomarist clergy were comprised solely of "the underprivileged" would constitute a reductive fallacy. Still, for propaganda reasons,

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124   H. H. Rowen, *The Princes of Orange*, p. 45–51.

125   J. den Tex, *Oldenbarnevelt*, vol. 2, Haarlem 1962, p. 633–634.

126   E. Conring, *Kirche und Staat nach der Lehre der niderländischen Calvinisten in der ersten Hälfte des 17. Jahrhunderts*, Neukirchen-Vluyn 1965, p. 31–34, Beiträge zur Geschichte und Lehre der Reformierten Kirche, Bd. 18.

127   J. den Tex, *Oldenbarnevelt*, transl. R. B. Powell, Cambridge 1973, vol. 2, p. 511–553.

the Gomarists were construed as tribunes or leaders (and even as militants) spearheading the hoi polloi. On the whole, however, this was a factual mistake; an unquestionable case of biased judgement, an opinion formulated – perhaps intentionally – so as to reflect the sentiments of the town hall. Furthermore, research conducted by Gerrit Groenhuis confirms that the "preciezen" did not constitute the lower strata of Dutch society; in fact, they were most often representatives of wealthy burghers, positioned on the social ladder alongside officials (magistrates), merchants, officers and scholars. The "preciezen", who were strong advocates of the idea of the equivalence of secular and ecclesiastic authorities, vocally opposed the subordination of the Reformed Church to the state, which provides further evidence that the conflict between the Dutch "town halls" and the "consistories" in the early seventeenth century was the product of a confrontation of ideas, rather than of social classes.[128]

The conflict between the Arminians and the Gomarists culminated in 1617, when towns across the Netherlands became witness to demonstrations staged by the Arminians' opponents; there were also frequent Sunday marches, which even headed for far-flung churches where Gomarist sermons were preached. Faced with such escalation, the States General opted to convene the national synod. Fearing the Gomarist majority, Oldenbarnevelt convinced the States General to conscript 4000 soldiers and to issue on 4 August 1617 the so-called "Sharp Resolution" ("Scherpe Resolutie"), which obliged all Dutch functionaries to swear an oath of allegiance to the States[129], and which specifically targeted the stadtholder and the fellow Orangists. Soon, as tensions grew considerably within the next months, the country teetered on the brink of civil war. Not surprisingly, in August of 1618 the States General decided to arrest Oldenbarnevelt and his closest associates, including Hugo Grotius.

The fall of Oldenbarnevelt, his trial (arguably a case heard by a kangaroo court) and his execution in May of 1619, along with the victory of the Gomarists at the Synod of Dordrecht (1618–19), changed the fate of Church-state relations in the United Provinces.[130] The Gomarists even hoped to be able to put an end to *de facto* toleration, but all they managed to do in the end was remove Arminian

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128   G. Groenhuis, *De predikanten. De sociale positie van de gereformeerde predikanten in de Republiek der Verenigde Nederlanden voor +- 1700*, Groningen 1977, p. 163–170.

129   Tekst „Scherpe Resolutie" [in:] *Klein plakkaatboek van Nederland*, no. XXXIV, p. 240–242; see http://dutchrevolt.leidenuniv.nl/bronnen.

130   J. van den Berg, "The Synod of Dort in the Balance", [in:] idem, *Religious Currents and Cross-currents. Essays on Early Modern Protestantism and the Protestant Enlightenment*, ed. J. de Bruijn, P. Holtrup, E. van der Wall, Leiden 1999, p. 1–17.

theologians from congregations, schools and universities. Their plans to undertake formalised action against Dutch Catholics and Jews did not come to fruition because of resistance put up by secular authorities; as a consequence, the status of Lutherans and Mennonites was not reduced. After the death of Maurice of Orange in 1625 and the succession of his cousin Frederick Henry, toleration of Arminians whose congregations functioned outside of Reformed Church structures[131] was reinstated. Simon Episcopius, who defended the right to interpret the Bible freely along with the right to disseminate one's interpretation as part of the so-called *libertas prophetandi*, became the principal Arminian theologian. Apart from that, he argued that it was necessary to broaden the competences of secular authorities with regard to *circa sacra*.[132] Interestingly, his discussion with Gomarist theologian Henrik Arnoldi of Delft also contained references to the state of Poland. Arnoldi questioned the Arminian thesis that the Polish-Lithuanian Commonwealth provided the best evidence of how a state could benefit from religious equality. In his analysis, the Gomarist reiterated arguments used previously by Lipsius in his polemic with Coornhert, stating that it was because of the policy of toleration that the country was beset with constant disturbances and denominational tumult.[133]

In the 1630s, the Arminians continued their debate on the limits of religious toleration with the orthodox Calvinists, the outcome of which slowly advanced the dissenters' overall cause. As a consequence, Dutch Arminians and Lutherans alike gained not only *de facto* toleration but the right of public worship in Amsterdam and Rotterdam as well. The lot of Catholics and Jews also became considerably less burdensome – Sephardic Jews finally were able to build their synagogue in Amsterdam (1638–1639). However, none of this put an end to the Calvinists' defence of denominational exclusivism. Gisbertus Voetius (Gijsbert-Voet), one of the most prominent seventeenth-century Reformed theologians and professor at the University of Utrecht, expounded on his own theory of Church-state relations in *Politica ecclesiastica* (1663–74). To him, the secular authorities' obligation to support the Reformed Church presupposed quelling its

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131   J. L. Price, *Culture and Society in the Dutch Republic During the 17th-century*, London 1974, p. 173–179.

132   S. Episcopius, "Tractatus brevis, in quo expenditur quaestio, an homini Christiano liceat gerere magistratum", [in:] idem, *Opera teologica*, Amstelodami 1650, vol. 1, p. 71–95; D. Nobbs, op. cit., p. 91–107.

133   J. I. Israel, "The Intellectual Debate", p. 16–19; see G. Güldner, op. cit., p. 107–113.

antagonists. One can safely assume that Voetius had in mind above all the Anti-Trinitarians (the Socinians in particular).[134]

The United Provinces reached the zenith of its political significance during the reign of Frederick Henry (1625–1647).[135] In terms of internal affairs, the stadtholder cooperated with the States and regents. After Frederick Henry's death, when his ambitious son William II took over power in the Netherlands, a crisis ensued. Paradoxically, the root of the conflict lay in the Treaty of Westphalia, which was the fruit of Frederick Henry's military and political victories. The Treaty acknowledged the *de iure* sovereignty of the United Provinces, ultimately ending dependence on the Holy Roman Empire and confirming the hegemonic status of the Provinces. Yet, not unlike Maurice in 1609, William II feared that the peace agreement would diminish the relevance of the stadtholder and the reputation of his army. Indeed, after ratification of the treaty, the regents of Holland, who generated the lion's share of military costs, suggested the reduction of the army. William II, who – drawing on both the military and his Orangist supporters – aimed to conduct the reform of the monarchy, attempted to stage a coup in July of 1650. With the help of the Stadtholder of Friesland, William Frederick of Nassau-Dietz, William II arrested a number of his political adversaries and marched with his army towards Leiden and Amsterdam. However, bad weather prevented him from seizing these towns, and a few months later William II suddenly died. Because his son, later known as William III, was born after William II's death, regents took over power in the Netherlands. In January 1651, the Great Assembly of the States General, i.e., *Grote Vergadering,* inaugurated the period of the Dutch Republic – "the era of veritable liberty".

To pacify the clergy and the Orangists, the Great Assembly decided that the States of particular provinces would declare their support for the Church that acted in accordance with the canons of the 1619 Synod of Dordrecht.[136] This was a direct signal that the regents would not enforce the return of Arminian influence in the Reformed Church and, as a consequence, that the state would not hinder the process of the Dutch Second Reformation (also known as the Further Reformation, Nadere Reformatie), i.e., the process of evangelisation with an emphasis on deepening the Reformed spirituality: "This movement within the Nederduits Gereformeerde Kerk, while opposing generally prevailing abuses and misconceptions and pursuing the broadening and progressive advancement

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134   A. C. Duker, *Gisbertus Voetius,* vol. 3, Leiden 1914, p. 148nn.

135   H. W. Blom, "Oorlog, handel en staatsbelang in het politicke denken rond 1648", *De zeventiende eeuw* 13, 1997, p. 89–99.

136   P. Geyl, "De protestantisering van Noord-Nederland", *Leiding* 2, 1930, p. 113.

of the sixteenth-century Reformation, urges and strives with prophetic zeal for both the inner experience of Reformed doctrine and personal sanctification, as well as the radical and total sanctification of all spheres of life."[137]

As early as the latter half on the sixteenth century, the founding fathers of the Nadere Reformatie, William of Orange's confessor Jean Taffin (d. 1602) and Willem Teelinck (d. 1629), took steps to initiate indiscriminate evangelisation of Dutch society in the spirit of orthodox Calvinism. They collaborated extensively with the first generation of English Puritans, with whom they shared much of their philosophy.[138] In the seventeenth century, the above-mentioned Franciscus Gomarus and Gisbertus Voetius were the most prominent representatives of this movement[139], whose purpose was to counteract the increasing superficiality of Reformed spirituality that came along with growing Church membership (60% of population in the late seventeenth century). When the attempt to build the New Israel (i.e., the ideal society and Church), as undertaken in Dordrecht in 1619, ended as a fiasco in the 1630s, the "preciezen" began to emphasise intensified spirituality among the faithful and to increase resistance to the Church's on-going dependence on the state.[140]

Whether or not one agrees with Fred A. van Lieburg, who construed the proponents of Nadere Reformatie as Pietists, one has to admit that it was a movement that sustained the theocratic ambitions of some Calvinists. Its representatives aspired not only to disseminate their own paradigm of religiousness (piety), but to put paid to other denominations (cults) as well. This led them into conflict with tolerant regents, i.e., the so-called "libertijnen". However, in the latter part of the seventeenth century this conflict rarely evolved into open hostility, since authorities were at that time preoccupied with the "de-romanisation" and "evangelisation" of the folk culture, and municipal elites were lacking in regents who were favourably inclined toward their cause, the so-called "consistorialen"[141].

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137 "Documentatieblad Nadere Reformatie", 7, 1983, p. 109 – an article defining the scholarly scope of the „Nadere Reformatie" research group.

138 J. R. Beeke, *Assurance of Faith. Calvin, English Puritanism, and the Dutch Second Reformation*, N. York 1991, p. 105–138.

139 F. G. M. Broeyer, "Theological Education at the Dutch Universities in the Seventeenth Century. Four Professors on their Ideal of the Curriculum", [in:] *The Formation of Clerical and Confessional Identities in Early Modern Europe*, p. 121–126.

140 J. R. Beeke, "The Dutch Second Reformation (Nadere Reformatie)", *Calvin Theological Journal* 28, 1993, 2, p. 298–327.

141 F. A. van Lieburg, "From Pure Church to Pious Culture. The Further Reformation in the Seventeenth-century Dutch Republic", [in:] *Later Calvinism. International perspectives*, ed. W. Fred Graham, Kirksville 1994, p. 409–429.

Monographic studies provide us the best available evidence of the above point; research on denominational relations in seventeenth-century Kampen has brought to the fore harmonious cooperation between Church and municipal authorities who, until 1748, were often the same set of people. The fact that mayors were members of the Evangelical consistory increased the efficiency of activities undertaken by the clergy to raise the level of social and religious discipline. However, in the context of relations with religious dissenters, this resulted in repressive measures directed at the Socinians and Mennonites. While the former were banished, the latter were deprived of the right of public worship in Kampen until the end of the seventeenth century.[142]

This was the context of the last great theological and political dispute of the pre-Enlightenment Northern Netherlands. The moral thought of Voetius and his students, in particular the rules of Puritan piety that they propagated, was defied by the creator of prophetic theology Johannes Cocceius (Koch), who was appointed professor at the University of Leiden in 1650, who expanded upon the ideas of Erasmus, Coornhert and Grotius, and whose ideas resonated across Europe (he had numerous students, not only in Germany but in Hungary as well).[143] In the Netherlands, his dispute with Voetius was the direct result of yet another offensive launched by the "preciezen" around 1650, which started as a discussion about the rules concerning celebration of the Sabbath but soon evolved into a large-scale debate which – until the mid-eighteenth century – divided Dutch Calvinists into two groups: followers of Voetius and followers of Coccejan.[144]

However, compared to the Arminians and the Gomarists, these two groups were not dogmatic in their differences. In the mid-seventeenth century, the discussion centered on the means by which Evangelical spirituality could be forged. Voetians postulated moral reform of society in the spirit of formal religiousness through the Church organisation, which required stabilisation of its structures;

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142 F. van der Pol, "Religious Diversity and Everyday Ethics in the Seventeenth-century Dutch city Kampen", *Church History* 71, 2002, 1, p. 16–62.

143 E. van der Wall, "Dutch Puritanism and Cocceianism in the Early Modern Period", [in:] *In Search of the Republic of Letters. Intellectual Relations between Hungary and the Netherlands (1500–1800)*, ed. A. Visser, Wassenaar 1999, p. 37–48.

144 L. Knappert, op. cit., p. 235–255; E. van der Wall, "The Religious Context of the Early Dutch Enlightenment. Moral Religion and Society", [in:] *The Early Enlightenment in the Dutch Republic, 1650–1750. Selected Papers of a Conference Held at the Herzog August Bibliothek, Wolfenbüttel 22–23 March 2001*, ed. W. van Bunge, Leiden-Boston 2003, p. 39–57.

there were even demands for the return to the Reformed Church of the Church assets secularised in the sixteenth century. By contrast, Cocceius and his students drew on Humanist ideas. They appreciated the importance of extra-ritualistic spiritualism, placing emphasis on the practical morality of Christian life in opposition to the ritualistic pedantry of Puritans. The need to separate the secular state from the purely spiritual reign of the Church provided Cocceius with the foundation for questioning the authoritative demands of a Church that desired to wield worldly power and own considerable assets. Philosophical matters constituted another thorny issue that, in the long run, proved to be particularly relevant. In principle, while Voetians championed a neo-scholastic philosophy that contained elements of Calvinism, the Cocceians welcomed Cartesianism. In the late seventeenth century, students of Cocceius tended to marry theological theses with Cartesian physics and metaphysics, and even to embrace the thought of Spinoza. By and large, while the Voetians were predominantly Orangists, the Cocceians favoured Republicanism and supported the regents' authority.[145]

In the times of the Republic, when – from 1653 to 1672 – the office of the Grand Pensionary of Holland (*Raadpensionaris van Holland*) was held by Johan de Witt (who was regarded by some as "Oldenbarnevelt Resurrected"), it was the Cocceians who dominated the social scene.[146] When, after the death of the de Witt brothers over the course of the Franco-Dutch war in 1672, power was handed over to stadtholder William III of Orange, it was the Voetians who gained a more privileged position in the Netherlands. By this time, however, theological disputes had ceased to be of such political significance. In the latter half of the seventeenth century, the crisis of Neo-Aristotelianism initiated the process by which the legal-theological discourse was replaced by the legal-philosophical one.[147] This brings us to the genesis of the Dutch Enlightenment,

145   L. Kołakowski, *Świadomość religijna*, p. 212–226; J. van den Berg, "Dutch Calvinism and the Church of England in the Period of the Glorious Revolution", [in:] idem, *Religious Currents*, p. 163–182; E. van der Wall, "The Tractatus Theologico-Politicus and Dutch Calvinism, 1670–1700", *Studia Spinozana* 11, 1995, 201–226.

146   G. O. van de Klashorst, "De ware vrijheid, 1650–1672", [in:] *Vrijheid. Een geschiedenis van de vijftiende tot de twintigste eeuw*, ed. H. Mulier, W. Velema, Amsterdam 1999, p. 157–185, Nederlandse begripsgeschiedenis, vol. 2; H. H. Rowen, *John de Witt. Statesman of the "True Freedom"*, Cambridge 2003, p. 19nn., 46nn., 184–219.

147   H. E. Böddeker, "Debating the Respublica Mixta. German and Dutch Political Discourses around 1700", [in:] *Republicanism. A Shared European Heritage,* vol. 2: *The Values of Republicanism in Early Modern Europe*, ed. M. van Gelderen, Q. Skinner, Cambridge 2002, p. 219–246.

which brings us in turn to the scholarship of perhaps the most outstanding contemporary expert on this subject, Jonathan I. Israel.[148] Still, because of the important role that denominational relations and Church-state relations played in concepts developed by the first generation of Dutch Cartesianists, the concluding section of this chapter will be dedicated to analysis of their key ideas.

In the latter part of the seventeenth century, philosophers became more prominent, which – in the political reality of the United Provinces – meant that they actively participated in public debate about the state system and the limits of liberty: political and religious freedom, as well as freedom of conscience. In accordance with the periodization set forth by Wijnand Mijnhardt, the mid- and late-seventeenth century saw the first, radically Cartesian phase of the Northern Dutch Enlightenment, during which three competing strands of philosophical and political thought became clear: (1) radical Cartesian; (2) reactionary/conservative Voetian; and (3) moderate Cocceian. Interestingly, Cartesian radicals were for years effectively pushed to the margins of the Dutch historical tradition by successors of Cocceian moderatism. It was not until the twentieth century that researchers returned to the mid-seventeenth century thought of Lambert van Velthuysen of Utrecht[149], of the brothers Johan and Pieter de la Court of Leiden[150], and most importantly of Baruch Spinoza, who attempted to apply Cartesian methodology as a means of solving the era's most essential problem in

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148   His two fundamental works are of particular concern here: *Radical Enlightenment. Philosophy and the Making of Modernity 1650–1750*, Oxford 2001 and *Enlightenment Contested. Philosphy, Modernity, and the Emancipation of Man 1670–1752*, Oxford 2006.

149   H. W. Blom, "Secularisation in Dutch Political Theory: Lambert van Velthuysen (1622–1685)", [in:] *La formazione storica della alterità. Studi di storia della tolleranza nell'età moderna offerti a Antonio Rotondò*, ed. H. Méchoulan et al., Florence 2002, vol. 2, p. 559–575.

150   Th. van Thijn, *Pieter de la Court. Zijn leven en zijn economische denkbeelden*, "Tijdschrift voor Geschiedenis" 69, 1956, p. 304–370; W. R. E. Velema, "'That a republic is better than a monarchy'. Anti-monarchism in early modern Dutch political thought", [in:] *Republicanism. A Shared European heritage*, vol. 1: *Republicanism and Constitutionalism in Early Modern Europe*, ed. M. van Gelderen, Q. Skinner, Cambridge 2002, p. 9–25; see I. W. Wildenberg, *Johan & Pieter de la Court (1622–1660 & 1618–1685). Bibliografie en receptiegeschiedenis. Gids tot de studie van een oeuvre*, Amsterdam-Maarssen 1986.

political philosophy: defining and locating sovereignty and defining the conditions for participation in politics.[151]

By comparison, Early Enlightenment theological and philosophical discussions focused on Bible interpretation. In 1666, Lodewijk Meyer's *Philosophia S. Scripturae interpres* was published, which propagated a rationalist critique of the Scriptures. Two years later, the works of brothers Johan and Adriaen Koerbagh caused a stir: their two treatises, namely, *Bloemhof van allerley lieflijkheyd sonder verdriet* and *Een ligt schijnende in duystere plaatsen*[152], questioned the divine nature of the Scriptures as well as a number of Christian dogmas. Especially the latter work, which the state attacked before its publication and whose authorship is habitually attributed to Adriaen Koerbagh[153], may be regarded as the beginning of the Dutch Protestant Enlightenment.[154] Rationalist critique of traditional methods of biblical interpretation was continued by one of the most influential scholars of the Early Enlightenment, Jean Leclerc (Le Clerc), author of *Sentimens de quelques théologiens de Hollande sur l'Histoire critique de Vieux Testament* (1685, Amsterdam) and proponent of the ideas of Grotius.[155]

The Brothers Koerbagh and Lodewijk Meyer belonged to the Amsterdam circle of followers of Franciscus van der Enden, a teacher of Spinoza and a rationalist accused of atheism by many of his opponents. And although the question of the potential influence of van der Enden's thought on Spinoza is still contested[156], it goes without saying that, in his *Tractatus theologico-politicus*, Spinoza merged

151 E. H. Kossmann, "Modernist Republicanism", [in:] idem, *Political Thought in the Dutch Republic,* p. 53–83; W. Mijnhardt, "The Construction of Silence. Religious and Political Radicalism in Dutch History", [in:] *The Early Enlightenment in the Dutch Republic,* p. 231–262.

152 J. I. Israel, "Radical Enlightenment", p. 185–205.

153 M. Wielema, "Adriaan Koerbagh. Biblical Criticism and Enlightenment", [in:] *The Early Enlightenment in the Dutch Republic*, p. 61–80.

154 E. van der Wall, "The Religious Context", p. 47.

155 J. J. V. M. de Vet, "Jean Leclerc, an enlightened propagandist of Grotius' De veritate Religionis Christianae", *Nederlands Archief voor Kerkgeschiedenis* 64, 1984, p. 160–195; M. L. Klauber, "Between Protestant Orthodoxy and Rationalism. Fundamental Articles in the Early Career of Jean Le Clerc", *Journal of the History of Ideas* 54, 1993, 4, p. 611–636.

156 W. Klever, "Proto-Spinoza Franciscus van der Enden", *Studia Spinozana* 6, 1990, p. 281–289; cf. S. Nadler, *Spinoza*, trans. W. Jeżewski, Warszawa 2002, p. 125–138.

the Republican ideas of the de la Court brothers with the rationalism of Meyer and the Koerbaghs.[157]

The fact that the philosophy of Spinoza and his milieu was far removed from the era's state-endorsed ideas is evident not only in the thinker's escapism but in the reserve with which luminaries of the political life of the United Provinces treated him. Johan de Witt, who was favourable to the Cartesian innovators, simultaneously attempted proactively to not be associated with proponents of Republicanism and rationalism. For that reason, the fact that there remains no trace of contact between Spinoza and de Witt, the implied protagonist/addressee of *Tractatus theologico-politicus*, has continually troubled historians researching the life of the Dutch philosopher.[158] This lack of evidence comes as no surprise, given that for a century (1650–1750) there was not a single prominent Dutch Evangelical theologian who was unwilling to condemn Spinoza's views.[159] Because of that, the Dutch progressives (innovators) were preoccupied with providing convincing arguments in favour of toleration for non-conformists, and even equality of denominations. In this respect, considerable work was to be done in subsequent years by outstanding representatives of religious minorities in the Netherlands (primarily Socinians and Arminians, who worked closely together in the latter half of the seventeenth century), such as Samuel Przypkowski, Philippus van Limborch, and Jean Leclerc.[160]

As far as the genesis of the Enlightenment is concerned, the most important debate was initiated in the late 1660s, when Pieter de la Court (in his *Aanwysing der heilsame politike gronden*, 1669) compared the orthodox Reformed clergy with inquisitors who attacked the very freedoms (of religion and thought) that constituted the essence and soul of a well-structured republic.[161] In 1670, Baruch

157 H. W. Blom, "Virtue and Republicanism. Spinoza's Political Philosophy in the Context of the Dutch Republic", [in:] *Republiken und Republikanismus in Europa der Frühen Neuzeit*, hrsg. H. G. Koenigsberger, E. Müller-Luckner, München 1988, p. 195–212.

158 H. H. Rowen, *John de Witt*, p. 52–60; S. Nadler, op. cit., p. 349nn.

159 W. van Bunge, "Introduction", [in:] *The Early Enlightenment in the Dutch Republic*, p. 3.

160 A. Fix, "Radical Reformation and Second Reformation in Holland. The Intellectual Consequences of the Sixteenth-century Religious Upheaval and the Coming of a Rational World View", *Sixteenth Century Journal* 18, 1987, 1, p. 63–80; J. van Eijnatten, *Mutua christianorum tolerantia. Irenicism and toleration in the Netherlands. The Stinstra affair (1740–1745)*, Firenze 1998, p. 23–31; L. Simonetti, "Resistance, Obedience and Toleration. Przypkowski and Limborch", [in:] *Socinianism and Arminianism. Antitrinitarians, Calvinists and Cultural Exchange*, p. 187–206.

161 J. I. Israel, "The Intellectual Debate", p. 27.

Spinoza published the above-mentioned treatise *Tractatus theologico-politicus*, which in 1687 was supplemented by Pierre Bayle's *Commentaire philosophique*. Finally, in 1689, John Locke published his *Epistola de tolerantia*. Regardless of the conceptual differences between Spinoza, Bayle and Locke, their publications on freedom of conscience and the separation of Church and state represented the threshold (and a benchmark) of the European (for the time being primarily Protestant) Enlightenment.[162] Only a handful of arguments used in eighteenth-century discussions about toleration were not already included in these three works.

The United Provinces entered the eighteenth century impressed by the outstanding success of the House of Orange, whose representative – perhaps the most brilliant after William I – William III was both (from 1689) Stadtholder of the Netherlands and King of England, Ireland and Scotland. Characteristically and symbolically, the first legal act he signed as the newly crowned ruler at Westminster Abbey (he co-reigned with Queen Mary) was the Toleration Act that granted religious freedom to English non-conformists. After the heirless death of the stadtholder-king in 1702, the second epoch of "the veritable liberty", i.e., Republican rule of oligarchic regents until 1742, when the threat of French invasion forced the States General to reinstate the office of Stadtholder and appoint William Charles Henry Friso, Prince of Orange, known as William IV.[163]

In the mid-eighteenth century, the United Provinces remained a country characterised by denominational pluralism: the Dutch Reformed Church functioned without much hindrance despite the entrenched division into Voetians and Cocceians, who were increasingly given to rationalist theology.[164] In practice, the Voetian "preciezen" competed with the Cocceian "rekkelijken" in the Northern Dutch municipalities, which in some towns – for instance, in Middelburg – escalated into instability. Generally, however, a conciliatory mood was

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162 J. van Eijnatten, *Mutua christianorum tolerantia*, p. 35–40; J. Scott, "Classical Republicanism in Seventeenth-century England and the Netherlands", [in:] *Republicanism*, vol. 1, p. 61–81; J. I. Israel, "The Early Dutch Enlightenment as a Factor in the Wider European Enlightenment", [in:] *The Early Enlightenment in the Dutch Republic*, p. 215–230.

163 H. H. Rowen, *The Princes of Orange*, p. 131–147.

164 J. van den Berg, "Orthodoxy, Rationalism and the World in the Netherlands of the Eighteenth Century", [in:] idem, *Religious Currents*, p. 213–230; E. Bizer, "Die reformierte Orthodoxie und der Cartesianismus", *Zeitschrift für Theologie und Kirche* 55, 1958, p. 306–372;

dominant.[165] Even members of the clergy suspected of the widely censured "heresies" (as evidenced by the case of a Zwolle-based pastor who in 1703 published a treatise championing the ideas of Spinoza) were treated in a civil manner. Despite sustained imposition on the part of the orthodox clergy, the authorities of the province of Overijssel responded with overt courtesy and consideration. In the end, the author got off lightly and was not punished for disseminating his work on the officially condemned philosopher.[166]

In 1740, another discussion about the limits of religious toleration started in the Netherlands – this time initiated by a dispute between a Mennonite pastor from Harlingen, Johannes Stinstra, and a theologian from the University of Leiden, Johannes van den Honert. As analysed by Joris van Eijnatten, this discussion contained the language of the Enlightenment, and its content did not differ much from similar controversies that took place in Germany or England. In this sense, the United Provinces lost its leadership position as far as toleration was concerned; still, it happened only in relation to countries that had already been dominated by the Enlightenment ideology of positive toleration. In the eighteenth century, the Northern Netherlands was still a country that allowed the undisturbed development of local and immigrant non-conformist thinkers and writers, such as Johannes Drieberge, Gerard Noodt, Pierre Costa, or the most widely known of them all, Jean Barbeyrac.[167] In Europe, where ties between a high level of religious freedom and the raison d'état were more common than ever, the Northern Netherlands was regarded as a country typified by toleration. This fact is best corroborated by the dictionary entry for "Toleranz" included in Zedler's *Grosses vollständiges Universal-Lexikon* (1745): "Noch mehr aber bezeuget es der Staat von Holland, woselbst bekanntermassen so viel Religionen und Secten, als wohl irgend sonst in der gantzen Welt nicht, geduldet werden, und man dennoch gar deutlich siehet, daß der blosse Unterschied der Secten und Religionen die Republick keineswegs beunruhiget."[168] In the latter part of the eighteenth century, despite a tendency to exaggerate the role of the United Provinces as "the

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165   M. van der Bijl, "Das Patriziat der Stadt Middelburg von 1650 bis 1750", [in:] *Bürgerliche Eliten*, p. 149–164.

166   L. Kołakowski, *Świadomość religijna*, p. 244–246.

167   J. van Eijnatten, *Mutua christianorum tolerantia*, p. 3–4, 41–79.

168   J. H. Zedler, *Grosses vollständiges Universal-Lexikon aller Wissenschaften und Künste…*, Leipzig-Halle 1745, reprinted in Graz in 1962, vol. 44, colm. 1115; H. Bots, "Tolerantie of gecultiveerde tweedracht. Het beeld van de Nederlandse tolerantie bij buitenlanders in de zeventiende en achttiende eeuw", *Bijdragen en Mededelingen betreffende de Geschiedenis der Nederlanden* 107, 1992, p. 657–669.

watchtower of the spirit of liberty", Dutch proponents of the Enlightenment en-joyed the benefits of a free publishing market, a revival of culture in the era of po-litical and economic crisis, and a high degree of practical religious toleration.[169]

It seems that the history of the United Provinces of the Northern Netherlands provides ample evidence of the fact that the strength of the modern state, includ-ing its defensive potential, was not determined by the degree of its political cen-tralisation and/or denominational homogenisation. As aptly observed by Olaf Mörke, it was impossible to conduct confessionalization in the United Provinces because it lacked two key ingredients: an established religion and a strong central authority.[170] The elites of the Northern Netherlands showed in practice that re-ligious unity, which was so highly valued by sixteenth- and seventeenth-century political philosophers, and absolutism, which was praised by nineteenth- and twentieth-century historiosophers, did not constitute an indispensable prerequi-site for the stability of the modern state and the welfare of its citizens.

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169 S. Schama, "The Enlightenemnt in the Netherlands", [in:] *The Enlightenemnt in National Context*, ed. R. Porter, M. Teich, Cambridge 1981, p. 54–71.

170 O. Mörke, "'Konfessionalisierung' als politische-soziales Strukturprinzip? Das Ver-hältnis von Religion und Staatsbildung in der Republik der Vereinigten Niederlande im 16. und 17. Jahrhundert", *Tijdschrift voor Sociale Geschiedenis* 16, 1990, 1, p. 31–60; idem, "Die politische Bedeutung des Konfessionellen im Deutschen Reich und in der Republik der Vereinigten Niederlande oder: War die Konfessionalisierung ein „Fundamentalvorgang"?", [in:] *Der Absolutismus – ein Mythos? Strukturwandel mon-archischer Herrschaft in West- und Mitteleuropa (ca. 1550–1700)*, hrsg. R. G. Asch, H. Duchhart, Köln 1996, p. 125–164.

Part IV: The Kingdom of Poland and the Grand Duchy of Lithuania – The Polish-Lithuanian Commonwealth

Chapter 1: The Twilight of the Middle Ages

a) The Kingdom of Poland

Denominational relations and relations between the Churches and authorities at the helm of the Polish Republic of Nobles (also known as "The Nobles' Democracy") constitute one of the key thematic concerns of Polish historiography. The latter part of the twentieth century saw the perpetuation of the thesis concerning the particular – in the European context – character of Polish religious toleration; discussions about the history of Polish culture abound in theories emphasizing its unique nature and analyses enumerating its universal traits. A permanent feature of works on Polish history involves the ethnic, cultural and denominational diversity of the residents of the Polish-Lithuanian Commonwealth.[1] Before discussing religious relations in Poland and the Grand Duchy of Lithuania in the sixteenth and seventeenth centuries, let us take a moment to reconsider the origins of the above-mentioned particular character of Polish toleration, which was to have considerable influence on the history of Polish society, and perhaps on other societies that – not infrequently *nolens volens* – have become heirs of the tradition espoused by the Polish Republic of Nobles.

To begin with, the Kingdom of Poland in the Late Middle Ages was a country marked by relative ethnic and religious homogeneity: the Polish ethnos and the Roman Catholic confession were dominant. German and Jewish burghers,

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1   J. Tazbir, "Tolerancja – wiek XV – XVI", [in:] *Uniwersalizm i swoistość kultury polskiej*, ed. J. Kłoczowski, vol. 1, Lublin 1989, p. 133–155; idem, "Tolerancja w dawnej Polsce", [in:] *Chrześcijaństwo w dialogu kultur na ziemiach Rzeczypospolitej. Materiały Międzynarodowego Kongresu, Lublin 24–26 września 2002*, ed. S. Wilka, Lublin 2003, p. 52–61; idem, "Le protestantisme polonois du XVIIe siècle face aux problèmes oecuméniques," [in:] *The Common Christian Roots of the European Nations. An International Colloquium in the Vatican*, vol. 2, Florence 1982, p. 83–87; J. Bardach, "Le recontre des Eglises catholique et orthodoxe sur les territoires orientaux du Royaume de Pologne et de Lithuanie aux XIVe – XVIe siècles", [in:] *The Common Christian Roots*, p. 32–36; L. Bieńkowski, "Mozaika religijno-kulturalna w Rzeczypospolitej w XVII–XVIII w.", [in:] *Uniwersalizm*, p. 241–270; J. A. Gierowski, "Przestrzeń etnograficzno-geograficzna Rzeczypospolitej Polsko-Litewskiej", [in:] *Chrześcijaństwo*, p. 33–53; B. Kumor, "Religious Tolerance in Central Europe from XIV to the XVI centuries", [in:] *The Common Christian Roots*, p. 32–36; H. D. Wojtyska, "Polonia 'il Regno di Erasmo' nella prima metà del XVI secolo", [in:] *The Common Christian Roots*, p. 88–93.

particularly those residing in larger municipalities, such as Kraków[2], enjoyed a considerable degree of influence, especially in terms of the economy. These two groups, however, were of little political influence; moreover, residents of German origin underwent gradual Polonization while living in the Crown of the Kingdom of Poland. It was not until the fourteenth century that key changes became widely visible in ethnic and religious relations in the Crown, changes which were primarily the result of territorial expansion during the reign of Casimir the Great and, in the long run, of broader developments in Polish-Lithuanian relations.

Initiated in 1340, the annexation of Red Ruthenia led to a war with local Ruthenian pretenders to supremacy over the Principality of Halych (Kievan Rus' Principality) and the Grand Duchy of Lithuania, who aspired – and felt it had a right – to control all of Rus' (Ruthenia). Ultimately, the following territories were subjugated and, in 1366, annexed by the Kingdom of Poland: the Przemyśl Land, the Sanok Land, the Halych Land, and the Lviv Land; later on, as part of the Polish Republic of Nobles, they would comprise the Ruthenian Voivodeship. These territories, as well as fragments of the then conquered Podolia and Volhynia, were primarily inhabited by Ruthenian people – followers of the Eastern Orthodox Church. The unprecedented influx onto these territories of Catholic Polish and German people, along with Armenians and Jews, considerably accelerated the process of forming a multi-ethnic society in Ruthenia. Simultaneously, the decidedly Catholic Poland became a country with a variety of religions, and its leaders had to take into consideration the denomination of their new subjects, their religious characteristics, and the structures of the Eastern Orthodox Church.[3]

The acquisition of these new territories meant not only that they were included into the Crown of the Kingdom of Poland – areas that were densely populated

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2   Z. Noga, "Zróżnicowanie etniczne i wyznaniowe mieszczaństwa krakowskiego w XVI wieku", [in:] *Między Zachodem a Wschodem. Etniczne, kulturowe i religijne pogranicza Rzeczypospolitej w XVI–XVIII wieku*, ed. K. Mikulski, A. Zielińska-Nowicka, Toruń 2005, p. 121–128.

3   H. Samsonowicz, "La diversité ethnique au Moyen Age: le cas polonaise", *Acta Poloniae Historica* 71, 1995, p. 5–16; A. Janeczek, "Ethnicity, Religious Disparity and the Formation of the Multicultural Society of Red Ruthenia in the late Middle Ages", [in:] *On the Frontier of Latin Europe. Integration and Segregation in Red Ruthenia, 1350–1600*, ed. T. Wünsch, A. Janeczek, Warsaw 2004, p. 15–46; idem, "Ethnische Gruppenbildungen im spätmittelalterlichen Polen", [in:] *Das Reich und Polen. Parallelen, Interaktionen und Formen der Akkulturation im hohen und späten Mittelalter*, ed. T. Wünsch, A. Patschovsky, Ostfieldern 2005, p. 401–446, Vorträge und Forschungen Konstanzer Arbeitskreis für Mittelalterliche Geschichte, Bd. 59.

by dissenters – but also that the territorial structures of the Eastern Orthodox Church, i.e., the dioceses (eparchies) of Przemyśl, Halych, Chełm, Vladimir (Włodzimierz) and Turov (Turów) – were subordinate to the authorities of the Polish state. Formally, these dioceses were, until the mid-fifteenth century, under the jurisdiction of Eastern Orthodox Metropolitans of the Grand Duchy of Lithuania, but also – in practice – of the Metropolitan of Moscow. For that reason alone, Casimir the Great attempted, as he advanced in age, to renew the Orthodox Metropolis of Halych, by the intermediary of which Orthodox Christianity in the Kingdom of Poland was to be answerable to the Patriarchate of Constantinople.[4] It is believed that, after the inclusion of Red Ruthenia, approximately 30% of the population of the Kingdom of Poland were followers of the Eastern Orthodox Church and, therefore, it comes as no surprise that the Polish state did not resort to large-scale religious coercion; as early as 341 Casimir the Great guaranteed members of the Eastern Orthodox Church the right to worship.[5] Although the Ruthenian nobility enjoyed certain political privileges, the status of Orthodox Christianity was inferior to that of Catholicism.[6]

Casimir the Great tried to establish a Catholic diocese with Lviv as its capital, but in 1367 only a missionary archbishopric in Halych, which was subordinate to the Metropolis (episcopal see) of Gniezno, was founded. The Catholic Metropolis was set up on the basis of the 1375 bull of Pope Gregory XI. Upon its inception, it was in charge of the dioceses of Przemyśl, Chełm and Włodzimierz (from 1427 Lutsk), and then – in the early fifteenth century – it controlled the dioceses of Kamyanets-Podilskyi and Kiev. Finally, as of 1414, it ruled over the diocese of Moldova with Suceava as its capital. In 1412, the capital of the Catholic Metropolis was relocated from Halych to Lviv, and in 1430 the Metropolitans of Lviv gained the same privileges as those bestowed upon the Archbishops of

4 J. Fijałek, *Średniowieczne biskupstwa Kościoła Wschodniego na Rusi i Litwie*, KH 10, 1896, p. 487–521; idem, *Biskupstwa greckie na ziemiach ruskich od poł. XIV w. na podstawie źródeł greckich*, ibidem 11, 1897, p. 1–63; see A. Łapiński, *Zygmunt Stary a Kościół prawosławny*, Warszawa 1937, p. 128–131; K. Chodynicki, *Kościół prawosławny a Rzeczpospolita Polska. Zarys historyczny 1370–1632,* Warszawa 1934, p. 3–8.

5 W. Abraham, *Powstanie organizacyi Kościoła łacińskiego na Rusi*, vol. 1, Lwów 1904, p. 238–245; J. Drabina, "Koegzystencja religii i wyznań w Polsce w latach 1333–1370", [in:] *Zeszyty Naukowe UJ, Studia religiologica*, 25, 1992, p. 37–50.

6 L. Ćwikła, *Polityka władz państwowych wobec Kościoła prawosławnego i ludności prawosławnej w Królestwie Polskim oraz Rzeczypospolitej Obojga Narodów w latach 1344–1795*, Lublin 2006*,* p. 66; see the review of the book: M. Korzo, KH 114, 2007, 4, p. 165–170.

Gniezno. However, as a result of the influx of Catholics into Ruthenian towns, conflicts with followers of the Eastern Orthodox Church escalated. This issue has been researched by Tadeusz Trajdos, who noticed two parallel paradigms of coexistence present in Catholic-Eastern Orthodox relations in Ruthenia: (1) separation, i.e., both communities lived apart; and (2) Catholic dominance in towns, e.g., in Lviv, where Catholics effectively drove Eastern Orthodox Christians onto the margins.[7] In 1423, the privilege bestowed upon Archbishop of Lviv Jan Rzeszowski by Władysław Jagiełło confirmed Catholic supremacy and subjected Eastern Orthodox Christians to the jurisdiction of Rome with regard to worship. Furthermore, it prohibited the christening of Catholic children in Eastern Orthodox churches, and it forbade the erection of Eastern Orthodox churches without a special permit issued by Catholic authorities. Harsh as these restrictions might have been, they were counterbalanced by the fact that the Eastern Orthodox Ruthenian nobility were granted rights to full political activity, as stipulated by the Jedlnia Privilege of 1430. In 1443, privileges applicable to the Eastern Orthodox Church were reaffirmed.[8]

After 1366, the Kingdom of Poland was no longer a country populated exclusively by ethnically and culturally Polish Catholics. The building of the multi-ethnic, multi-religious and (as a consequence) multicultural body politic was continued in this part of Europe by the hereditary Grand Dukes of Lithuania that ruled in Kraków from 1386. As a result of war waged against the Teutonic Order and, in particular, as a consequence of the 1466 Peace of Toruń, Pomerania fell under the control of the Crown of the Kingdom of Poland. Highly urbanised, it was an area of 23 900 square kilometres, which later was known as Royal Prussia and was composed of Pomerelia, the Chełmno Land, and Warmia (Ermeland), along with Malbork and Elbląg, not excluding surrounding territories. Royal Prussia, as a constituent of the Crown of the Kingdom of Poland, enjoyed a considerable degree of autonomy: it had its own territorial representation (first, the Prussian Sejm, and then, after 1569, the General Sejm, or Polish Parliament) as well as the right of "indygenat", i.e., the guaranteed right to appoint locals to offices.[9] Three large towns – Gdańsk, Toruń and Elbląg – found themselves in

7   T. M. Trajdos, *Kościół katolicki na ziemiach ruskich Korony i Litwy za panowania Władysława II Jagiełły (1386–1434)*, vol. 1, Wrocław 1983, p. 169–233, 242–243, 287–290.

8   J. Woliński, *Polska i Kościół Prawosławny. Zarys historyczny*, Lwów 1936, p. 22–23.

9   Z. Naworski, "Indygenat w Prusach Królewskich (1454–1772)", *Czasopismo Prawno-Historyczne* 35, 1983, 1, p. 31–57; K. Friedrich, *The Other Prussia. Royal Prussia, Poland and Liberty, 1569–1772*, Cambridge 2000, p. 22–45; Polish translation: *Inne Prusy. Prusy*

a particularly privileged position, given that in return for their financing the war against the Teutonic Knights, they were granted a royal privilege that guaranteed them a considerable degree of local autonomy.[10]

In the late Middle Ages, the Crown of the Kingdom of Poland was comprised of three territories with a diverse social and ethnic make-up. "The old territory" of the Kingdom was dominated by a Catholic population of Polish origin; it was also populated by relatively small German and Jewish minorities that primarily inhabited towns. Annexed in 1366, Red Ruthenia was dominated by Eastern Orthodox Christians of Ruthenian origin. The land of Pomerania, which was added a century later, was populated by an ethnically mixed community characterised by the increasing dominance of well-to-do burghers that, in turn, were representative of the Northern German culture of the Baltic region. That having been said, this ethnic – and thus cultural – diversity did not lead to any pronounced religious tension.

As corroborated by the scholarship of Stanisław Bylina, until the fourteenth century anti-heretic writings were not disseminated in Poland, while the very lexeme "heretic", with its unequivocally negative connotation, was – from the fifteenth century – primarily associated throughout the entire region with the Czech Hussites that temporarily made their presence known also in Poland.[11] Because of the "Hussite heresy" happening south of Poland, the 1420 synodal statutes of the Gniezno Province stated that "[h]eretici quaruncunque sectarum, et credentes ipsorum erroribus, nec non receptatores, defensores et fautores eorum excommunicati sunt…"[12]. However, neither the above phrasing nor preventive measures – spying, notifying ecclesiastic authorities of the activities of "heretics" and their supporters – exceeded the customary bare minimum of activities undertaken in defence of the orthodoxy.[13] In 1424, Władysław Jagiełło

Królewskie i Polska między wolnością a wolnościami (1569–1772), trans. G. Waluga, Poznań 2005.

10 K. Górski, "Problematyka dziejowa Prus Królewskich (1466–1772)", *Zapiski Historyczne* 28, 1963, 2, p. 159–170; see *Związek Pruski i poddanie się Prus Polsce. Zbiór tekstów źródłowych*, ed. K. Górski, Poznań 1949.

11 S. Bylina, "Stereotyp heretyka w Polsce średniowiecznej (XIV–XV w.)", [in:] *Mity i stereotypy w dziejach Polski*, Warszawa 1991, p. 31–61; idem, *Wizerunek heretyka w Polsce późnośredniowiecznej*, OiRwP 30, 1985, p. 5–24.

12 "Statuta toti provinciae Gnesnensi valentia condita praeside Nicolao II. Trąba archiepiscopo Gnesnensi in synodo provinciali Vieluno-Calissiensi, A. MCCCCXX", [in:] *Starodawne prawa polskiego pomniki*, vol. IV, ed. U. Heyzmann, Cracoviae MDCCCLXXV, p. 240.

13 "Remedia contra hereticos", ibidem, p. 240–242.

issued a decree in Wieluń against the heretics (the Hussites), which – as Western European regulations targeting heresy had previously done – presupposed close cooperation between secular authorities and the clergy. In accordance with the decree, heresy was regarded as *crimen laese maiestatis* and, as such, was punishable by death. State officials were supposed to support the bishops when it came to apprehending suspects and punishing those who would disregard ecclesiastic punishment.[14]

The dusk of the Middle Ages marked the dawn of original Polish political thought, as corroborated by surviving records. Earlier work, for instance, authored by Wincenty Kabłubek (Vincentius de Cracovia) and dedicated to the moral virtues that legitimated the authority of Polish princes, constituted imitations of established Western European doctrines.[15] The particular nature of the multi-ethnic and multi-religious Crown of the Kingdom of Poland found reflection in the writings of Stanisław of Skarbimierz (Stanislaus de Scarbimiria) and Paweł Włodkowic (Paulus Vladimiri), who addressed the issue of state and ecclesiastic authorities with regard to pagans and dissenters, as it did in opinions credited to the Voivode of Poznań, Jan Ostroróg.[16] Not without a degree of exaggeration, the Voivode is regarded as a Reformation pioneer given that the treatise that he allegedly authored postulated that the Catholic Church in Poland was dependent on the Papacy only in terms of religious matters; thus, the author criticised the practice of appealing to Rome against the verdicts of Polish ecclesiastic courts and criticised the institution of annates.

Waldemar Voisé interpreted Ostroróg's views as being akin to the ideas of the French legists, conciliarists and even Marsilius of Padua.[17] However, more recent research shows that, during the formative period in which the foundation for the modern ideology of "the Nobles' Democracy" was laid (in the fifteenth and

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14 P. Kras, *Ad abolendum diversarum haeresium pravitatem. System inkwizycyjny w średniowiecznej Europie*, Lublin 2006, p. 396–397.

15 G. Ryś, "Chrześcijańska ideologia władzy w Polsce XIV–XVI w.", *Nasza Przeszłość* 76, 1991, p. 45–81; J. B. Korolec, "Ideał władcy w Kronice mistrza Wincentego. Rola cnót moralnych w legitymizacji władzy", [in:] idem, *Wolność cnota praxis*, selected and edited by M. Olszewski, Warszawa 2006, p. 145–165, Studia z dziejów filozofii, vol. I.

16 S. Tarnowski, *Pisarze polityczni XVI wieku,* vol. 1, Kraków 1886, p. 7–48; W. Sobociński, *Książki o świętokupstwie Husa a memoriał Ostroroga*, KH 64, 1957, 3, p. 106–111; idem, *Memoriał Jana Ostroroga a początki reformacji w Polsce,* OiRwP 3, 1958, p. 9–53 and IV, 1959, p. 34–80; J. Domański, *La tolleranza religiosa e la guerra giusta negli scritti di Stanislao di Scarbimiria e di Paolo Vladimiri*, OiRwP 39, 1995, p. 19–30.

17 W. Voisé, "Doktryna polityczno-prawna Jana Ostroroga", *Państwo i Prawo* 100, 1954, 6, p. 1036–1058; idem, *Andrzej Frycz Modrzewski 1503–1572,* Wrocław 1975, p. 45–48.

early sixteenth century), Polish political thought was dominated by papal canonical theology and Thomist Aristotelianism, which in turn constituted theological and philosophical orthodoxies. In comparison, rival conciliarist concepts played a minor role, and there remains no substantial record of influence on the Kraków milieu by such "outstanding mavericks" as Marsilius or William of Ockham. These findings question the importance of nominalism and Hussite concepts in Polish political thought of the fifteenth and sixteenth century.[18] However, the already established influence of William of Ockham on the concepts of Matthew of Kraków (Matthaeus de Cracovia) and, most importantly, scholarship on the intellectual milieu of the Kraków-based conciliarists of the late fourteenth and early fifteenth century, seem to suggest that there remains a great deal to be researched and explored in this regard.[19]

Published in 1507, at the dawn of the Reformation, a substantial treatise by Stanisław Zaborowski (Stanislaus Zaborovius) entitled *Tractatus quadrifidus de natura iurium et bonorum regis et reformatione regni ac eius reipublicae regimine*[20] constitutes the most clear manifestation of the opinions on Churchstate relations and attitudes toward religious dissenters that dominated Polish intellectual life in the late Middle Ages. It is also the only theoretical work that we are aware of devoted to the issue of the state and politics published during the reign of Sigismund I the Old.[21] Zaborowski, a clergyman and a public official (Regni Poloniae Thesauri notaries), addressed in his work not just the issue of

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18 H. Litwin, "W poszukiwaniu rodowodu demokracji szlacheckiej. Polska myśl polityczna w pismiennictwie XV i początków XVI wieku", [in:] *Między monarchą a demokracją. Studia z dziejów Polski XV–XVIII wieku*, ed. A. Sucheni-Grabowska, M. Żaryn, Warszawa 1994, p. 46; see J. Ekes, *Natura – wolność – władza. Studium z dziejów myśli politycznej renesansu*, Warszawa 2001, p. 52–96.

19 R. Palacz, *Ockham,* Warszawa 1982, p. 157–160; T. Wünsch, *Konziliarismus und Polen. Personen, Politik und Programme aus Polen zur Verfassungsfrage der Kirche in der Zeit der mittelalterlichen Reformkonzilien*, Paderborn 1998, p. 202–217, 381–386; idem, "Das Reformprogramm des Krakauer Bischofs Petrus Wysz 1392–1412", [in:] *Kirchliche Reformimpulse des 14./15. Jahrhunderts in Ostmitteleuropa*, hrsg. W. Eberhardt, F. Machilek, Köln-Weimar-Wien 2006, p. 157–178, Forschungen und Quellen zur Kirchen-und Kulturgeschichte Ostdeutschlands, Bd. 36; Cf. S. Swieżawski, *Eklezjologia późnośredniowieczna na rozdrożu*, Kraków 1990.

20 S. Zaborowski, *Traktat w czterech częściach o naturze praw i dóbr królewskich oraz o naprawie królestwa i o kierowaniu państwem*, trans. H. Litwin, J. Staniszewski, ed. H. Litwin, Kraków 2005, parallel edition of the Polish translation and the Latin original with the introduction by H. Litwin; Cf. S. Tarnowski, op. cit., p. 48–58.

21 Z. Wojciechowski, *Zygmunt Stary (1506–1507)*, Warszawa 1946, p. 117n.

the royal assets, as suggested by the title, but tackled a number of other themes and topics: approximately 30% of the text is devoted to matters of the clergy[22]; a great deal of attention is also paid to secular authorities and their relations with the clergy. To Zaborowski, sovereigns were to be appointed by God for the sake of the people, which allowed the intellectual, as a result, to reason that the community of residents under the Crown of the Kingdom of Poland could potentially be deemed subjective in relation to the monarch, who in turn was subject to the law. What this entailed was the right of resistance to a tyrant-ruler: "Et si regem contemnere leges, rapere bona subditorum, violare virgines, stuprare matronas et cetera illicita facere videamus, numquid illo summisso alius sublimabitur, qui et bene gubernare et legibus obtemperare sciat?"[23]

The welfare of the state was predicated upon the welfare of the clergy, which Zaborowski mercilessly criticised for their disputable morality and contestable education, but also for specific matters that were raised later by Protestant Reformers, e.g., the issue of administering sacraments by priests who had committed a mortal sin. In accordance with a principal rule of Catholic orthodoxy (*ex opere operato*), Zaborowski affirmed the validity of such sacraments but nevertheless condemned such priests and allowed the faithful to avoid receiving sacraments from errant priests.[24] In his analysis, Zaborowski not only referred to *Decretum Gratiani*, but he also emphasised the primacy of ecclesiastic authorities over secular authorities: "Certum est enim, quia inferior in superiorem nullum imperium habet, nec eum in aliquo ligare potest. Unde potestas saecularis, quae est inferior, non potest derogare spiritualium potestati, quae est superior tamquam spiritus carne et divina humanis. Frustra igitur contendunt saeculares contra immunitatem spiritualium, fimbrias suas dilatando. Quis dubitet, sacerdotes Christi regum et principum omniumque fidelium patres et magistros censeri?"[25] His

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22 H. Litwin, *Stanisława Zaborowskiego życie, sylwetka i traktat*, introduction to: S. Zaborowski, op. cit., p. XLVIII.

23 S. Zaborowski, *Traktat*, p. 30; Polish trans., ibidem, p. 31: "And if we noticed that the king violated the law, robbed his subjects of their possessions, raped maidens, seduced married women, and perpetrated other disgraceful acts, then shouldn't we depose him and appoint another person – a person who – as an incumbent – would rule justly and obey the law?" The publisher emphasised the fact that the text paraphrases Cicero's *De officiis*; in addition, Zaborowski complemented the Roman writer's original with his own justification for the ousting of a disgraceful ruler, H. Litwin, *Stanisława Zaborowskiego życie*, p. XLVI–XLVII.

24 H. Litwin, *Stanisława Zaborowskiego życie*, p. L.

25 S. Zaborowski, *Traktat*, p. 212; Polish trans., ibidem, p. 213: "It is certain that those who are lower are in no position of power with regard those who are higher and are thus

thesis made clear that church authorities were superior to secular authorities on matters related to spirituality broadly defined; however, on other matters, the clergy were obliged to comply with the commands of secular authorities.[26]

Zaborowski's arguments in favour of prohibiting secular authorities from interfering with appointments to church posts were of far more practical importance. In the early sixteenth century, his reasoning might have been construed as a critique of estate relations in the Kingdom of Poland, where all bishops were appointed by the incumbent. Correspondingly, Zaborowski's unapologetic attack on opponents of the jurisdiction of church courts over the laity also appears to be a critique of opinions that were particularly popular with the Polish nobility: "Eadem etiam poena (excommunication – WK) feriuntur omnes iurisdictionem de iure vel antiqua consuetudine ad forum ecclesiasticum pertinentem perturbantes vel auxilium aut consilium favoremve dantes."[27]

Similarly ambiguous are his remarks on non-Catholics (i.e., "heretics") and on "schismatics" (which is of particular significance here), the latter being followers of the Eastern Orthodox Church. In principle, Zaborowski confirmed that both ecclesiastic and secular authorities were obliged to coerce dissenters into converting to Catholicism, the most hardened of which were to be punished with penalties that included confiscation of assets, banishment, and even death: "Quomodo autem ipsi haeretici vel scismatici ad fidem sunt compellandi, patet [ex canonibus]. Cogendi quippe sunt etiam bonis eorum omnibus confiscatis. Sic enim eorum lucrarentur animae et pro temporali poena evaderent aeternam, si se emendatos praestiterint. Qui vero se emendare spreverint, in sua detestabili labe indurati permanentes, ultimo sunt puniendi supplicio."[28]

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unable to impose any obligations on them. For that reason, the secular power, which is lower in status, cannot limit the ecclesiastic authority, which is of higher status as much as the spirit has primacy over the body and the human is subordinate to the divine. Therefore, secular sovereigns in vain oppose the immunity of the clergy, overstretching their muscles. Who could possibly doubt that the priests of Christ are universally regarded as the fathers and teachers of kings, rulers and all the faithful?"

26 H. Litwin, *Stanisława Zaborowskiego życie*, p. LI.

27 S. Zaborowski*, Traktat,* p. 212; Polish trans., ibidem, p. 213: "The very same punishment also applies to all those who impede the application of the jurisdiction that – on the basis of the law or long established customs – falls within the remit of the Church as well as those who [with regard to cases of similar sort] provide assistance or offer counsel."

28 Ibidem, p. 148; Polish trans., ibidem, p. 149: "How one should coerce heretics and schismatics [dissenters] to embrace the genuine [right] faith is described in detail in the canons. One ought to impose religion even by means of confiscation of assets. If

These types of punishment, Zaborowski wrote, were to be meted out not only to notorious dissenters, but also to representatives of secular and ecclesiastic authorities who neglect their duty to convert "heretics" and "schismatics": "Ex quo capitulo etiam habetur, quia haereticos vel scismaticos tenentur principes et potentes sub iuramento coram episcopo praestito de suis finibus extirpare. Quod si moniti ab ecclesia neglexerint, debent excommunicari. Quod si contempserint infra annum, papa eorum vasallos ab ipsorum fidelitate denuntiare debet absolutos et terram eorum exponere catholicis occupandam sub indulgentia et privilegio, quo signati cruce ad terram sanctam muniuntur. Episcopi autem hoc ipsum negligentis poena quae sit, ibidem patet."[29]

Zaborowski went on to emphasise the existence of rather different and far more lenient regulations in canon law related to Jews; however, he also made it clear that the death penalty was only applicable in cases involving the most hardened of "heretics" and "schismatics": "Unde contra eorum obstinatos et incorrigibiles etiam secundum sanctorum patrum sanctiones procedendum est, illos videlicet non patiendo vivere. Necesse est enim, ferro ut abscindantur vulnera, quae fomentorum non sentiunt medicinam."[30] Regardless of such caveats, Zaborowski's treatise reads like a genuine critique of denominational relations under the Jagiellonian Dynasty and, most importantly, of toleration for the Eastern Orthodox Church. Still, consecutive paragraphs of the treatise reveal a justification for a policy of toleration based on the parable of the cockle (Mt 13, 30) – after all, Christian politicians were obliged to obey the virtue of prudence: "In huiusmodi

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dissenters return to the fold, their souls will be saved – they will escape eternal damnation for the price of worldly possessions. Those, however, who refuse to take up the opportunity of redeeming themselves and instead remain adamant and hardened ought to be punished in the harshest way possible."

29 Ibidem, p. 148; Polish trans., ibidem, p. 149: "The chapter tells us that both rulers and the elites are bound by the oath sworn in the presence of a bishop to drive away heretics and/or schismatics beyond the borders of their lands. Should they fail to act accordingly, despite exhortations on the part of the Church, they ought to be excommunicated. Should they disregard excommunication for a year, the Pope ought to decree that their retainers and vassals become exempt from the obligation to serve them; the land of the errant sovereign ought to be taken over by the Catholics – just like crusaders head for the Holy Land. This also implies that the bishop who neglects his duties ought to be punished as well."

30 Ibidem, p. 154; Polish trans., ibidem, p. 155: "For that reason, people who are notoriously hardened ought to be treated in accordance with the sanctions of the holy fathers, i.e., do not allow them to continue their [wretched] existence. Such festering wounds that are incurable ought to be therefore cut out by iron [sword]."

ergo causis, ubi per graves dissensionum scisuras non huius vel illius hominis est periculum sed plurimorum strages iacet, detrahendum est aliquid servitati, ut maioribus malis sanandis sincera charitas subveniat."[31]

It is worth emphasising at this stage that Zaborowski's stance did not constitute evidence of his unprecedented pragmatism or of his being given to innovative ideas. He was a faithful follower of the canonists and a devout papalist whose vision for the common good was grounded in Antiquity – in his reading of Aristotle and Cicero. Convincingly, following in the intellectual footsteps of Claude Backvis, Henryk Litwin acknowledges Zaborowski's concepts as a precursor to the "Executionist Movement" or even to the ideology of "the Nobles' Democracy". However, the thesis that contrasts – on the one hand – the evolutionary development of Polish political thought towards the idea of the supremacy of the community over the state with – on the other hand – "the revolutionary impetus" of the Reformation, which paved the way for the "theory of the omnipotency of the state", appears too reductive and, as such, seems to draw on a stereotypical opposition between "social" Catholicism and "state" Protestantism.[32] Still, regardless of the above reservations, Zaborowski's outlook provides evidence of the degree to which theological and political reflection (which on its own was grounded in mediaeval canonical theology) was immersed in the political reality of the multi-ethnic and multi-religious state. As shown here, theory worked in tandem with practice on the pages of Zaborowski's treatise, given that his work married reflection drawing on mediaeval theology with the influence of Renaissance views of classical philosophy and a realist reading of the political entanglements of the day.

Arguably, there was no relationship between the aforementioned theoretical remarks by Zaborowski on the right of resistance to a tyrannical ruler and the article of *de non praestanda oboedientia*, included in the privilege decreed by King Alexander I in 1501 in Mielnik. Imposed on the king by the elites, the regulation signalled a tendency towards transforming the monarchy into a form of aristocratic oligarchy.[33] The act stipulated that the Polish Senate ("senat") not only became the centre of political decision-making (legislation), but was also granted

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31 Ibidem, p. 158; Polish trans., ibidem, p. 159: "In matters of that sort, where – because of deep division generated by dispute – not individuals but whole communities are in danger, one ought to be lenient so as to enable love to ameliorate the situation and soothe the pain of discomfort."

32 H. Litwin, *Stanisława Zaborowskiego życie*, p. LXIX–LXX.

33 The text is available in: *Volumina Constitutionum*, Wydawnictwo S. Grodziski, I. Dwornicka, W. Uruszczak, vol. 1, Warszawa 1996, p. 109–113; L. Sobolewski, W. Uruszczak,

the right of veto over the King's decisions: "Ubi autem contigerit quod Nos aut Nostri Successores, quod absit, non iusto aut legitimo iudicio, temerarie contra aliquem ex consilio aut aliquos primoris status, summaeque et integrae opinionis viros, tam spirituales quam saequlares, ad vitam, personam aut bona conarentur, aut faceremus quod vim inferre possit, et iudicio consiliorum uti praemissum est, parere abnueremus, et conquerenti de se iustitiam denegaremus, aut contra statum et offensum reipublicae, quod Deus avertat, moliremur et quidquam tale commissum fuerit, quod regio debito non conveniret, extunc universum regnum sit liberum a iuramento et fide praestita, Nosque aut Nostros Successores non ut dominum, sed ut tirannum et hostem reputent et personae singulae, quae laesae fuerint, licite et honeste possint ad alium dominum confugere, et contra Nos Successoresne Nostros quibuscunque modis iniurias suas repetere, sine honoris sui detrimento, facta tamen et completa illa protestatione, quae antiquis constitutionibus constat esse expressa, tenebimurque Nos aut Successores Nostri, damna passis, qui ob huiusmodi iustitiae denegationem aliquid pertulerint, exsolvere, et denique laeso iustitiam coram consiliariis administrare, pro quo palatini aut episcopi ad principem se interponere tenebuntur, prout alias antiquitus erat observatum."[34]

According to the above-quoted terms of agreement, senators were – under specific circumstances – at liberty to be exempted from the obligation to obey the incumbent and even were allowed to seek foreign assistance as a means of opposing the ruler. Various interpretations of the phrasing of the settlement remain the subject of scholarly debate; we have no access to the records of everyday practice in this matter, given the fact that the privilege was valid only until 1505. However, the phrasing offered a signal that a tendency to curtail the powers of the monarchy – by using a mediaeval reading of the doctrine of the right of resistance to a ruler who had violated obligations to which he had voluntarily agreed – was indeed in circulation.

In the early sixteenth century, the problem primarily involved powerful elites and was exclusively political in nature. Despite tense relations between Catholics and Eastern Orthodox Christians residing in the Ruthenian territories of the Kingdom, there is no record of subjects' resorting to the right of resistance on the grounds of religion. After the mid-fiftienth century merger of the Metropolis of Halych and the Metropolis of Kiev, the assets of the Eastern Orthodox Church

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"Artykuły mielnickie z roku 1501", *Czasopismo Prawno-Historyczne* 42, 1990, 1–2, p. 31–61.

34   *Volumina Constitutionum*, p. 110–111.

were administered by royal officials, who often handed them over for use by the Catholic clergy. In 1511, Sigismund the Old guaranteed the Eastern Orthodox Church within the Crown and the Grand Duchy of Lithuania the autonomy to appoint clergy as well as judicial autonomy; however, metropolitans and vladikas (prince-bishops) were appointed by the king, whose courts also served as appelate courts for those wishing to question the verdicts of ecclesiastic courts. In 1538–39, the Eastern Orthodox Metropolis of Halych was yet again reintroduced, this time around with Lviv as its capital, though it did not rescind legislation dating back to the reign of Władysław Jagiełło that limited some forms of Eastern Orthodox worship and prohibited the construction of stone churches.[35] Restrictions on access of Eastern Orthodox Christians to official posts, guilds and the municipal law[36] remained valid in royal towns.

The Catholic tradition as the Jagiellonian Dynasty's preferred political preference had an especially negative impact on the situation of the Eastern Orthodox Church in Red Ruthenia, where the majority of the eparchies were subordinate to Catholic bishops.[37] Due to the projected union of the Catholic Church and the Eastern Orthodox Church, and as a result of individual conversions by Ruthenians, there arose a question whether they ought to be baptised again. In theory, the issue was solved by Pope Alexander VI's *breve* written to Bishop of Vilnius Wojciech Tabor on 26 April 1501, in which the pontiff formulated regulations and procedures for including Eastern Orthodox Christians into the Catholic community without the obligation of renewed baptism.[38] This entailed acknowledging them as Christians who were treated differently than pagans and heretics. Still, despite papal clarification, the case generated controversy even in the early sixteenth century, a fact which was reflected in Zaborowski's treatise. In the mid-sixteenth century, postulates of the Protestant reformers attracted the attention

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35 "Statuta toti provinciae Gnesnensi valentia condita praeside Nicolao II. Trąba archiepiscopo Gnesnensi in synodo provinciali Vieluno-Calissensi, A. MCCCCXX", [in:] *Starodawne prawa polskiego pomniki*, vol. IV, ed. U. Heyzmann, Cracoviae MDCCCLXXV, p. 242: "De scismaticis".

36 Z. Wojciechowski, *Zygmunt Stary (1506–1507)*, Warszawa 1946, p. 273–275; see A. Łapiński, op. cit.

37 L. Ćwikła, op. cit., p. 28.

38 *Brevia Romanorum Pontificum ad Poloniam spectantia*. Ex minutis et regestris pontificiis collegit et edidit H. D. Wojtyska CP, vol. I: *Brevia saeculi XV (quae exstant)*, Romae 1986, p. 90–93, Elementa ad fontium editiones, vol. 64; see J. Sawicki, "'Rebaptisatio Ruthenorum' w świetle polskiego prawa synodalnego w XV i XVI w.", [in:] *Pastori et magistro. Praca zbiorowa wydana dla uczczenia jubileuszu 50-lecia kapłaństwa Piotra Kałwy*, ed. A. Krupa et al., Lublin 1966, p. 229–246.

of such outstanding Catholic clergymen as Stanisław Orzechowski and Marcin Krowicki, who demanded the abandonment of clerical celibacy, the introduction of Utraquism, and the cessation of baptism of Eastern Orthodox Christians.[39]

Restrictions imposed on religious worship, which were fully operational by the early-sixteenth century, appear to point to the limited efficiency of the process of integration of communities marked by ethnic and denominational diversity. Today, it is difficult to state whether the ethnic and religious mosaic of Ruthenia in the early modern era was composed of a series of legally separate communities or whether perhaps it constituted a community *in statu nascendi* that slowly underwent a process of integration towards a multi-ethnic and multi-religious society.[40] One could also argue that – given that the theoretical construct of the "multi-cultural society" appears historically contestable – what we are dealing with here (including the territory of the Grand Duchy of Lithuania) is perhaps a case of a "transcultural communication zone"[41]. The question remains open, but it is worth remembering that religious relations in the Ruthenian territory of the Crown would, in the sixteenth century and above all in the seventeenth century, constituted one of the most important problems that would decisively define the future of the entire country.

b) The Grand Duchy of Lithuania

The second constituent of the Jagiellonian monarchy – the Grand Duchy of Lithuania differed from the Crown of the Kingdom of Poland in terms of its social and denominational characteristics. The unprecedented late-thirteenth century territorial expansion of Lithuania, the annexation of Volhynia, Podolia,

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39 H. Barycz, "Marcin Krowicki. Polemista i pamflecista polskiej reformacji", [in:] idem, *Z epoki renesansu, reformacji i baroku. Prądy-idee-książki*, Warszawa 1971, p. 305.

40 Cf. Collective Work *On the Frontier of Latin Europe: Integration and Segregation in Red Ruthenia 1350–1600*, ed. T. Wünsch, A. Janeczek, Warszawa 2004, including among others: A. Janeczek, "Ethnicity, religious disparity and the formation of the multicultural society of Red Ruthenia in the late Middle Ages", p. 15–45; T. Wünsch, "Die religiöse Dimension sozialer Integration. Glaubensverhältnisse in den galizisch-wolhynische Bistümern des 15.–17. Jahrhunderts", p. 61–80; J. Krochmal, "Ethnic and Religious Integration and Segregation in Przemyśl, 1350–1600," p. 193–210; M. Kapral, *Legal Regulation and National (Ethnic) Differentiation in Lviv, 1350–1600*, p. 211–228.

41 Cf. Collective Work *Litauen and Ruthenien. Studien zu einer transkulturellen Kommunikationsregion (15.–18. Jahrhundert). Lithuania and Ruthenia. Studies of a Transcultural Communication Zone (fifteenth-eighteenth centuries)*, hrsg. S. Rodewald, D. Frick, S. Wiederkehr, Wiesbaden 2007, Forschungen zur osteuropäischen Geschichte, Bd. 71.

the Kiev Region, and the Smolensk Region, led to the marginalisation of the still pagan Lithuanian population in a country whose residents were primarily Eastern Orthodox Christian Ruthenians.[42] At the same time, the process by which the Lithuanians were Christianised (i.e., converted to Eastern Orthodox Christianity) marched on, even though today it is difficult to adequately estimate its social scope.[43] The beginning of Christianity in Lithuania is linked to expansion toward Ruthenia; the earliest record of the first Eastern Orthodox Christian martyrs, attendants at the courts of the Lithuanian Grand Dukes who refused to eat meat during Lent, dates back to the mid-fourteenth century. Subsequently, the grand princely family started to feature the first Christians: Vaišelga, Demetrius of Liubar, and Skirgaila, along with numerous women, all of whom were baptised; Prince Dowmont was even considered a saint and called Timofey.[44]

Scholarship on the specifics of religious relations in the Grand Duchy of Lithuania frequently mentions the Muslim Tatars who were appointed as servants by Lithuanian rulers.[45] In this context, one ought to remember that the Tatars, as well as the less numerous Karaims (adherents of Karaite Judaism), played a marginal role in the social structure of the Grand Duchy.[46] By contrast, Jews (who were still – especially in the North – a relative minority) began to exert increasing influence on the economic life of Lithuania.[47] However, if one assumes that the genesis of the (as yet under-researched) regulation regarding the 1495

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42 Z. Kiaupa, J. Kiaupienė, A. Kuncevičius, *The History of Lithuania Before 1795*, p. 72–97.

43 T. Śliwa, "Kościół prawosławny w państwie litewskim w XII–XIV wieku", [in:] *Chrzest Litwy. Geneza, przebieg, konsekwencje*, ed. M. T. Zahajkiewicz, Lublin 1990, p. 15–32.

44 D. Baronas, "Prawosławni", [in:] *Kultura Wielkiego Księstwa Litewskiego. Analizy i obrazy*, ed. U. Ališauskas, trans. B. Piasecka, Kraków 2006, p. 577–594; see S. C. Rowell, *Lithuania Ascending. A Pagan Empire Within East-Central Europe: 1295–1345*, Cambridge 1994.

45 G. Błaszczyk, *Litwa na przełomie średniowiecza i nowożytności 1492–1569,* Poznań 2002, p. 229–234; J. Tyszkiewicz, *Tatarzy na Litwie i w Polsce. Studia z dziejów XIII–XVIII w.*, Warszawa 1989, p. 144–167; see also P. Borawski, A. Dubiński, *Tatarzy polscy. Dzieje, obrzędy, legendy, tradycje*, Warszawa 1986, p. 27–64; J. Šiaučiūnaitė-Verbickienė, "The Tatars", [in:] *The Peoples of Grand Duchy of Lithuania*, ed. G. Potašenko, transl. A. Holvoet, Vilnius 2002, p. 73–82.

46 G. Błaszczyk, op. cit., p. 227–229; J. Šiaučiūnaitė-Verbickienė, "The Karaims", [in:] *The Peoples of Grand Duchy of Lithuania*, p. 83–89; eadem, "Karaimi", [in:] *Kultura Wielkiego Księstwa Litewskiego*, p. 241–248.

47 G. Błaszczyk, "Liczebność Żydów na Żmudzi w XVI–XVIII w. Część I: Liczebność Żydów na Żmudzi w XVI I XVII wieku", *Biuletyn Żydowskiego Instytutu Historycznego w Polsce* 141, 1987, p. 21–38.

expulsion of the Jews from the Grand Duchy was rooted in matters of finance, then one ought to acknowledge the key role that Jewish communities played in the Lithuanian economy dating back to the very beginning of the Early Modern Era.[48] The above is attested to by the history of the Ezofowiczes (Józefowiczes) – a Jewish family that made a name for itself in the early sixteenth century; this widely known case study is frequently interpreted as evidence of the high degree of toleration in the Grand Duchy. Upon his conversion to Christianity in 1509, Abraham Ezofowicz was appointed *supremus thesaurarius*, *supremus rei monetariae magister*; in 1525, his brother Michał, despite his decision to remain a follower of Judaism, was appointed Starost of Kaunas (Kowno).[49] Overall, however, political life in the Grand Duchy of Lithuania was dominated by Christianity, in the following order of significance: Catholics, Eastern Orthodox Christians, and Evangelicals.

The top-down process of the Catholic Christianisation of pagan Lithuania in the late 1380s, which was inextricably linked to the project of the Polish-Lithuanian union, did not entail the imposition of the Catholic faith on the Ruthenian peoples of Eastern Orthodox faith. Nor did it involve their subordination to the thinly spread structures of the Catholic Church in White Ruthenia, Polesia and Podlachia that were nominally under the auspices of the diocese of Vilnius, which was founded in 1387. Unquestionably, conversion to Catholicism on the part of the Grand Dukes and those within the upper echelons of power in the Grand Duchy of Lithuania brought clear and understandable advantages when it came to access to state offices and titles, as corroborated by the privileges of Władysław Jagiełło (1387 and 1400) and by the pacts of the Polish-Lithuanian Union of Horodło (1413), which included – among other things – a prohibition on mixed marriages (Catholic Lithuanians with Eastern Orthodox Christians) and, not unlike in Ruthenia, restrictions on the building of churches in towns.[50]

However, as far as religion was concerned, the policies of the Grand Duchy of Lithuania remained unchanged: in 1392, Grand Duke Vytautas confirmed the

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48 S. A. Berszadskij, *Litowskie jewreji. Istorija ich juridiczeskawo i obszczestwennawo położenija w Litwie ot' Witowta do Ljublinskoj uniji. 1388–1569 g.*, St. Petersburg 1883, p. 315–424; J. Šiaučiūnaitė-Verbickienė, "The Jews"*,* [in:] *The Peoples of Grand Duchy of Lithuania*, p. 57–72; M. Nadav, "Jewish Ownership of Land and Agricultural Activity in sixteenth-century Lithuania", [in:] *Studies in the History of the Jews in Old Poland in Honour of Jacob Goldberg*, ed. A. Teller, Jerusalem 1998, p. 161–165, *Studia Hierosolymitana*, vol. XXXVIII.

49 G. Błaszczyk, op. cit., p. 220–227.

50 T. M. Trajdos, op. cit., p. 25–37; W. Woliński, op. cit., p. 24–25.

freedom of Eastern Orthodox worship. In the Grand Duchy, the Eastern Orthodox Church relied internally on canonical traditions that dated back to the times of Kievan Rus'. In 1499, Alexander I Jagiellon approved of the alleged eleventh-century Orthodox Church decree of Yaroslav the Wise; in 1511, the counterfeit decree was legitimated by King Sigismund I. These privileges guaranteed the Orthodox Church judicial immunity and regulated the question of patronage and appointment to Church offices. From now on, Catholic Grand Dukes were to act as general patrons of the Church.[51] This came as no surprise given that, starting in the fifteenth century, the practice of appointing vladykas (bishops) diverged from earlier canonical practice (i.e., selection by the synod and nomination by the metropolitan); instead, nomination was carried out by the sovereign as the general ktitor (ktetor, patron) of the Eastern Orthodox Church. Apart from the vladykas, krylos (chapter, capitulum) constituted the Church body of administrative and judiciary power and consisted of presbyters in the capital of a particular eparchy (diocese), presided over by a protopresbyter (protopope). A Vladyka's superiors, i.e., deputy bishops, were counterparts of Catholic archdeacons and, as such, they were in charge of either the entire diocese or its select sections. With regard to the Eastern Orthodox Church structure, below them were only parishes, which traditionally were numerous, for instance 22 in Polotsk (Połock), 12 in the capital Vilnius, and as many as 16 in the smaller Pinsk.[52]

In the early fifteenth century, after the appointment of Photius as Metropolitan of Kiev, who was a proponent of cooperation with Moscow and who was not endorsed by Jagiełło and Vytautas, the synod of Ruthenian bishops carried out reforms of Church structures, limiting in 1415 the jurisdiction of the Metropolis of Kiev to the territory of the Grand Duchy of Lithuania and appointing Gregory Tsamblak (Grzegorz Camblak) as its Metropolitan. As a result, Photius was forced to abandon his residence in Vladimir-on-Klyazma in the "Moscovian" part of the Metropolis, and to relocate to Moscow.[53] Ultimately, after the unsuccessful attempt to introduce in the Grand Duchy of Lithuania the resolutions of the Union of Florence, the Metropolis of Kiev in 1458 was divided into two parts, which were subordinate to Moscow and Vilnius, respectively.[54] The Metropolis

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51 L. Ćwikła, op. cit., p. 66, 54–60; G. Błaszczyk, op. cit., p. 253–263; A. Mironowicz, *Kościół prawosławny w państwie Piastów i Jagiellonów*, Białystok 2003, p. 69.

52 A. Mironowicz, *Kościół prawosławny w dziejach dawnej Rzeczypospolitej*, Białystok 2001, p. 30–34.

53 T. M. Trajdos, op. cit., p. 67.

54 O. Halecki, *Od unii florenckiej do unii brzeskiej*, vol. 1, trans. A. Niklewicz, Lublin-Rzym 1997.

of Kiev, which was subordinate to the authorities of the Grand Duchy of Lithuania and had its archbishopric cathedrals in Vilnius (from 1414 onwards) and Navahrudak (Nowogródek), was the largest Eastern Orthodox province in the Catholic country; it had a population of approximately 3 million. In the latter part of the fifteenth century it controlled the following eparchies: Kiev, Polotsk, Smolensk, Chernihiv-Bryansk, Turov-Pinsk, Lutsk, and Vladimir – 7 out of 10 dioceses of the former territory of the metropolis, in addition to 3 eparchies within the Kingdom of Poland. In the early sixteenth century, the eparchies of Smolensk and Chernihiv were brought under the authority of the Moscovian Church.[55]

In the first half of the fifteenth century, the Grand Duchy saw the beginning of the process of granting Eastern Orthodox Christians the same political rights as those enjoyed by Catholics. In 1434, Zygmunt Kiejstutowicz (Sigismund Kestutaitis), who wanted to attract boyars of Eastern Orthodox faith, bestowed upon them equal rights with one exception, namely that he did not extend to them membership in the economic council ("rada hospodarska"), which was reserved for Catholics. Given that the Voivodes and Castellans of Vilnius and Trakai (Trock) were members of that council by default, Eastern Orthodox Christians were not eligible for these offices.[56] In 1443, Władysław III of Poland (Władysław Warneńczyk) acknowledged the rights of the Eastern Orthodox Church, which were later validated by Casimir IV Jagiellon (Kazimierz Jagiellończyk) in 1457 and by Sigismund the Old in 1511. Published in 1529, the First Statute of Lithuania provided equal rights for both Catholic and Eastern Orthodox subjects of the Grand Dukes.[57] Especially Sigismund I ingratiated himself with Eastern Orthodox Christians, despite the fact that during his reign restrictions on the building of stone churches and access to official appointments remained in effect.[58]

The fact that the Grand Dukes were favourably disposed to Eastern Orthodox Christianity in this era of recurrent wars with Moscow should come as no surprise. In the mid-sixteenth century, approximately 75% of the residents of the Grand Duchy were Ruthenians of Eastern Orthodox faith, and the issue of their loyalty was of utmost importance to a state threatened by the Moscovian policy of "seizing Ruthenian territories". By contrast, only 20% of nobility of the Grand

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55 J. Kłoczowski, *Dzieje chrześcijaństwa polskiego*, Warszawa 2007, p. 135.

56 O. Halecki, *Litwa, Ruś, Żmudź jako części składowe Wielkiego Księstwa Litewskiego*, Kraków 1916, p. 20–21; L. Korczak, *Litewska rada wielkoksiążęca w XV wieku*, Kraków 1998, p. 37, 49.

57 W. Kamieniecki, *Ograniczenia wyznaniowe w prawodawstwie Wielkiego Księstwa Litewskiego*, PH 13, 1911, p. 268–282.

58 G. Błaszczyk, op. cit., p. 254–255.

Duchy were Eastern Orthodox Christians. However, the broader political elite of the country was circa 40% Eastern Orthodox; these were nobles and magnates, frequently as influential as Hetman Konstanty Iwanowicz Ostrogski[59], a victor in the Battle of Orsha (1514). Also in the capital Vilnius, where the synod (founded by the mother of Jagiełło, Uliana of Tver) functioned as the Metropolitan cathedral, Eastern Orthodox burghers were proactive in the sixteenth century and did not allow themselves to be marginalised.[60] Their association with the Jagiellons, as the dynasty that governed the Grand Duchy of Lithuania and the natural heirs of the tradition of Kievan Rus', is well documented and researched. Numerous Eastern Orthodox hierarchs demonstrated distance towards the Moscovian concept of uniting Ruthenia since it was likely to damage, or even destroy, the influence of the Metropolis of Kiev.[61]

Ultimately, Sigismund August, who in 1547 and 1551 revalidated the restrictions on the availability of state offices to non-Catholics, annulled them by issuing privileges in 1563 and 1568.[62] Ratified in Lublin in 1569, the real union between Poland and Lithuania, which in principle treated representatives of all denominations equally, preserved one crucial political entitlement for Catholics: it guaranteed seats in the Senate of the Polish-Lithuanian Commonwealth

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59 M. Liedke, "Świadomość narodowa i udział szlachty oraz możnych ruskich Wielkiego Księstwa Litewskiego w kształtowaniu się narodu szlacheckiego Rzeczypospolitej w drugiej połowie XVI wieku", [in:] *Europa Orientalis. Polska i jej wschodni sąsiedzi od średniowiecza po współczesność. Studia i materiały ofiarowane Profesorowi Stanisławowi Alexandrowiczowi w 65 rocznice urodzin*, ed. Z. Karpus, T. Kempa, D. Michaluk, Toruń 1996, p. 135–144; eadem, *Od prawosławia do katolicyzmu. Ruscy możni i szlachta Wielkiego Księstwa Litewskiego wobec wyznań reformacyjnych*, Białystok 2004, p. 41–46; M. Kempa, "Działalność hetmana Konstantego Iwanowicza Ostrogskiego na polu prawosławia", *Białoruskie Zeszyty Historyczne* 12, 1999, p. 5–21.

60 J. Maroszek, "Kościół św. Anny w Wilnie – zagadka historii i architektury", [in:] *Europa Orientalis*, p. 103–125.

61 H. Grala, "Kołpak Witoldowy czy czapka Monomacha. Dylematy wyznawców prawosławia w monarchii ostatnich Jagiellonów", [in:] *Katolicyzm w Rosji i prawosławie w Polsce (XI–XX w.)*, ed. J. Bardach, T. Chynczewska-Hennel, Warszawa 1997, p. 51–67; Cf. M. Krom, *Mież Rusiju i Litwoj. Zapadnorusskije ziemli w sistiemie russko-litowskich otnoszenij konca XV – pierwoj trieti XVI w.*, Moskwa 1995.

62 For more on the privileges, see *Monumenta Reformationis Polonicae et Lithuanicae*, ser. I: *Zabytki z wieku XVI*, vol. 1, Wilno 1925, no. 4, 5, p. 14–28; W. Czermak, *Sprawa równouprawnienia katolików i schizmatyków na Litwie (1432–1563)*, Kraków 1903, Rozprawy PAU, ser. II, vol. 12; K. Chodynicki, *Geneza równouprawnienia schyzmatyków w Wielkim Ks. Litewskim. Stosunek Zygmunta Augusta do wyznania grecko-wschodniego*, PH 22, 1919–1920, p. 54–135.

exclusively for the Diocesan Bishops of the Catholic Church.[63] Not allowing Eastern Orthodox Metropolitans and vladykas a seat on the Senate of the *common* country perpetuated the situation in which members of the Eastern Orthodox Church were *commonly* regarded as second-class Christians.

In contrast with Lithuanian Catholic elites, the majority of whom questioned the project of the union, Eastern Orthodox Christian elites of the Grand Duchy tended to favour the proposed alliance. When, in preparation for the union, Sigismund August, who wanted to break down the Lithuanians' defences, ceded the territories of Podlachia, Volhynia and the Ukraine (which were dominated by Ruthenian people of Eastern Orthodox persuasion) to the authority of the Crown of the Kingdom of Poland, his decision was not met with sustained resistance on the part of local nobility and elites.[64] It happened so as the political leaders of the Eastern Orthodox Church hoped that in the new country, founded on the basis of a real union, they would – as citizens of the Crown – be guaranteed full political equality, not unlike Catholics and Evangelicals.[65]

Sigismund August's decision turned out to be momentous because it engendered a relative change in the make-up and ethnic and denominational proportions of the populations of both countries, which – from 1569 onwards, constituted the Polish-Lithuanian Commonwealth. Deprived of the extensive territories of Podlachia, Volhynia and the Ukraine, the Grand Duchy of Lithuania immediately experienced a steep decrease in the number of Eastern Orthodox Christians, the number of whom – by contrast – increased, if less significantly, on the territories under the auspices of the Crown. This, however, took place in an era in which entirely new factors would influence religious relations in the Commonwealth created as a result of the Union of Lublin. It was the Reformation – which reached lands administered by the Crown of the Kingdom of Poland and the Grand Duchy of Lithuania in the mid-sixteenth century – that would introduce unprecedented changes in the region.

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63 M. Liedke, *Od prawosławia do katolicyzmu*, p. 47.

64 O. Halecki, *Przyłączenie Podlasia, Wołynia i Kijowszczyzny do Korony w 1569 r.*, Kraków 1915.

65 T. Kempa, "Magnateria ruska wobec unii lubelskiej", *Białoruskie Zeszyty Historyczne* 16, 2001, p. 5–25; K. Mazur, *W stronę integracji z Koroną. Sejmiki Wołynia i Ukrainy w latach 1569–1648,* Warszawa 2006, p. 33–36.

Chapter 2: On the Eve of the Reformation (1520–1548)

The question of how to establish a chronology and to periodize the Reformation in the Kingdom of Poland and the Great Duchy of Lithuania, and in particular how to reconstruct events which preceded and heralded this movement, is problematic in several ways. For a long time, the academic approach was to divide the Reformation in Poland into three stages, which – as Wacław Urban claims – was in fact characteristic of the entire Central and Eastern Europe. According to this model, the first stage was marked by the burgher Reformation in Germany in the 1520s, a movement which exerted a significant impact on Royal Prussia yet did not win any wider social support in the Kingdom of Poland or the Grand Duchy of Lithuania. The second stage involved the "national" nobles' Reformation in the mid-sixteenth century. Finally, the third stage (or trend) was the Commoners' Humanist radical Reformation.[1] With various modifications, this division has prevailed for decades; however, this approach is not altogether cogent due to the fact that it is based more on *a priori* judgments than scholarly findings. For this reason, it seems more useful to draw here on the assertion made earlier by Aleksander Brückner, who considered the pre-1548 period to be a long preparatory turmoil, and dated the beginnings of the actual Reformation in the Polish-Lithuanian Commonwealth at not earlier than the mid-sixteenth century.[2]

It is well established that Reformation ideas, first those of the Lutheran variety and then those of the Swiss and French Reformations, began to spread in Poland and then Lithuania as early as the 1520s. Although this problem has been thoroughly researched in terms of facts, the basic questions about the origin and spread of "covert" Reformation ideas, along with the way they were received by Polish-Lithuanian society during the reign of Sigismund I the Old, remain open. Gottfried Schramm argues that this phenomenon is characteristic of Central Europe throughout this period, especially Hungary and the Czech Republic[3].

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1   W. Urban, *Drogi rozwoju reformacji w środkowo-wschodniej Europie*, KH 81, 1974, 1, p. 19–32.

2   A. Brückner, *Różnowiercy polscy. Szkice obyczajowe i literackie*, Warszawa 1962, p. 11.

3   G. Schramm, *Der polnische Adel und die Reformation 1548–1607*, Wiesbaden 1965, p. 220–232; see also idem, "Polska – Czechy – Węgry. Wspólne cechy kultury politycznej trzech krajów w późnym średniowieczu", [in:] idem, *Polska w dziejach Europy*

This chapter will begin with a discussion of Royal Prussia, where these matters leave little room for doubt despite the unique character and identity of this province.[4] At the beginning of the sixteenth century Royal Prussia had circa 400,000 inhabitants, approximately 30% of whom lived in cities, the most important of which were Gdańsk (circa 40,000 inhabitants), Elbląg (circa 15,000 inhabitants) and Toruń (circa 12,000 inhabitants). These cities were politically and culturally dominated by inhabitants of German origin who had settled there during the Teutonic colonization. Irrespective of their descent, these inhabitants had a strong sense of their unique identity, which stemmed from privileges granted to Prussia upon its incorporation into the Crown of Poland in 1454. This peculiar sense of difference, as it turned out later, was highly significant in the development of religious affairs.[5]

The transfer of the Reformation from Germany to Prussian cities after 1517 overlapped with a growing conflict between the former ruling elites and "new" members of high society, mainly merchants and craftsmen. The conflict, which led to a series of local crises in the early 1520s, was probably an offshoot of the religious and social unrest spreading across North European cities at the time.[6] Twenty-seven incidents of this kind were reported in the Kingdom of Poland.[7] The clergy in both parts of Prussia was also crisis-ridden in the aftermath of a decision made by Bishop of Samland Georg Polentz, who, on Christmas Day 1523, declared his official support for the Reformation, and who then expressed his approval of the activity of Johann Briesemann, a former Franciscan friar and Martin Luther's envoy to the Teutonic State of Prussia.[8] News about the Reformation developing in Teutonic Prussia quickly reached Royal Prussia. Regardless of the bonds between both parts of the former State of the Teutonic Order, it seems obvious that the spread of the Reformation into Teutonic Prussia was

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Środkowej. Studia, trans. E. Płomińska-Krawiec, Poznań 2010, p. 19–45, first edition: London 1991.

4   J. Małłek, "The Reformation in Poland and Prussia in the Sixteenth Century. Similarities and Differences", [in:] *The Reformation in Eastern and Central Europe*, ed. K. Maag, Aldershot 1977, p. 182–191; cf. Ch. Schmidt, *Auf Felsen gesät. Die Reformation in Polen und Livland,* Göttingen 2000, p. 128–139.

5   T. Borawska, *Tiedemann Giese (1480–1550) w życiu wewnętrznym Warmii i Prus Królewskich*, Olsztyn 1984, p. 8–9.

6   M. Biskup, "Prusy Królewskie i Krzyżackie (1466–1526)", [in:] *Historia Pomorza*, vol. II, ed. G. Labuda, pt 1, Poznań 1976, p. 90.

7   M. Bogucka, *Miasta w Polsce a reformacja. Analogie i różnice w stosunku do innych krajów,* [in:] eadem, *Człowiek i świat*, p. 227–237.

8   T. Borawska, op. cit., p. 305; Ch. Schmidt, op. cit., p. 139–148.

deemed to have affected the situation in Royal Prussia,[9] where the teachings of Luther were being widely disseminated in both print and speech as of the early 1520s.[10]

In February 1520, Poland witnessed the arrival of the first in a long series of papal nuncios, Bishop of Garda Zaccaria Ferreri Gualdafieri. Though his mission was to seek an end to the war with the Teutonic Order, Ferreri also undertook to resolve the problem of Lutheran propaganda. It was probably due to his efforts that, as early as 3 May 1520, Sigismund I imposed the oft-cited ban on the distribution of Luther's works, which said: "Manifestum facimus, quia intelligentes ad regnum et dominia nostra inferri nonnullos libellos cuiusdam fratris Martini Luter, ordinis Eremitarum, in quibus multa continentur tam contra sedem apostolicam, quam etiam in perturbationem communis ordinis et status rei ecclesiasticae et religionis, ne in regno nostro ex huiusmodi scriptis errores aliqui pullularent, officii nostri, ut Christiani principis et fidelis filii sanctae matris ecclesiae, esse duximus auctoritate et potestate nostra regia huic coepto noxio obsistere. Mandamus igitus vobis omnibus subditis nostris et cuilibet vestrum seorsum, quod nostra inferre, vendere, emere aut illis uti sub poena confiscationis bonorum omnium atque exilii….[11] The ban was introduced several weeks before the publication of *Exsurge Domine,* Pope Leon X's bull from 16 June 1520.

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9   J. Małek, "Dwie części Prus. Studia z dziejów Prus Książęcych i Prus Królewskich w XVI i XVII wieku, Olsztyn 1987, p. 5; idem, Dwie części Prus – nowsze spojrzenie", [in:] *Prusy Książęce i Prusy Królewskie w XVI–XVIII wieku*, ed. J. Wijaczka, Kielce 1997, p. 7–15.

10 T. Gemma, *Stosunki kościelne w Toruniu w stuleciu XVI i XVII na tle dziejów kościelnych Prus Królewskich*, Toruń 1934, p. 27–32; G. Schramm, "Reformacja w miastach Prus Królewskich. Przykład Gdańska, Elbląga i Torunia w latach 1517–1558" [in:] idem, *Polska w dziejach Europy Środkowej,* p. 127–156, first edition: Berlin 1977; M. Bogucka, "Die Wirkungen der Reformation in Danzig", *Zeitschrift für Ostforschung* 42, 1993, 1–4, p. 195–206.

11 "Edictum de libellis Lutheranis in regnum non importandis nec a quopiam adhibendis aut vendendis", Thorunii 3 V 1520, *Corpus iuris Polonici, sectionis primae, privilegia, statuta, constitutiones, edicta, decreta, mandata regnum Poloniae spectantia*, vol. III, 1506–1522, ed. O. Balzer, Cracoviae 1906, no. 234, p. 579–580 (further cited as CIP); O. Balzer confirmed the similarity between this edict and the one issued in Toruń on 24 July 1520, ibidem, no. 237, p. 283–284, thereby admitting the authenticity of both documents. He also thought that the document passed on 3 May 1520 was only dispatched to Royal Prussia; the document was then re-edited and dispatched all over the Crown. See also *Edictum Ser.mi Principis et d.ni Sigismundi Poloniae regis invictissimi, piissimi, contra Luteri damnata scripta,* [in:] Z. Ferreri, *Oratio legati apostolici,* Cracoviae 1521, f.

Nuncio Ferreri did not limit himself to inspiring Sigismund I; he also passed his own anti-Lutheran acts. On 2 February 1521, in Vilnius, he issued an edict for the Catholic clergy in the Grand Duchy of Lithuania that imposed a ban on the import and distribution in Lithuania of "tam latino sermone quam quocunque idiomata formata et notata" writings by the "heretic" Martin Luther "et aliorum diversorum authorum", and that ordered them destroyed.[12] It is not clear, however, whether this ban was provoked by Lutheran propaganda in the Grand Duchy of Lithuania. The Vilnius ban reaffirmed the 1520 ruling of Sigismund I on the distribution of Luther's writings in both Royal Prussia and the Crown of Poland. In addition, it pointed to the prohibition against the building of stone Orthodox churches in the Grand Duchy of Lithuania, and it ordered a reform of the clergy's morals, which can be perceived as an attempt to "leave the line of attack" mounted by Protestant propaganda. That having been said, given the lack of records indicating that Lutheran ideas were being propagated in the Grand Duchy of Lithuania around 1520, Ferreri's measure should be rather considered complementary to the 1520 ban imposed by the King.

Ferreri continued with his anti-Lutheran policy. At Easter in early April 1521, in Toruń, he delivered a speech to King Sigismund I in which he praised the Kingdom of Poland for its Catholic orthodoxy. Observing that "sed paradisus absque serpente non est," he condemned Luther and demanded that his teachings be rejected.[13] On 14 April 1521 Nuncio Ferreri, Bishop of Culm Jan Konopacki, and Bishop of Kamieniec Wawrzyniec Międzyleski, along with "praesente omni promiscui sexus Polonorum et Germanorum, aliarumque nationum populo", gathered to publicly condemn Luther's theses and burn a pile of his Latin and German writings.[14] According to later Protestant historians, Luther's image was burnt there as well. This action evoked a hostile response from local citizens, which has often been interpreted as evidence for the fact that Reformation

A6v – B1v. See P. Buchwald-Pelcowa, *Cenzura w dawnej Polsce. Między prasą drukarską a stosem*, Warszawa 1997, p. 25–26.

12 *Acta nuntiaturae Polonae*, (further cited as ANP), vol. II: *Zacharias Ferreri (1519–1521) et nuntii minores (1522–1553)*, ed. H. D. Wojtyska CP, Romae 1992, no. 37, p. 86–93 (further cited as ANP).

13 "Oratio Rev.mi Patris, D.ni Zachariae Ferreri, Vincentini, pontificis Gardiensis, in Poloniam et Lituaniam legati apostolici, ad ser.mum Regem Poloniae Sigismundum de eliminandis e Regno Poloniae erroneis et contagiosis traditionibus Martini Luteri", "Toruniae, initio Aprilis 1521", ANP, vol. II, no. 44, p. 108–116.

14 "Relatio Zachariae Ferreri de librorum Lutheri concrematione", ANP, vol. II, no. 46, p. 118–119; see an account by Andrzej Krzycki, manuscript BKórn. 243, f. 283v.

sentiments were running high in Toruń.[15] Following this event, Nuncio Ferreri wrote a letter to the Polish and Lithuanian clergy in which he pronounced Luther a heretic, pointed to papal acts condemning Luther, and generally rejected Luther's criticism of the Catholic Church.[16] Upon completion of his mission to the Kingdom of Poland, Ferreri praised Sigismund I's fidelity to the Catholic faith. What is more, Ferreri claimed greater credit than was his due for fighting against Lutheran propaganda which – he maintained – was extremely widespread in Poland.[17] His claim was right – at least with respect to Royal Prussia.

It seems that the growing tension was not so much caused by religious unrest as by discontent over nepotism in municipal offices and the financial crisis caused by the war with the Teutonic Order. On 10 March 1523 the commoners of Toruń presented a demand that their representatives be allowed to oversee the city's finances. The discontented crowd was taking advice from the former secretary to the city council, Hans Seyfried, who was eventually arrested and taken to Krakow; the commoners and patriciate delegates followed, in the hope that the problem would be resolved. On 22 August 1523, Sigismund I passed a statute for the city of Toruń, the so-called *Reformatio Sigismundi*, in which he concurred with the position taken by the city council, though he also took into consideration some of the demands put forward by the opposition.[18] Rev. Tadeusz Glemma, a scholar of ecclesiastical affairs in Prussia, has – like previous Protestant historians – asserted that these protests had religious grounds and were provoked by Protestant propaganda, which he links with the activity of Toruń-based Lutheran minister Matthias Monsterberg.[19] This assertion notwithstanding, it seems that Marian Biskup is right when he claims that the 1523 events in Toruń could barely be connected with the Reformation; he regards them rather as a part of anti-clerical tendencies prevailing in that period.[20]

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15 T. Glemma, *Stosunki kościelne w Toruniu w stuleciu XVI i XVII na tle dziejów kościelnych Prus Królewskich*, Toruń 1934, p. 30; M. Biskup, "U schyłku średniowiecza i w początkach odrodzenia (1454–1548)", [in:] *Historia Torunia*, ed. M. Biskup, vol. II, pt 1, Toruń 1992, p. 213–223.

16 ANP, vol. II, no. 48, p. 124–125.

17 Z. Ferreri to Adrian VI, Faventiae 31 VIII 1522, ibidem, no. 54, p. 132–133.

18 A detailed discussion of the conflicts in Toruń of that period is provided in: J. Buława, *Walki społeczno ustrojowe w Toruniu w I połowie XVI wieku,* Toruń 1971; M. Biskup, *U schyłku średniowiecza*, p. 144–161.

19 T. Glemma, op. cit., p. 31–32.

20 M. Biskup, *U schyłku średniowiecza*, p. 144–161.

A similar but more violent conflict was recorded in Elbląg in early 1525. The conflict had a clearly religious origin and ended with the city council being overthrown. City authorities were reinstituted only as a result of intervention by central authorities. Though a few of the leaders of the rebellious commoners were exiled, some of their demands were met.[21] In 1526, a royal commission sent to Elbląg ordered that city inhabitants return items that had been seized from the church during the riots and officially blamed the strife on Luther's supporters. Eventually, ecclesiastical affairs in the city returned to the status quo ante, which meant that all liturgical changes were abolished and a ban was imposed on singing Protestant songs at mass and on possession of Reformation writings.[22] In light of the above, one may claim that the 1525 events in Elbląg were an attempt at Reformation carried out by commoners.

Similar conflicts occurred in smaller towns. For instance, in 1522 there were attempts to secularise a Franciscan monastery in Braniewo, in the Warmia region, and in 1524 and 1525 the town council there was overthrown twice.[23] Lutheranism was also widespread in the Malbork district, where the crusade against Luther's ideas was undertaken jointly by the Castellan of Gdańsk, Jan Baliński, a parish priest from Malbork, Mikołaj Schumborn, and Jakub Rosnowski, who was a pantler from Poznań and at the same time a fortress commandant who offered armed support.[24] Still, it must be observed that events in Gdańsk, where Lutheran ideas were increasingly widespread, played the most significant role in the Protestant Reformation in Royal Prussia.[25]

The commoner rebellion against the Gdańsk establishment, which was embodied by mayor Eberhard Ferber[26], is a subject that has been thoroughly researched. In 1517, the city's finances collapsed, which led to the appointment of a representation of 48 commoners to examine the economic policies of the city council and

21 M. Pawlak, "Reformacja i kontrreformacja. Kościoły i wyznania", [in:] *Historia Elbląga*, ed. A. Groth, vol. II, pt 1 (1466–1626), p. 173–181; see idem, *Reformacja i kontrreformacja w Elblągu w XVI–XVIII wieku*, Bydgoszcz 1991.

22 "Edictum commissariorum regiorum de religione in civitate Elbingensi restituenda", Elbingi 7 VIII 1526, CIP, vol. IV, fasc. 1, ed. O. Balzer, Cracoviae 1910, no. 84, p. 252–253.

23 T. Borawska, op. cit., p. 309, 312.

24 "Adhortatio ad episcopum electum Pomesaniensem de haeresi Lutherana in partibus dioecesis ipsius regno Poloniae subiectis non toleranda," Cracoviae 16 VI 1525, CIP, vol. IV, fasc. 1, ed. O. Balzer, Cracoviae 1910, no. 55, p. 188–189; "Edictum de Lutheranis in capitaneatu Marienburgensi puniendis," Cracoviae 11 XI 1525, ibidem, no. 57, p. 190–191.

25 U. Arnold, "Luther und Danzig", *Zeitschrift für Ostforschung* 21, 1972, p. 94–121.

26 S. Bodniak, *Ferber Eberhard*, PSB, vol. VI, Kraków 1948, p. 415–417.

mayors. A conflict broke out between the College of 48 (Kolegium 48), which was supported by Lutheran ministers, and Ferber, who rejected demands for reform before leaving the city, and this conflict resulted in a surge of riots in the autumn of 1522 and the summer of 1523. These riots were eventually quelled, but in 1524 the city council and the College of 48 decided to appease the opposing parties by consenting to some of their religious demands. However, it must be noted that the two bodies considered allocating one of the churches in the city for Protestant service as early as October 1522. The task of implementing ecclesiastical reforms was entrusted to Alexander Svenichen, a Franciscan priest known for his moderate views. Radical preachers, the most well-known being Jakob Knade and Jakob Hegge (alias Finckenblock), were prohibited from introducing arbitrary changes to the liturgy. But city authorities officially acknowledged that ecclesiastical affairs had to be improved, which actually marked the start of Reformation. Led by blacksmith Peter König and lawyer Johann Wendland, the "folk" gathered at the St. Elizabeth's Church graveyard to choose their representatives and ministers. In effect, they established a body of twelve "rentmeisters", who were led by a "hauptman." Supported by the newly appointed ministers, the rentmeisters began implementing Luther's postulates, first by closing down monasteries.[27]

A conflict between the rentmeisters and the city council along with the College of 48 broke out soon afterwards. On 22 January 1525 an angry crowd attacked the town hall, forcing the town councillors to resign. A new town council was established, with Wendland elected to preside over it. The council proclaimed the so-called "Artikelbrief," which abolished Mass and clerical celibacy. The act also introduced church services in German; side altars in churches were to be removed and church silverware was to be handed over to the town council. In addition, the act permitted sermons to be preached by lay clergymen. The citizens of Gdańsk dispatched an envoy to Wittenberg to ask Martin Luther to send Johannes Bugenhagen, a Protestant activist well-known in Pomerania, to Gdańsk in order to introduce the Reformation. Luther's support for the moderate reformers in Gdańsk was illustrated by the arrival of two priests from Wittenberg, Michael Meurer and Arnold Warwick, who arrived in Gdańsk in April 1525, no doubt with Luther's knowledge.[28] Reformation unrest also spread to

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27 M. Bogucka, [in:] *Historia Gdańska*, ed. E. Cieślaka, vol. II (1454–1655), Gdańsk 1982, p. 229–233.

28 Ibidem, s. 233–248; U. Arnold, "Luther und die Reformation in Preußenland", [in:] *Martin Luther und die Reformation in Ostpreußen*, ed. G. Michels, Drethem 1996, s. 9–35, Gemeinschaft Evengelischer Ostpreußen.

neighbouring towns. For example, inhabitants of the city of Puck rebelled against local priests and their ecclesiastical jurisdiction under the Bishop of Cuyavia.[29]

The above events provoked a violent reaction from Sigismund I the Old. Following the advice of Primate John a Lasco, on 17 April 1526 the King marched with 3,000 armed soldiers into Gdańsk, restoring to power the previous town council, which consisted of upper class representatives.[30] The rebel leaders were severely punished; while Wendland, König and several others were beheaded at Long Market in July 1526, others were either imprisoned or exiled. Under the *Statuta Sigismundi* passed on 20 July 1526, Gdańsk was forced to adopt a system which returned political advantage to the patriciate. At the same time, however, the statute established a representative body of commoners, the so-called Third Order (Trzeci Ordynek). Furthermore, powers to inspect the city's finances were vested with royal commissioners. As for religious affairs, the law ordered a return to the Catholic status quo ante, which was celebrated with a mass held on 25 July at St. Mary's Church in Gdańsk. Finally, it must be noted that serious abuses were eliminated from parish churches.[31]

From the contemporary point of view, the conflicts which occurred in Prussian cities are significant for two reasons**.** First, they reveal that urban opposition began to include Reformation-related religious demands in their programmes. This trend can be observed starting from the Toruń demands, which resembled the late-medieval anticlericalism, to the attempt to introduce in Gdańsk some of the Reformation's fundamental policies. All this was the outcome of sermons delivered by either local Protestant ministers or clergymen coming from Germany, though it was also the effect of printed Lutheran propaganda. The strong emphasis on eradicating Protestantism might have been a result of the German Peasants' War, as reflected in the edict from 7 July 1526, which ordered that the citizens of Gdańsk should within six days deliver to the residence of Piotr Kmita, the Marshal of the Crown Court in charge of the city's pacification "libros omne Luteranos et aliorum huius farinae, nec non picturas, cantilenas et libellos

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29 "Mandatum ad consules civitatis Gedanensis de episcopalibus episcopo Vladislaviensi pendendis, Cracoviae" 11 IV 1525, CIP, vol. IV, fasc. 1, ed. O. Balzer, Cracoviae 1910, no. 50, p. 178–179.

30 Z. Wojciechowski, op. cit., p. 183.

31 M. Biskup, "Prusy Królewskie i krzyżackie (1466–1526)", [in:] *Historia Pomorza*, vol. II: *Do roku 1815,* pt 1 (1464/66–1648/57) ed. G. Labuda, Poznań 1976, p. 88–98; T. Cieślak, "Postulaty rewolty pospólstwa gdańskiego w r. 1525", *Czasopismo Prawno-Historyczne* 6, 1954, 1, p. 123–152; J. Dworzaczkowa, "O genezie i skutkach rewolty gdańskiej 1525/26 roku", *Roczniki Historyczne* 28, 1962, p. 97–109.

famosos in ignominiam et sugillationem ecclesiasticorum vel saecularium, a summo ad infimum, insolenter emanatos, per quos potissimum tam in divinis, quam etiam humanis rebus tot seditiones excitatae et mala perpetrata sunt, prout in multis regionibus Germaniae cum maximo et inaestimabili rerum et hominum damno est comprobatum… ."[32]

Second, it seems that the suppression of the burgher Reformation movement in Royal Prussia had an immense significance in terms of later developments in the Kingdom of Poland. The news about radical measures undertaken by state authorities in Gdańsk, particularly the death sentences, must have spread across the country, and it must have deterred followers of Wendland and his collaborators for a long time. This might be the reason why Reformation ideas were so slow to emerge in the Polish-Lithuanian Commonwealth in subsequent decades; this hypothesis, however, needs to be further researched.[33]

It must be noted that the state authorities' violent reaction to the attempted Reformation in Gdańsk did not stem from any particular Catholic fanaticism on the part of the country's political elites. Although the royal court adhered to the previous epoch's model of intense, late-medieval piety, it can be said that Sigismund I's "actions were motivated politically rather than religiously, and could also be attributed to this monarch's conservatism."[34] As early as 1521 Sigismund I the Old prohibited Bishop Wawrzyniec Międzyleski from publishing writings that were critical of Lutheranism, so as not to offend neighbouring states and their rulers.[35] Prior to the intervention in Gdańsk, the King authorised the secularization of the Teutonic Order State in Prussia and expressed his support for Duke Albert of Prussia, the first Protestant ruler in Europe.[36] The King's collaborators, e.g., Andrzej Krzycki, argued that since subjects were not related to their ruler by religion but by a pledge of allegiance, which was observed not only by Catholics but also Ruthenians, Armenians, Jews and Tatars, this meant

32 "Edictum de libellis Lutheranis item picturis cantilenisque honori detractantibus ab inhabitatoribus civitatis Gedanensis ad marescalcum curiae regiae comportendis nec a quopiam adhibendis", Gedani 7 VII 1526, CIP, vol. IV, fasc. 1, ed. O. Balzer, Cracoviae 1910, no. 77, p. 228–232.

33 For an overview of Sigismund I' s policy on religion, see. A. Sucheni-Grabowska, *Zygmunt August król polski i wielki książę litewski 1520–1562*, Warszawa 1996, p. 304.

34 M. Bogucka, "Renesansowy władca a religia. Kilka refleksji na temat pobożności ostatnich Jagiellonów", [in:] eadem, *Człowiek i świat studia z dziejów kultury i mentalności XV–XVIII w.,* Warszawa 2008, p. 43.

35 P. Buchwald-Pelcowa, op. cit., p. 26–27.

36 J. Małłek, *Polska wobec luteranizacji Prus*, OiRwP 49, 2005, p. 7–16.

that there was also room for Protestants, provided they pledged their loyalty to the Crown. There must have been some truth in this, because the leaders of the Gdańsk revolt executed in 1526 were not mentioned later in Protestant martyrologies, probably because they were considered rebels.[37]

It must also be remembered that the violent commoners' revolt in Gdańsk must have been associated at that time with the parallel German Peasants' War, an association that was proven right when a peasant rebellion broke out in Samland in the autumn of 1525.[38] As for Sigismund I the Old himself, he had no Reformationist sympathies, and his relatively high tolerance might have stemmed not so much from his character as from the political circumstances of his reign in the religiously and ethnically diverse Polish-Lithuanian Commonwealth.[39] Posterity explained it in different ways: while some perceived the King as an appropriate candidate for canonization in light of his absolute fidelity to the Catholic Church, others regarded him as a weak ruler who would pass laws instead of persecuting heretics with fire and sword.[40]

Before focusing on the symptoms of the Reformation in the Kingdom of Poland from 1520 to 1548, it is necessary to raise the issue of what role the Hussite tradition played in the Reformation in Poland. If one examines nineteenth-century studies by Julian Bukowski and Wincenty Zakrzewski and the extensive research done in the early twentieth century on Polish Hussitism, one will come across the argument that the Hussite tradition laid a favourable foundation for the Reformation in Poland.[41] Ludwik Kubala even takes it for granted that the Reformation in Poland had Hussite origins.[42] While we cannot deny the obvious connections between Hussitism and Lutheran theological concepts, it must

37 Z. Wojciechowski, op. cit., p. 161–164; A. Jobert, *Od Lutra do Mohyły. Polska wobec kryzysu chrześcijaństwa 1517–1648*, trans. E. Sękowska, Warszawa 1994, p. 20–21.

38 M. Biskup, "Powstanie chłopskie w Prusach Książęcych", [in:] *Historia Pomorza*, vol. II: *Do roku 1815*, pt 1 (1464/66–1648/57) ed. G. Labuda, Poznań 1976, p. 171–182.

39 J. Bukowski, *Dzieje reformacyi w Polsce od wejścia jej do Polski aż do jej upadku. Według najnowszych źródeł*, vol. 1: *Początki i terytoryalne rozprzestrzenienie się reformacyi*, Kraków 1883, p. 513–514; H. Rybus, "Problem tolerancji religijnej w Polsce w pierwszym okresie reformacji za Zygmunta Starego", *Studia Theologica Varsaviensia* 4, 1966, 2, p. 73–99.

40 A. Jobert, op. cit., p. 18.

41 W. Zakrzewski, *Powstanie i wzrost reformacji w Polsce*, Lipsk 1870, p. 14–21; J. Bukowski, *Dzieje reformacyi w Polsce od wejścia jej do Polski aż do jej upadku*, vol. 1, Kraków 1883, p. 24–54.

42 L. Kubala, *Stanisław Orzechowski i wpływ jego na rozwój i upadek Reformacyi w Polsce*, Lwów 1906, p. 48–49.

be emphasised that there is no compelling evidence to support the claim of ideological connections between sixteenth-century Polish supporters of Luther and the fifteenth-century followers of Hus. The argument about the Hussite origins of Polish Protestantism is rather a product of volumes of scholarly publications and historiography. Sixteenth and seventeenth-century Protestant writers emphasized the Hussite-friendly policies of King Jagiełło and his heirs; they viewed Hus as the precursor of the European, particularly Slavic Reformation.[43] In contrast, Catholics would point to Jagiełło's 1424 Edict of Wieluń as a sign of the Polish monarchs' zeal in defense of the Catholic Church.[44]

Regardless of the influence of the Hussite tradition and the attitudes of Sigismund I the Old, it is a fact that, in the first half of the sixteenth century, Polish ecclesiastical authorities perceived the Reformation as a threat. Thus, starting in 1520 – and prompted by Nuncio Ferreri – they took measures against its supporters. Precautionary measures against the Reformation were widely discussed at synods held in the 1520s; the clergy who gathered at the Łęczyca synod in 1527 even appointed diocesan inquisitors to detect any signs of the Reformation.[45] At the same time, however, the clergymen assumed that whatever might be behind such signs would be eradicated through persuasion by specially trained priests.

Stanisław Kot seems to be right when he maintains that social reception of the Reformation ideology in the Kingdom of Poland was rather poor, the exception being Royal Prussia and some German burghers in Greater Poland. The 1523 royal edict to the town council of Poznań and local parish priest Jakub of Oborniki stated that the Lutheran heresy was spreading in that town because former Catholic priests were able to preach there and propagate Lutheranism. Under the edict, these ministers were to be expelled, particularly one of them: "doctorem uxoratum, qui a Luthero missus istos errores firmandos istuc

43 A. Wengerscii, *Libri quattuor Slavoniae reformatae*, ed. L. Szczucki, praef. J. Tazbir, caput VII: "De Reformatione Ecclesiarum, per Hussitas Bohemos, in Polonia", p. 22–25, caput XIII: "De Reformatione Ecclesiarum, in Polonia et Magno Ducatu Lithuaniae continuata ab Anno 1500. ad 1650", p. 71–74; A. Lubieniecki, *Poloneutychia*, ed. A. Linda et al., Warszawa – Łódź 1982, p. 139–142. See J. Tazbir, "Słowiańskie źródła polskiej reformacji", [in:] idem, *Reformacja w Polsce. Szkice o ludziach i doktrynie*, Warszawa 1993, p. 29–43.

44 See S. Orzechowski, "Dyalog albo rozmowa około egzekucyjej Polskiej Korony", [in:] idem, *Wybór pism*, ed. J. Starnawski, Wrocław 1972, p. 346–347.

45 M. Rechowicz, "Teologia pozytywno-kontrowersyjna. Szkoła polska w XVI w.", [in:] *Dzieje teologii katolickiej w Polsce,* vol. II: *Od Odrodzenia do Oświecenia*, pt 1: *Teologia humanistyczna*, ed. M. Rechowicz, Lublin 1975, p. 40–43.

venisse dicitur" – these words probably referred to Johann of Bamberg.[46] The King's edicts from 1524 and 1525 called on Mikołaj Tomicki, the starosta of Kościan, and Piotr Górski, the castellan of Nakło and the starosta of Wschow, to confront the Protestantism that was spreading in areas under their jurisdiction.[47] Accusations of Lutheran heresy made in the 1530s by authorities in the Diocese of Poznań were based solely on speech, instances when rules of fasting were breached, and corrupted morals.[48]

In 1525, the Diocese of Poznań, which was located at that time outside the territory of the Kingdom of Poland, witnessed events that resembled the upper class riots in Royal Prussia – namely, the Warsaw riots (*tumult warszawski*) – which Tomasz Strzembosz, the author of a monograph on these events, dates as having taken place from 18 January to 22 February 1525; that is – parallel with the aforementioned events in Gdańsk.[49] Given that there are no records of religion-oriented demands by the Warsaw upper class, it can be argued that the revolt was part of a long series of "new burgher" movements against the "old" patriciate; besides Royal Prussia, such events also occurred in Lübeck, Szczecin, Poznan and Krakow. It is, however, a fact that the Warsaw riots led Duke Janusz III of Masovia to pass, on 13 March 1525, a decree which banned his Masovian subjects, particularly in Warsaw, from professing Lutheranism and possessing Luther's writings under penalty of death and property confiscation.[50] One must, therefore, agree that the 1525 Warsaw riots had twofold origins: first, the ambition of new burgher groups to wield more influence over the city's affairs, and second, underlying religious tensions.[51] The above assumption seems even more plausible if we take into account the fact that the capital city of Masovia was linked to Toruń and Gdańsk by the Vistula river (the fastest transport route in

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46 "Mandatum ad consules civitatis Gedanensis [sic] de sacerdotibus et praedicatoribus Lutheranis amovendis", Piotrcoviae 23 XI 1523, CIP, vol. IV, fasc. 1, ed. O. Balzer, Cracoviae 1910, no. 12, p. 35–36, see ibidem, p. 36, a commentary which explains that the document refers to Poznan, and not Danzig.

47 CIP, vol. IV. fasc. 1, ed. O. Balzer, Cracoviae 1910, no. 33, p. 114–116, no. 34, p. 116.

48 S. Kot, op. cit., p. 15.

49 T. Strzembosz, *Tumult warszawski 1525 roku,* Warszawa 1959, p. 37.

50 *Przywileje królewskiego miasta stołecznego Starej Warszawy, 1376–1772*, ed. T. Wierzbowski, Warszawa 1913, no 73, p. 81–82; T. Strzembosz, op. cit., p. 29.

51 T. Strzembosz, op. cit., p. 31; see G. Schramm, "Sejmy i nabożeństwa ewangelickie w Warszawie (1570–1600)", [in:] idem, *Polska w dziejach Europy Środkowej*, p. 107–125; first edition in German: Darmstadt 1989; idem, *Problem reformacji w Warszawie w XVI wieku*, trans. T. Zielińska, PH 54, 1963, p. 557–569.

that period); hence news about the demands of Royal Prussia's upper class could reach Masovia relatively quickly.

The same can be observed with respect to most heresy accusations in the Diocese of Krakow. We know of only one heresy trial which ended in a death sentence. The case concerned the wife of a Krakow councillor, Katarzyna Weiglowa alias Zalaszowska, who was burned at the stake in 1539, ten years after the first heresy accusation. Delivered by Bishop Piotr Gamrat, the verdict was the result of pressure exerted by the Krakow Chapter of Bishops.[52] Regardless of whether the victim professed Protestantism (as it was later claimed by Protestant historians[53]) or Judaism (as Janusz Tazbir maintains[54]), the fact that she was burnt at the stake struck terror in supporters of the Reformation, as had the 1525 executions in Gdańsk: "Injaceret enim multis in regno terrorem triste Catharinae Melchioris Vogelii Consulis Cracoviensis uxoris […] exemplum."[55]

As a result of Nuncio Ferreri's efforts, lay authorities took a firm stand on the Reformation as well. As mentioned above, the ban imposed by Sigismund I in 1520 in Toruń proscribed the import, possession and reading of Luther's writings.[56] In 1522, in Hrodna, the King issued an edict ordering city authorities and district starostas to enforce the Toruń ban on the justification that "ut tales, qui in vulgus spargunt ipsa dogmata Lutheriana, vel eius opera invehunt palam vel occulte ad regnum et dominia nostra…"[57] Edicts issued in 1523 were even stricter:

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52 J. Bukowski, op. cit., p. 175–179; W. Urban, *Dwa szkice z dziejów reformacji*, Kielce 1991, p. 25–29; B. Przybyszewski, "Stanisław Hozjusz w kapitule krakowskiej (1540–1550)", *Analecta Cracoviensia* 14, 1982, p. 500.

53 Wojciech Węgierski, a seventeenth-century parish priest from Krakow, held that Zalaszowska was burnt at the stake "because she did not admit the Roman Catholic dogma about the divine character of a wafer or the sacrament of Holy Communion, and did not believe in God's presence in Holy Communion", idem, *Kronika zboru ewangelickiego krakowskiego*, ed. M. Pawelec, B. Tondera, Kraków 2007, p. 53.

54 J. Tazbir, "Sprawa Weiglowej w świetle źródeł archiwalnych", [in:] *Historia i współczesność. Profesorowi Marianowi Wojciechowskiemu w sześćdziesiątą rocznicę urodzin przyjaciele, koledzy, uczniowie*, ed. E. Frącki, B. Woszczyński, Warszawa 1987, p. 49–58.

55 S. Lubieniecki, *Historia reformationis Polonicae, in qua tum Reformatorum, tum Antitrinitariorum origo et progressus in Polonia et finitimis Provinciis narrantur*, praef. H. Barycz, facsimile edition: Varsoviae 1971, p. 17.

56 *Humanizm i reformacja w Polsce. Wybór źródeł dla ćwiczeń uniwersyteckich*, ed. I. Chrzanowski, S. Kot, Lwów 1927, p. 316.

57 "Mandatum ad capitaneos et consules civitatum regni de Lutheranis puniendis atque de libellis haereticis in regnum non importandis nec a quopiam aut vendendis", Grodno 15 II 1522, CIP, vol. III, ed. O. Balzer, Cracoviae 1906, no. 263, p. 647–650, op. cit. p. 650.

while one imposed a ban on possessing and distributing writings that promoted Protestantism, another one was directed against followers of Lutheranism (5 IX) and called for the death penalty and property confiscation for not only propagating Lutheranism, but also professing it.[58] The first of the two laws, passed on 7 March 1523, reiterated the 1520 ban, though it referred both to distributors of Protestant writings in Krakow and to those who disseminated Luther's ideas in general, which was an act that could be construed in a broad number of ways.[59]

The second edict, which was much stricter than the first, was probably edited by Andrzej Krzycki because the text of the law was included in his anti-Lutheran satire published in 1524.[60] Following a generalised introduction about the king's duties with respect to religion, the edict forbade his subjects from disseminating, receiving, professing or supporting Protestant views under penalty of "poena capitis et confiscatione bonorum omnium." A commission was sent to Krakow to ensure that municipal authorities fulfil their duties enumerated in the edict, which included conducting house searches for Protestant books. Moreover, rectors of the Krakow Academy were burdened with the responsibility of supervising book trades and print shops.[61] In the following year, the edict was extended to include the Ruthenian lands of the Crown, which suggests that there were signs of interest in Lutheranism there, too.[62] Perhaps the provisions of the September edict were determined by the current political situation and, more particularly, by pressure exerted on Sigismund I and the people around him by the new papal nuncio, Toma Crnić alias Niger, who came to Krakow to force through Pope Adrian VI's demands regarding the war with Turkey and to defend the Pope's policy on the conflict between Poland and the Teutonic Knights.[63]

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58 J. Tazbir, *Państwo*, p. 38; P. Buchwald-Pelcowa, op. cit., p. 27–33.

59 "Edictum de libellis Lutheranis in regnum non importandis nec a quopiam adhibendis aut vendendis", Cracoviae 7 III 1523, CIP, vol. IV, fasc. 1, ed. O. Balzer, Cracoviae 1910, no. 1, p. 3.

60 A. Krzycki, *Encomia Lutheri*, Cracoviae 1524, p. A_2-A_3.

61 "Edictum de libellis Lutheranis in civitatibus et oppidis regni perquirendis nec quibuscunque aliis absque consensu auctoritatis imprimendis aut veniendis", place and details of publishing not given [5 IX 1523], CIP, vol. IV, fasc. 1, ed. O. Balzer, Cracoviae 1910, no. 9, p. 21–30, O. Balzer's commentary, p. 21–28.

62 "Edictum forsan in terris Russiae promulgatum, de libellis Lutheranis in civitatibus et oppidis perquirendis nec quibuscunque aliis absque consensu auctoritatis imprimendis aut vendendis", Cracoviae 29 VI 1524, CIP, vol. IV, fasc. 1, Cracoviae 1910, no 27, p. 103–105.

63 L. Kolankowski, *Sprawy polskie przed Stolicą Apostolską w okresie rewolucji religijnej w Niemczech,* KH 22, 1908, p. 321–343; H. D. Wojtyska CP, "Toma Crnić jedyny

Whatever its political origin, the act revealed two things: the King usurped the right to restrain the dissemination of certain views and attempted to limit freedom of conscience. There is one testimony which confirms the effectiveness of this act, at least with respect to academic circles in Krakow. Andrzej Frycz Modrzewski, who studied there in the 1520s, had fond memories of the intellectual commotion caused among students and scholars by the fact that Luther's writings were being sold in Krakow. This commotion, however, did not last long, as "Tum autem papa, opinor, Leo Decimus, interdixit omnibus lectione illorum, poena proposita ab ecclesia exterminandos, qui dicto minus audientes fuissent. Hoc timore perculsi magistri nostri tantum abest, ut libros uetitos legerent, ut etiam igni eos cremarent, scilicet quos asseruare religio illis fuerit."[64] On the initiative of Nuncio Ferreri, Pope Leon X's bull, the 1520 *Exsurge Domine*, was published in Krakow as early as 1520 and 1521; in 1526 it was published again, this time along with the harsh 1523 royal edict. These measures turned out to be effective, given that interest in Luther's writings clearly faded in Krakow.[65]

Nevertheless, subsequent acts which forbade the preaching of Protestantism in the Crown and travelling to Protestant centres, followed by the reintroduction (in 1544) of the ban on the import of Protestant literature into Poland, are usually interpreted by historians as evidence of the intensity and durability of Protestant propaganda.[66] But it cannot be forgotten that anti-Reformation edicts sometimes had totally different origins. For example the law passed by Sigismund I in Vilnius on 4 February 1535 banned studying at Wittenberg under penalty of being removed from state offices. This edict was issued in response to a vicious campaign directed against Melanchthon and led by a canon from

Słowianin – nuncjusz w Polsce 1522–1523", [in:] *Zeszyty Naukowe UJ*, DCCCLXXXVI, Prace historyczne, vol. 89, 1989, p. 139–148.

64 A quotation from a dedicatory letter to Paweł Głogowski, A. Frycz Modrzewski, *De Ecclesia. Liber secundus*, [in:] idem, *Opera omnia*, ed. C. Kumaniecki, vol. III, [Warszawa] 1955, p. 352–353; English translation: "And then Pope Leon X, methinks, forbade reading them under penalty of expelling from the Church those who would disobey. Filled with terror, our masters not only ceased reading the prohibited books; they were so afraid of keeping them that they burnt them as well", A. Frycz Modrzewski, *O Kościele. Księga druga,* trans. H. Krępska, ed. K. Górski, [in:] idem, *Dzieła wszystkie,* , vol. III, [Warszawa] 1957, p. 395. See S. Kot, *Andrzej Frycz Modrzewski. Studjum z dziejów kultury polskiej w. XVI*, Kraków 1923 (second edition), p. 7–8.

65 P. Buchwald-Pelcowa, op. cit., p. 34.

66 J. Bukowski, op. cit., p. 487–494; W. Zakrzewski, op. cit., p. 22–40; S. Litak, *Kościół w Polsce w okresie reformacji i odnowy potrydenckiej*, [in:] H. Tüchle, C. A. Boumann, *Historia Kościoła*, vol. 3, trans. J. Piesiewicz, Warszawa 1986, p. 354–356.

Wrocław, Johann Dobeneck (Cochlaeus). One of the main arguments put forward in this campaign to the Polish authorities concerned the destructive influence of Melanchthon's teachings on people from Poland who had come to study at Wittenberg. Irritated by Dobeneck's activity, Sigismund I wrote on 19 January 1535 the famous letter in which he reminded Dobeneck that, as King, he not only ruled over his "sheep" and "goats," but had also issued the aforementioned edict.[67] Whatever the reasons, the negative attitude of state authorities towards supporters of the Reformation did not change.

Records from the 1520s and 1530s do not provide compelling evidence to suggest that Reformation ideas had any profound effect on the Polish nobility of that time. Only some isolated cases are recorded, the most well-known being Joannes a Lasco, the Primate's nephew.[68] Although noblemen who had gathered in 1534 at a regional council in Środa (Greater Poland) protested against the restricted access to Protestant writings,[69] Wincenty Zakrzewski drew attention to the fact that demands presented by the nobility during the 1537 "Chicken War" included no overt Reformation ideas. This seems to prove that the anti-clerical Polish nobility of this period did not view Protestant ideology as politically useful.[70]

As a result of the conflict between the Polish nobility and the clergy that started in the 1520s, Poland was an obvious (though for a long time only potential) place for Reformation ideas to take hold.[71] The dispute concerned two fundamental issues: taxation of church land and property for the country's defences and the jurisdiction of ecclesiastical courts over secular courts. The demand that the jurisdiction of the two court systems be clearly separated was debated at the Sejm held in Krakow from 1531 to 1532, while the problem of imposing a levy on church lands reached its climax at the 1534 Sejm in Piotrków. Parliamentary draft bills to be debated at the Sejm in Krakow from 1536 to 1537, i.e., on the eve of the "Chicken War", included the secularisation of church lands acquired by the

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67 S. Kot, op. cit., p. 29–30; A. Jobert, op. cit., p. 18.

68 H. Kowalska, *Łaski Jan*, PSB, t. XVIII, Wrocław 1973, p. 237–244; O. Bartel, *Jan Łaski*, Warszawa 1999 (ed. II), p. 97–133.

69 W. Pociecha, *Walka sejmowa o przywileje Kościoła w Polsce w latach 1520–1537*, RwP 2, 1922, p. 165; J. Kłoczowski, *Dzieje chrześcijaństwa polskiego,* Warszawa 2007, p. 120.

70 W. Zakrzewski, op. cit., p. 39.

71 W. Urban, "Sprawy kościelne na sejmach i sejmikach odbywanych w Małopolsce 1535–1548", [in:] *Zeszyty Naukowe WSP w Opolu*, Historia, vol. 26, 1988, p. 193–201; cf. idem, *Dwa szkice*, p. 30–42.

Church since the reign of Louis I of Hungary and allotting the so-called annates for the country's defences.[72]

One of the first symptoms of the effect of the Reformation on the Polish nobility is indicated by the accusation levelled by Bernard Pretfic at Marcin Zborowski in 1540. A future leader of Polish Calvinism, Zborowski reportedly wanted to force Duke Sigismund August, after the approaching death of Sigismund I the Old, to accept demands which included, among other things, at least partial secularisation of church property for the purpose of the country's defences.[73] Had it not been for Zborowski's later activity, one could view his 1538 demands as a continuation of the 1536 parliamentary bills and a sign of noblemen's anticlericalism.[74] After all, not every demand for imposing taxes on church lands and the clergy in general should be interpreted in religious terms. The history of the Nobles' Republic (*Rzeczpospolita szlachecka*) until the close of the eighteenth century abounds in disputes between the nobility and the clergy over the range of taxation to be imposed on the latter for defence spending.[75]

The ideological beginnings of the Reformation in Poland, particularly in Lesser Poland, are still far from clear. Taking into account the present scholarship, it seems that those beginnings can be traced back to the activity of Jakub of Iłża, a lecturer with the Krakow Academy and minister at St. Stephen's Church in Krakow. Interested in Luther's ideas, he launched an open propaganda campaign for the Reformation in the early 1530s. In this context it is worth drawing attention to the fact that Jakub of Iłża's activity enjoyed the support of Krakow authorities, a fact which did not come to light until autumn 1534 when he was accused of heresy by bishop Piotr Tomicki.[76] With help from his Krakow friends, including Justus Decjusz, Jakub of Iłża managed to flee and probably died in about 1555 in Tarnowskie Góry. However, he left behind in Krakow his disciples, who would later become leaders of the Reformation in Poland and Lithuania, a group that included Feliks Cruciger, Wawrzyniec of Przasnysz alias Discordia, Marcin Gallinius, Jan of Koźmin, Abraham Kulwieć, Andrzej Samuel and Szymon Zacjusz[77].

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72 Z. Wojciechowski, op. cit., p. 288, 291–292, 305.

73 W. Zakrzewski, op. cit., p. 42–43.

74 J. Bukowski, op. cit., p. 283–294.

75 W. Kriegseisen, "'Krzywda nad wszystkie krzywdy – hiberna w Polszcze'. Problem świadczeń kleru katolickiego na wojsko Rzeczypospolitej w drugiej połowie XVII i na początku XVIII wieku", *Barok* VIII/1, (15), 2001, p. 19–37

76 H. Barycz, "Pionier reformacji polskiej i grono jego uczniów", [in:] *idem, Z epoki renesansu, reformacji i baroku. Poglądy-idee-ludzie-książki*, Warszawa 1971, p. 243–283.

77 W. Urban, *Dwa szkice*, p. 14–16, 19–20.

In the 1540s news about the Reformation circulated at an increasing pace as Lutheranism spread from Konigsberg and Wrocław, and Calvinism spread from France and Switzerland. The religious conflict in Royal Prussia was again becoming serious. Protestant Evangelical sermons were openly preached in Toruń as of the 1530s; from 1529 onwards similar sermons were preached at St. Mary's Church in Gdańsk by the Dominican Pankratius Klemme, whom Sigismund I wanted (but failed) to expel in 1535.[78] Moreover, Wilhelm Gnaphaeus, a religious refugee from the Netherlands and open Protestant Evangelical, was appointed rector of the newly established gymnasium in Elbląg.[79] Sigismund I, who this time wanted to resolve the conflict peacefully, in mid-1543 appointed officers to investigate the situation in Gdańsk. To demonstrate his conciliatory intentions, the King chose Bishop of Culm Tiedemann Giese and Voivode of Malbork Achatius von Zehmen as his representatives, both of whom were perceived by the well-informed Duke Albert of Prussia as ardent supporters of the Reformation.[80]

Thanks to the favour of the royal commissioners, the charges against the mayors of Gdańsk, Tiedemann Giese (who was a relative of the Bishop) and Bartholomeus Brandt, were dropped. Members of the next commission, who arrived in Gdańsk in May of 1544, found that any attempt to bring Reformation trends to a halt in a peaceful way was impossible. On 17 May, burghers petitioned the commissioners for permission to receive Communion *sub utraque specie*, and Pankratius Klemme received official forgiveness from Bishop of Cuyavia Mikołaj Dzierzgowski[81]. On 24 November, Bishop Giese consented to Lutheran ideas being professed at St. Mary's Church. Protestant service was, however, supposed to be held only at the St. Nicolas side altar, while the high altar was reserved for Catholic rituals.[82] Nevertheless, introduction of the Catholic-Lutheran *simultaneum* in the most important Pomeranian church could easily be perceived as a sign of tolerance for Lutheranism in Royal Prussia.

Meanwhile, the political activity of noblemen demanding ecclesiastical reforms increased, and it did so mainly because of noble envy over privileges enjoyed by the clergy, such as tithes, benefices and tax exemptions. In the late

78 CIP, vol. IV, fasc. 1, ed. O. Balzer, Cracoviae 1910, p. 36, the publisher's commentary on document no. 12.

79 T. Glemma, op. cit., p. 32–39.

80 J. Małłek, *Prusy Książęce a Prusy Królewskie*, Warszawa 1976, p. 203.

81 W. Pociecha, "Arcybiskup gnieźnieński Mikołaj Dzierzgowski prymas Polski (ok. 1490–1559)", Kraków 1947, print from: *Nasza Przeszłość*, 2, p. 48.

82 T. Borawska, op. cit., p. 335–336.

1530s and early 1540s, the noblemen's criticism of the clergy and the Catholic Church increased further under the influence of first the German Reformation and then the Swiss Reformation, but defenders of the status quo evaded confronting this problem. Sigismund I tolerated the noblemen's actions, hoping that the next Vatican Council would put an end to the religious conflict and thus resolve political issues as well.[83] Outraged by the fact that they could be summoned by bishop courts, noblemen protested at Sejm gatherings held in 1510, 1519 and 1532. In 1543, Sejm members questioned both the jurisdiction of church courts over secular courts and the collection and payment of "annates" to the pope; they also demanded that the ban on studying abroad be lifted. Even Primate Piotr Gamrat and Bishop of Cuyavia Mikołaj Dzierzgowski advocated treasury reform that drew on earlier proposals by Primate John a Lasco and involved imposing a tax on church property.[84] The dispute over the jurisdiction of ecclesiastical courts was postponed until the next Sejm. At the same time, Sigismund I the Old extended the ban on disseminating Protestant ideas. Interestingly, however, the ban provided for punishment only for uttering Protestant heresies in public. This could be interpreted as consent to the private profession of Lutheranism, and thus it is perhaps the case that freedom of conscience for Protestants was introduced *via facti*.[85]

This should come as no surprise because Protestant influences extended as far as the royal court at that time. The first records of Sigismund II August I's interest in Protestantism come from the year 1537.[86] In 1539, Rome protested against tolerating the overt presence of Protestants around the heir to the throne, a fact which was not strange at all given the activity of future eminent Protestants (Francesco Lismanino[87] and Giorgio Biandrata[88]) at the court of the heir's mother, Queen Bona. Lawsuits filed against Krakow burghers demonstrate concern on the part of church authorities over the spread of Reformation ideas in the capital city of the Kingdom of Poland.[89] Records dated 1543

83 S. Kot, op. cit., p. 66–69.

84 W. Pociecha, *Arcybiskup gnieźnieński*, p. 46–47.

85 J. Bukowski, op. cit., p. 605; W. Zakrzewski, op. cit., p. 47.

86 J. Jasnowski, *Mikołaj Czarny Radziwiłł (1515–1565). Kanclerz i marszałek ziemski Wielkiego Księstwa Litewskiego, wojewoda wileński*, Warszawa 1939, p. 189.

87 H. Barycz, *Lismanin Franciszek*, PSB, vol. XVII, Wrocław 1972, p. 465–470.

88 M. Wajsblum, *Blandrata Jerzy*, PSB, vol. II, Kraków 1936, p. 118–120.

89 J. Bukowski, op. cit., p. 157–194.

include information about Protestant church services in Krakow,[90] and there is also evidence of an informal discussion group established in 1545, whose members included some of the future outstanding Polish activists of the Reformation (and Counter-Reformation). Those who participated in meetings held on Andrzej Trzecieski's estate certainly had access to his extensive library, which included, among other things, the oldest Polish editions of John Calvin's oeuvre.[91] At the 1542 synod in Piotrków, Marcin Kromer, a canon from Krakow, called for defending the Catholic Church and clergy, which may indicate proof of their growing sense of threat.[92]

Finally, a series of conversions to Protestantism followed, first in Greater Poland, which can be explained by the long-standing support for Lutheranism by the influential Górka family.[93] In the early-1540s, Bishop of Poznan Sebastian Branicki launched a campaign against two proponents of the Protestant reformation in Poland, Jan Seklucjan and Dominican priest Andrzej Samuel, both of whom were then forced into exile.[94] In 1542, John a Lasco resigned from the office of parish priest of Gniezno, thus making a definite break with the Catholic Church. In 1544, a parish priest of Konin, Stanisław Lutomirski, admitted to being Protestant.[95] Two years later Feliks Cruciger (Krzyżak), a parish priest from Niedźwiedź in Lesser Poland, followed in his footsteps,[96] as did the parish priest of Krzcięcice, Jakub Sylwiusz, in 1547[97]. In addition, what can be observed in Greater Poland and Lesser Poland in the latter half of the 1540s are the first foundations of Protestant Church structures.[98] According to

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90 "Sed et Cracoviae post illam magnam pestem, quae in urbe illa Anno 1543 20 millia hominum hausi, locustarum multitudine, quae nunquam impune videtur, praenunciatam, veluti exercitis ad humilitatem et dispositis ad veritatem indagandam animis, quidam concionatores idem, occultius tamen facere.", S. Lubieniecki, op. cit., p. 16.

91 Ibidem, p. 18–20; W. Urban, *Dwa szkice*, p. 47–55.

92 Martini Cromeri, *Sermo de tuenda dignitate sacerdot. Petricoviae in synodo habitus*, Cracoviae 1542.

93 J. Bukowski, op. cit., vol. 1, p. 141–157.

94 J. Warmiński, *Andrz. Samuel i Jan Seklucyan*, Poznań 1906, p. 42–77; M. Falińska, *Andrzej Samuel,* PSB, vol. XXXIV, Wrocław 1992–93, p. 441–442.

95 T. Wotschke, *Stanislaus Lutomirski. Ein Beitrag zur polnischen Reformationsgeschichte*, ARG 3, 1906, p. 105–171; H. Kowalska, *Lutomirski Stanisław*, PSB, vol. XVIII, Wrocław 1973, p. 144–146.

96 S. Szczotka, *Cruciger Feliks*, PSB, vol. IV, Kraków 1938, p. 107–109.

97 A. Kawecka-Gryczowa, *Jakub Sylwiusz a rozłam w zborze małopolskim*, RwP 9/10, 1937–39, p. 28–63.

98 Ibidem, p. 41–52; J. Tazbir, *Państwo*, p. 50–70, 99.

Wacław Urban, the royal court's tolerant stance towards the growing activity of Protestant circles in the mid-1540s could be attributed to the influence of the Crypto-Protestant Tomasz Sobocki, the Great Chancellor of the Crown from 1545 to 1547.[99]

The first Protestant churches were erected in Lesser Poland in the mid-1540s. They were mainly founded in the Krakow region on the estates of ardent supporters of the Reformation. A Protestant prayer house was probably established already in the 1530s on the estate of the Decjusz family in Wola Justowska. In about 1544 Marcjan Chełmski founded a Protestant church in Chełm; Stanisław Mateusz Stadnicki did the same in Niedźwiedź in about 1546. Other locations of the newly erected Protestant churches included Wierzbno, Aleksandrowice (estate of Stanisław Iwan Karniński), Balice (estate of the Boner family); Piotrkowice (estate of the Provano family); Pawlikowice (estate of the Morsztyn family); Pełsznica (Pałecznica, Pielesznica; estate of the Lasocki family); Krzcięcice near Jędrzejów, and finally Olkusz, Nowy Sącz and Dobczyce[100]. It is worth drawing attention to the activity of rich Krakow upper class families, such as the Decjusz, Boner, Morsztyn and Provano families. The Reformation ideology was very influential in this social class, as the case of Jakub of Iłża demonstrates. In addition, it must be noted that religious heterodoxy was also widespread among foreigners; most prominent in Krakow was the large and influential Italian colony, which included the aforementioned Biandrato and Lismanino, and later Francesco Stancaro.[101]

Religious affairs in the Grand Duchy of Lithuania developed in a similar pattern.[102] At first, Protestant influence coming from Konigsberg mainly reached German townsmen in Vilnius and Kaunas. Besides the alleged Lutheran propaganda, which could have been the reason behind the 1521 edict issued by Papal Nuncio Ferreri, there exist records (dated 1525) of a certain Franciscan who disseminated Luther's ideas in Vilnius.[103] This is confirmed by a royal decree of that

99   W. Urban, *Dwa szkice*, p. 17.

100   Ibidem, p. 56–60.

101   D. Caccamo, *Eretici italiani in Moravia, Polonia, Transylvania (1558–1611). Studi e documenti,* Firenze 1999 (second edition), p. 17–26, 65–107; for a recent source of references, see W. Tygielski, *Włosi w Polsce XVI–XVII wieku. Utracona szansa na modernizację,* Warszawa 2005, p. 214–222.

102   Ch. Schmidt, op. cit., p. 149–163.

103   P. Śledziewski, *Kościół św. Anny – św. Barbary intra muros castri vilnensis,* "Ateneum Wileńskie" 9, 1934, p. 15–18; K. Kantak, *Czy franciszkanie wileńscy byli rozsadnikami religijnej reformy niemieckiej w w. XVI?*, ibidem 10, 1935, p. 165–168; M. Kosman,

year directed against apostates and defectors from the Lithuanian Franciscan order.[104] In 1527, at a synod in Vilnius, bishops were given the right to combat Lutheran heresy. However, in light of the fact that they did not decide to initiate the Inquisition, this heresy could not have been considered grave.[105] The first Lithuanian Lutheran minister known by name was Jan Tortyłowicz Batocki. He was active in Šilalė in the Žemaitija region from 1535 to 1536, but – for fear of repression – he decided to emigrate to the Duchy of Prussia.[106] The late 1530s and early 1540s were marked by the activity of Abraomas Kulvietis (Abraham Kulwieć), a *protégé* of Queen Bona Sforza. Born near Kaunas, Kulvietis founded his own school in Vilnius in 1539 and authored a Lutheran profession of faith. Due to a lawsuit brought by Bishop of Vilnius Paweł Holszański, he was eventually forced to flee to Königsberg.[107] There, he joined other Lithuanian Protestant activists operating under the protection of Duke Albert of Prussia, among them Marcin Mażwid (Mažvydas), author of the 1547 Lutheran Catechism, and Stanisław Rafajłowicz (Rapagelanus), a doctor of theology (graduated from Wittenberg) and the author of *De ecclesia et eis notis* (1545).[108]

From 1544 onwards, the reign of Sigismund II Augustus I, a Catholic ruler with a clearly "political" attitude towards religious disputes, marked a turning point in religious affairs in the grand Duchy of Lithuania.[109] The persecution

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"Stanisław Hozjusz a konflikty wyznaniowe na XVI-wiecznej Litwie", [in:] *Kardynał Stanisław Hozjusz (1504–1579). Osoba, myśl, dzieło, czasy, znaczenie*, ed. S. Achremczyk, J. Guzowski, J. Jezierski, Olsztyn 2005, p. 123–134.

104 "[M]andatum ad officiales regni et magni ducatus Lithuaniae de monachis ordinis Fratrum minorum de observantia profugis et apostatis retinendis et superioribus extradendis, Cracoviae 26 IV 1525, CIP, vol. IV, fasc. 1, ed. O. Balzer, Cracoviae 1910, no. 51, p. 179–180.

105 D. Počiūte-Abuklevičienė, *Protestantyzm*, [in:] *Kultura Wielkiego Księstwa Litewskiego*, p. 595–618.

106 J. Fijałek, *Jan Tortyłowicz-Batocki, pierwszy ewangelik na Żmudzi i apostoł luterski na Litwie Pruskiej*, RwP 1, 1921, p. 94–104.

107 H. Barycz, *Kulwieć Abraham*, PSB, vol. XVI, Wrocław 1971, p. 165–167; T. Wotschke, "Abraham Culvensis. Urkunden zur Reformationsgeschichte Lithauens", *Altpreußische Monatsschrift* 42, 1905, p. 153–252; J. Jasnowski, op. cit., p. 193–194.

108 A. Musteikis, *The Reformation in Lithuania. Religious Fluctuations in the Sixteenth Century*, Boulder 1988, p. 37–53; I. Lukšaitė, "Die reformatorische Kirchen Litauens bis 1795", [in:] *Die reformatorischen Kirchen Litauens. Ein historischer Abriß*, hrsg. A. Hermann, W. Kahle, Erlangen 1998, p. 40–44; G. Błaszczyk, *Litwa na przełomie średniowiecza i nowożytności 1492–1569*, Poznań 2002, p. 267.

109 K. Hartleb, *Zgadnienie reformacyi na ziemiach litewskich. Problemy – postulaty*, Lwów 1935, offprint from: *Pamiętnik VI. Zjazdu Historyków w Wilnie.*

of Reformation proponents ended. What is more, the influence of Reformation ideas was bolstered by the Grand Duke's cosmopolitan court in Vilnius, where Protestant sermons were delivered by, among others, Marcin Gallinius, Wawrzyniec of Przasnysz alias Discordia,[110] and the court minister and librarian, Jan of Koźmin.[111] The aristocracy and rich Lithuanian and Ruthenian nobility of the period expressed a strong interest in West European Renaissance culture and frequently travelled to Western Europe to seek education. Before long, conversions to Protestantism – predominantly its Evangelical-Reformed denomination – became an indicator of cultural Westernization within this social class.[112] The most prominent representatives of the Lithuanian nobility – such as the Goštautai and Kęsgaila families – sympathised with the Reformation, and members of the Radziwiłł family soon became some of its most ardent supporters.[113]

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110 H. Barycz, *Discordia Wawrzyniec,* PSB, vol. V, Kraków 1939–46, p. 171–174.

111 J. Bukowski, op. cit., p. 615–616; H. Barycz, *Jan z Koźmina*, PSB, t. X, Wrocław 1962–64, p. 458–460; see J. Jasnowski, op. cit., p. 189; S. Cynarski, *Zygmunt August*, Wrocław 1988, p. 84; for a recent source of references, see M. Ferenc, *Dwór Zygmunta Augusta. Organizacja i ludzie*, Kraków 1998, p. 85–89.

112 M. Liedke, *Od prawosławia do katolicyzmu. Ruscy możni i szlachta Wielkiego Księstwa Litewskiego wobec wyznań reformacyjnych,* Białystok 2004, p. 59–73; S. Kot, *La Réforme dans le Grand-Duché de Lithuanie. Facteur d'occidentalisation culturelle*, Extrait de l' Annuaire de l'Institut Philologie et d'Histoire Orientales et Slave, vol. 12, 1952, Bruxelles 1953, p. 39–58.

113 M. Kosman, *Reformacja i Kontrreformacja w Wielkim Księstwie Litewskim w świetle propagandy wyznaniowej*, Wrocław 1973, p. 39.

Chapter 3: The Reformation (1548–1573)

Sigismund Augustus's accession to the throne in 1548 has long been regarded as marking the beginning of the Reformation in the Kingdom of Poland[1]. In the seventeenth century, Stanisław Lubieniecki wrote: "Hujus itaque Gloriosissimi et Optimi Regum temporibus, Deus reformationis initium in regno fieri voluit, ut nemini salva tanti Regis reverentia tantum opus impedire liceret."[2] It bears repeating, however, that there are no recent monographs exploring the history of the Polish Reformation, and synthetic works merely outline the state of research in the field[3] or gloss over Polish and Lithuanian matters altogether[4]. It appears obvious that the dynamic nature of Reformation processes was enhanced by the hopes that many had in gaining favours from the king, whose court attracted not only Protestant ministers[5] but also such influential Protestant figures as Andrzej Frycz Modrzewski (Andreas Fricius Modrevius); Jost Ludwik Decjusz (Jost Ludwig Dietz); Grand Treasurer of the Crown Jan Lutomirski; two Jan Trzecieskis, father the son; and, first and foremost, Mikołaj Radziwiłł "the Black", the most powerful Lithuanian magnate[6]. The process set in motion after 1548 reached its apogee during the years of Jan Łaski's (John a Lasco's) intense organisational

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1   G. Schramm, *Der polnische Adel und die Reformation 1548–1607*, Wiesbaden 1965, p. 232–251.
2   S. Lubieniecki, *Historia reformationis Polonicae, in qua tum Reformatorum, tum Antitrinitariorum origo et progressus in Polonia et finitimis Provinciis narrantur*, praef. H. Barycz, reprint Varsoviae 1971, p. 16; Polish translation by S. Lubieniecki, *Historia reformacji polskiej*, trans. E. Bursche, vol. 1, Warszawa 1938, p. 245: "During the reign of this most famous and best king, God gave the beginning of Reformation to his kingdom, so that no one, in the face of the King's majesty, dare interrupt this work", translated from the Polish.
3   A. Pettegree, K. Maag, "The Reformation in Eastern and Central Europe", [in:] *The Reformation in Eastern and Central Europe*, ed. K. Maag, Aldershot 1997, p. 2–18, St. Andrews Studies in Reformation History.
4   G. Murdock, "Eastern Europe", [in:] *The Reformation world*, ed. A. Pettegree, London-N. York 2006, p. 190–209 – in this essay Eastern Europe is usually Hungary, and sometimes Bohemia and Moravia.
5   T. Wotschke, *König Sigismund August von Polen und seine evangelischen Hofprediger*, ARG 4, 1907, 4, p. 329–350.
6   S. Cynarski, *Zygmunt August*, Wrocław 1988, p. 84–87.

activity (1556–1560)[7], and came to an end in 1573. This last date is crucial not only because it marks the signing of the Warsaw Confederation,[8] but also because it was then that Evangelicals in practice abandoned their dream of turning the Commonwealth into a Protestant state.

The stage of the Reformation that began in 1548 is noteworthy also because of the decisive role played therein by Calvinism, which is usually interpreted as evidence of Polish-Lithuanian society's openness to Western European modernising tendencies[9]. That having been said, it appears that there was another reason for the popularity of Calvinism among nobility, namely the ease with which it could be adapted to diverse social contexts. There has been no research into the reception of Calvinism in Poland, but it appears that the nobility took substantial liberties when interpreting its theology[10]. At the same time, an ecclesiastical doctrine which gave secular elites power over the Church would naturally have appealed to leaders of nobility preparing to enter the decisive battle over who would hold the balance of power in the country[11]. Participants of the Sejm which met in Piotrków in the summer of 1550 showed much interest in the works of Calvin and Zwingli being sold there. Hundreds of copies of these works are believed to have been obtained by participants and those surrounding the 1550 Sejm; even if this number is an exaggeration, it provides some confirmation of the extent of demand for these writings[12].

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7   H. Kowalska, *Działalność reformatorska Jana Łaskiego w Polsce 1556–1560,* Warszawa 1999.

8   S. Salmonowicz, *Geneza i treść uchwał konfederacji warszawskiej*, OiRwP 19, 1974, p. 7–30; J. T. Maciuszko, *Konfederacja warszawska 1573 roku. Geneza, pierwsze lata obowiązywania,* Warszawa 1974; S. Grzybowski, *Edykty tolerancyjne w Europie zachodniej*, OiRwP 19, 1974, p. 31–50; M. Korolko, *Klejnot swobodnego sumienia. Polemika wokół konfederacji warszawskiej w latach 1573–1658,* Warszawa 1974.

9   G. Schramm, "Polityczna rola protestantów polskich. Jej przeobrażenia od XVI do XVII wieku", *Przegląd Humanistyczny* 29, 1985, 11/12, p. 41–52.

10   H. Kowalska, *Działalność reformatorska*, p. 26–27.

11   O. Bartel, *Zwingli i Kalwin a Polska,* PH 56, 1965, 1, p. 644–650; E. W. Zeeden, "Calvins Einwirken auf die Reformation in Polen-Litauen. Eine Studie über den Reformator Calvin im Spiegel seiner polnischen Korrespondenzen", [in:] idem, *Konfessionsbildung. Studien zur Reformation, Gegenreformation und katholischen Reform*, Stuttgart 1985, p. 192–221.

12   "Calvini et Zwinglii opera communiter magnorum applausu apud nos iam leguntur, quem admodum mihi magister quidam Polonus retulit, per cuius manus in proximis comitiis regni centena exemplaria distracta sunt.", Jan Miączyński to Konrad Pellican, 24 VIII 1550, quoted from K. Górski, *Grzegorz Paweł z Brzezin. Monografia z dziejów*

As the Reformation accelerated, another factor emerged which enriched the ethnic and denominational mosaic that was the Kingdom of Poland. In late 1548, a group of Evangelicals exiled from Bohemia by Ferdinand I Habsburg sought safe haven in Ducal Prussia[13]. They were members of the Czech Brethren (Jednota bratrská, Jednota bratří českých). On the way to Königsberg, the Czechs stopped in Poznań and impressed Poles with their doctrinal maturity, highly organised structure and rigorous morals[14]. Andrzej Frycz Modrzewski went so far as to deem them the paragon of a Christian community[15]. Given the dogmatic confusion among Polish supporters of the Reformation, the Czech example made a strong impact on Reformed ministers, who signed an agreement with them in Koźminek as early as 1555[16]. The Czech Brethren's political doctrine was far removed from views held by Polish Protestants, who accepted the principle of *inspectio ecclesiae*. The Brethren's historical experience led them to distrust any form of secular intervention into the matters of their Church[17].

Sigismund Augustus's accession to the throne marked the beginning of a new era in relations with the Holy See. The year 1548 saw attempts to stabilise the nunciature in Poland as being distinctly Counter-Reformational in character[18]. The nuncio's main objective would be to combat the Reformation in cooperation with local clergy – not an easy task, as illustrated by the case of the influential Franciscan friar, Francesco Lismanini, who was a provincial superior and confessor to Queen Bona Sforza. As early as 1548, Lismanini was deemed a heretic by Bishop Maciejowski. After being sent to Rome in 1550, Lismanini was – on his return to Poland – appointed theological advisor to Sigismund Augustus, for whom he prepared a commentary on Calvin's *Institutio Christianae religionis*.

polskiej literatury arjańskiej XVI wieku, Kraków 1929, p. 21; see O. Bartel, *Grzegorz Paweł z Brzezin*, RwP 5, 1928, p. 12–21.

13 G. Schramm, *Der polnische Adel*, p. 87–88.

14 J. Dworzaczkowa, *Bracia czescy w Wielkopolsce w XVI i XVII wieku*, Warszawa 1997, p. 18–34, 87–91.

15 A. Frycz Modrzewski, "Commentariorum de republica emendanda libri quinque", [in:] idem, *Opera omnia*, ed. C. Kumaniecki, vol. I, Warsaviae 1953, p. 504; W. Ziętek, *Koncepcja ustroju państwa Andrzeja Frycza Modrzewskiego. Studium filozoficzno-prawne*, Kraków 2006, p. 21, 44.

16 "Brevis annotatio eorum, quae Cosminecensem conventum antecessere" and the archives of the Synod of Koźminek 24 VIII – 2 IX 1555, *Akta synodów różnowierczych w Polsce*, vol. I: 1550–1559, published by M. Sipayłło, Warszawa 1966, p. 5–45.

17 J. Lehmann, *Konfesja sandomierska na tle innych konfesji w Polsce XVI wieku*, Warszawa 1937, p. 295.

18 H. D. Wojtyska CP, *Papiestwo – Polska 1548–1563. Dyplomacja*, Lublin 1977, p. 39.

He finally broke with Catholicism in 1553, left for Geneva, and married. On his return to Poland, he set off to organise the Reformed Church in Poland[19]. Increasingly, however, the ranks of Polish clergy would be strengthened by Reformation opponents who had the trust of Rome, such as canon Stanislaus Hosius, a protégé of Bishop Maciejowski and, as of 1549, bishop of Chełmno[20]. In the spring of 1550, when it appeared that serious charges would be levelled in the Sejm against the Polish clergy, King Sigismund Augustus asked Pope Julius III to dispatch a nuncio with instructions that were unambiguously Counter-Reformational in spirit[21].

In the late 1540s and early 1550s, noblemen in the Kingdom of Poland were already acting as a collective protector of the Reformation[22]. Stanisław Lubieniecki writes: "Circa illa tempora Martinus Zborovius [Zborowski] Palatinus Callissiensis, in oppido regio Stobritza [Stobnica] quod praefecti nomine administrabat, Stanislaus ille Lasocius [Lasocki] Succamerarius Lanciciensis, vir nobilitate, pietate et meritis magnus in Pelesniciano [Pełsznica, ob. Pałącznica], et ei suppar Hieronymus Phillipovius [Filipowski], germanum sociorum par in Crcenciano [Krzcięcice], Stanislaus Stadnicius [Stadnicki] in Nedwedeciano [Niedźwiedź], Nikolaus Dluski in Ivanoviciano [Iwanowice], intra domesticos parietes puriorem doctrinam praedicari sibi curarunt. Idem in Majori Polonia, Andreas Gorkanus [Górka] Castellanus Posnaniensis et Majoris Poloniae Generalis Praefectus, vir divitiis, auctoritate et egregiis animi dotibus praepollens, Stanislaus et Jacobus Ostrorogii, in Palatinatu Cujaviensi, Lezinius [Leszczyński] Praefectus Radziejoviensis, Christophorus Lasocius [Lasocki] […] in Breziniano [Brzeziny], alii alibi facere."[23] In these settlements, Mass was no longer celebrated,

19 H. Barycz, *Meandry Lismaninowskie*, OiRwP 16, 1971, p. 37–66; H. D. Wojtyska CP, *Papiestwo*, p. 317–321.

20 J. Kłoczowski, *Dzieje*, p. 127–129.

21 H. D. Wojtyska CP, *Papiestwo*, p. 41–43.

22 J. Tazbir, "Sukcesy i klęski polskiej reformacji", [in:] idem, *Studia z dziejów polskiej kontrreformacji*, Warszawa 1987, p. 17.

23 S. Lubieniecki, op. cit., p. 34–35; Polish translation by S. Lubieniecki, *Historia reformacji polskiej*, transl. E. Bursche, vol. 1, Warszawa 1938, p. 277–278: "More or less at this time others also saw to it that purer doctrines be taught in their towns. And so Marcin Zborowski, Voivode of Kalisz, in the royal borough of Stobnica, which he held as a starosta; then Stanisław Lasocki, the Chamberlain of Łęczyca, a man of noble family, great piety and merit, in Pełsznica; and his equal, and equal to his company in honesty, Hieronim Filipowski in Chrzcięcice; Stanisław Stadnicki in Niedźwiedź; Mikołaj Dłuski in Iwanowice. The same was done in Wielkopolska by Andrzej Górka, the Castellan of Poznań and general starosta of Wielkopolska, a man of exceptional wealth, gravity and

and Protestant sermons were delivered by former Catholic priests or new ministers. On the estates of certain magnates – the Boner, Firlej, Górka, Leszczyński, Oleśnicki, Ostrorog, and Zborowski families – Catholic churches were converted to Protestant houses of worship[24].

This process is exemplified by the fortunes of one of the most prominent Protestant clergymen of the Crown. In 1549, Father Andrzej of Przasznysz (Prasmovius, Prażmowski)[25] was preaching Calvin's doctrine from the pulpit of St John's church in Poznań, for which he was removed by Bishop Benedykt Izdbieński. However, he suffered no other consequences as he took shelter first in Liszków, owned by the Niemojewski family, and then in Radziejów; there, protected by the local starost and the Brześć Voivode Rafał Leszczyński[26], he established a Protestant congregation, for which Leszczyński founded a church and a school. As a Protestant minister, Andrzej of Przasznysz laid the foundations for the structures of the Calvinist Church in Kujawy[27].

The Catholic episcopate, who was *ex officio* obligated to oppose the Reformation process, often showed surprising restraint in doing so, a fact that is traditionally ascribed to the indifference or even low moral standards of Polish bishops at the time. But other possible reasons should be considered, such as the political experience and the sense of responsibility of the bishops, who – by virtue of their office – were also senators accountable to the country. A good example was archbishop Mikołaj Dzierzgowski[28], who was appointed Primate of Poland after the death of Piotr Gamrat in 1545, or Samuel Maciejowski, bishop of Kraków, who in 1549 accused Walenty of Krzczonów, a priest, of being married and committing heretical errors. The defendant was judged along with Mikołaj Oleśnicki, Mikołaj Rej, Remigian Chełmski, and Stanisław Orzechowski: "ci, którzy byli z ks. Walentym, pięknie mówili, a to było najczęściej na uściech: żeśmy nie uporni, chcemy żeby nas nauczono, i podług nauki sprawować się chcemy" (those of us who were with Father Walenty, spoke beautifully, and this was said the most often: that we

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spiritual gifts; Stanisław and Jakób Ostroróg in the Kujawy voivodeship; Leszczyński, the Radziejów starosta; Krzysztof Lasocki and others in different places."

24   G. Schramm, *Der polnische Adel*, p. 30–35.

25   M. Sipayłło, *Prasmovius (Prasnisius, Prasnitius, Prażnitius w literaturze Prażmowski) Andrzej*, PSB, vol. XXVIII, Wrocław 1985, p. 350–351.

26   M. Sipayłło, *Leszczyński Rafał*, PSB, vol. XVII, Wrocław 1972, p. 132–135.

27   W. Zakrzewski, *Powstanie i wzrost reformacji w Polsce 1520–1572*, Lipsk 1870, p. 60–62; J. Płokarz, *Jan Niemojewski. Studjum z dziejów arjan polskich*, RwP II, 1922, 5–6, p. 71–117, here p. 74–75.

28   W. Pociecha, *Arcybiskup gnieźnieński*, p. 64–67.

are not stubborn, we wish to be taught, and to conduct ourselves in accordance with the teaching). The bishop's reaction was reasonable – given that there was no chance of enforcing a sentence and that one of his goals was to avoid a public theological dispute, "odłożył te rzecz na czas inszy, księdza wolnym nie uczyniwszy ani go też zahamowawszy" (he postponed these things for a certain time, neither freeing the priest nor detaining him).[29]

Despite this, Reformation supporters treated a summons to appear in an ecclesiastical court as a serious danger; they thus sought to restore momentum to earlier attempts at reforming the legal system[30], the goal being to strip the Catholic ecclesiastical courts of their significance by depriving them of an effective way to enforce sentences with recourse to state authorities. According to Stanisław Bojanowski's account of Albrecht Hohenzollern, in June 1550 at the General Sejm in Piotrków, landed deputies (*posłowie ziemscy*) demanded that decrees issued by the 1543 Kraków Sejm, which gave ecclesiastical courts extensive jurisdiction over both persons and possessions[31], be revoked. Sigismund Augustus found the deputies' demands justified, since the 1543 Sejm had intended the decrees to be binding for a year[32]. This development was the first serious blow to the jurisdiction of the bishop's courts, whose rulings increasingly went ignored[33].

29 Ł. Górnicki, "Dzieje w Koronie Polskiej", [in:] idem, *Pisma*, ed R. Pollak, Warszawa 1961, p. 595–596; J. Bukowski, *Dzieje reformacyi w Polsce od wejścia jej do Polski aż do jej upadku*, vol. 1, Kraków 1883, p. 573–577. For critical remarks concerning the episcopate, see ibidem, vol. 2: *Polityczny wzrost i wzmaganie się reformacyi aż do sejmu w r. 1558/9*, Kraków 1886, p. 10–59.

30 J. N. Romanowski, *Otia Cornicensia. Studia nad dziełem: „Zrzódłopisma do dziejów unii Korony Polskiej i W. X. Litewskiego, część II, oddział I",* vol. 1, Poznań 1861, p. 85–339; W. Pociecha, *Walka sejmowa o przywileje Kościoła w Polsce w latach 1520–1537*, RwP 2/3, 1922, p. 161–184.

31 "Trzeczie Articuli s prosbami Croliowi I. M. na prętcze od Poslow Powiathowich podane", attachment to S. Bojanowski's letter to Prince Albrecht, Petricoviae 14 VI 1550, *Elementa ad fontium editiones*, vol. XXXIX: *Documenta ex archivo Regiomontano ad Poloniam spectantia*, IX pars, 1550–1553, ed. C. Lanckorońska, Romae 1976, p. 38–44; J. Sawicki, *Z Ksiąg Metryki Koronnej. Tekst pierwszych konstytucji sejmowych w języku polskim z r. 1543 w sprawie sądownictwa świeckiego i duchownego,* "Teki Archiwalne" 2: *Z dziejów Odrodzenia w Polsce*, 1954, p. 51–108

32 *Elementa ad fontium*, vol. XXXIX, p. 62.

33 J. Dzięgielewski, *Biskupi katoliccy a sprawa prawnego uznania wyznań reformacyjnych w Polsce 1551–1576*, [in:] *Kardynał Stanisław Hozjusz (1504–1579). Osoba, myśl, dzieło, czasy, znaczenie*, ed. S. Achremczyk, J. Guzowski, J. Jezierski, Olsztyn 2005, p. 135–142.

The case of another Italian supporter of the Reformation, Francesco Stancaro (Stancari, Stankar), who was active in Małopolska, also proved to be an embarrassment for Church authorities. On the orders of bishop Maciejowski, Stancaro – a clergyman and lecturer of Hebrew at the Kraków Academy – was imprisoned in June 1550 at the Lipowiec castle in Babice on the charge of spreading Reformation propaganda. Lipowiec was used as a prison for ecclesiastical offenders, but Stancaro was not harmed by his stay there, and while in prison he was able to prepare a programme of Reformation activities for Poland, later known as *Canones reformationis ecclesiarum Polonicorum*. In the middle of September 1550 Stancaro escaped from prison: "za pomocą czeladnika swego, gdy mu płótna kilka wałów porzezanego na długie sztuki, za radą i wiadomością niektórej szlachty dodał, spuściwszy się po onym płótnie z wieży, cudownie wybawiony jest. Skąd przez Stanisława Lasockiego, podkomorzego łęczyckiego, Andrzeja Trzecieskiego, Krzysztofa Glińskiego, (którzy z wozem jakby się prętko z wieże spuścił na niego czekali) spokojnie przeprowadzony był do Dubiecka miasteczka p. Stanisława Stadnickiego, a stamtąd do Pińczowa miasteczka p. Mikołaja Oleśnickiego" (with the help of his apprentice, when he gave him several lengths of cloth cut into long strips, in the knowledge and on the advice of some nobility, having lowered himself from the tower on this cloth, he was miraculously free. Thence, by Stanisław Lasocki, the chamberlain of Łęczyca, Andrzej Trzecieski, Krzysztof Gliński [who awaited him with a cart as he descended from the tower], he was taken undisturbed to Dubieck, a town of Stanisław Stadnicki, and from there to Pińczów, a town of Mikołaj Oleśnicki).[34] Thus, Stancaro found himself in the care of the magnates Stanisław Stadnicki and Mikołaj Oleśnicki.

In late 1540s Reformation activity was well advanced though not always well coordinated. Henryk Barycz points to its five hubs: Royal Prussia, Ducal Prussia, Wielkopolska, the Grand Duchy of Lithuania, and Małopolska[35]. Soon, this last province would find itself at the forefront: as one participant describes it, "lux evangelii Iesu Christi publice inclarescere coepit in Minori Polonia."[36] The first Protestant synod in Poland was held in October 1550 in Pińczów, a private town

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34 W. Węgierski, *Kronika zboru ewangelickiego krakowskiego*, ed. M. Pawelec, B. Tondera, Kraków 2007, p. 56; H. Gmiterek, *Stankar Franciszek (Stancaro Francesco)*, PSB, vol. XLII, Warszawa 2003, p. 158–163; W. Urban, *Dwa szkice z dziejów reformacji*, Kielce 1991, p. 87.

35 H. Barycz, "U narodzin ruchu reformacyjnego w Małopolsce", [in:] idem, *Z epoki renesansu, reformacji i baroku. Prądy-idee-ludzie-książki*, Warszawa 1971, p. 221–242; G. Schramm, *Der polnische Adel*, p. 27–59.

36 "Acta Iacobi Sylvii", 1550, *Akta synodów*, vol. I, p. 1.

owned by Mikołaj Oleśnicki[37]. The aim was presumably to establish basic doctrinal rules for congregations being formed in Małopolska[38]. Several theologians and clergymen participated in the synod: Stancaro, who was discussed above; *magister* Marcin of Opoczno; Feliks Cruciger, a minister from Niedźwiedź; Jakub Sylwiusz (Smilovitanus) of Krzcięcice; Marcin Taurinus of Rytwiany; Melchior Philipovius of Kraków; and *baccalaureus* Grzegorz Orszak (Gregory Orsatius). Cruciger was appointed superintendent of the Protestant clergy in Małopolska; he had started preaching Protestant sermons in Niedźwiedź in the Proszów poviate as early as 1546 under the protection of Stanisław Mateusz Stadnicki[39]. The direct result of the synod was the takeover of the Pińczów church and Pauline monastery, where Protestant worship now took place[40]. These events may have led to Stancaro finishing the above-mentioned *Canones reformationis*, which will be discussed later[41].

It is reasonable to assume that the organisers of the Pińczów synod hoped the death of bishop Maciejowski on 6 October 1550 would check the intense activity being carried out by ecclesiastical authorities, although they probably realised that their deadliest enemy was the Kraków cathedral chapter. On 20 April of that year, members of that chapter had passed a resolution calling for decisive action against religious innovations. After the synod in Pińczów, the diocesan administrator Jan Przerębski and the vicars capitular complained to Primate Dzierzgowski[42]. On 20 October, the chapter sent canons Jerzy Podlodowski and Stanisław Górski to demand that the Senate fight heresy; simultaneously, a commission was established to judge overt heretics: Jakub Sylwiusz; Wawrzyniec, minister from Pińczów; Feliks Cruciger; Szymon of Proszowice; Stanisław Lasocki of Pełsznica (Pałecznica); and even Mikołaj Oleśnicki, who was accused of removing Pauline friars from Pińczów and burning church images[43].

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37 H. Kowalska, *Oleśnicki Mikołaj*, PSB, vol. XXIII, Wrocław 1978, p. 768–771.

38 H. Kowalska, *Działalność reformatorska*, p. 19.

39 "Acta Iacobi Sylvii", *Akta synodów*, vol. I, p. 1–2.

40 J. Bukowski, op. cit., vol. 1, p. 246–249.

41 W. Urban, "Canones reformationis ecclesiarum Polonicarum di Francesco Stancaro", [in:] *Zeszyty Naukowe UJ*, vol. 960, Prace historyczne vol. 94, 1991, p. 41–52.

42 *Andrzeja na Więcborku Zebrzydowskiego biskupa włocławskiego i krakowskiego korespondencyja z lat 1546–1553 z przydaniem synodów r. 1547 i 1551, jako też innych dokumentów współczesnych*, published by W. Wisłocki, Kraków 1878, p. 479, Acta historica res gestas Poloniae illustrantia, vol. I.

43 B. Przybyszewski, "Stanisław Hozjusz w kapitule krakowskiej (1540–1550)", *Analecta Cracoviensia* 14, 1982, p. 507n.

The conference of Church dignitaries, who met in Kraków on 27 November 1550 at the summons of the Primate Dzierzgowski, decided to have Oleśnicki tried by the Senate. Sigismund Augustus, not wishing to antagonise bishops ahead of the coronation of his bride Barbara Radziwiłł, promised to confirm the duty of state authorities to enforce sentences handed down by ecclesiastical courts[44]. Queen Barbara's coronation ceremony took place on 7 December, and on 10 December Oleśnicki faced the bishop's court accompanied by throngs of supporters, who included the king's courtiers. The archives of the chapter read: "Ubi ab universo coetu aulicorum Sacrae Mttis Regiae idem ipse citatus venit tumultumque quemdam clamoris, hostii effractionem et scamnorum ibidem ruptionem excitavit. Terminum autem praesentem hinc et XXII ejusdem continuari obtinuit."[45] The case was therefore heard by the Senate, where – as early as on 9 December – Andrzej Zebrzydowski, who aspired to the dignity of the Bishop of Kraków, launched a fierce attack on Oleśnicki. On 12 December 1550 Sigismund Augustus judged that Oleśnicki should restore the status quo ante in Pińczów. More importantly, the king forbade the teaching of Reformation doctrine and promised to disqualify Protestants from holding public office and to aid ecclesiastical courts by deploying the *brachium regale*, or the royal starostas, to execute their sentences.[46]

Prohibiting Protestants from holding public office and confirming the right of the state to enforce ecclesiastical court sentences substantially weakened the position of supporters of the Reformation. The state clearly took the side of the Catholic Church. Why, then, did a ruler who was no doubt personally tolerant decide to take such measures? It is usually accepted that the anti-Protestant December edict was the price paid by the King to the episcopate for supporting Barbara's coronation[47]. However, the edict was issued after the coronation had taken place, and Sigismund Augustus would likely have been able to find a pretext not to act on his promise. What could have been the objective of the mon-

44 W. Pociecha, *Arcybiskup gnieźnieński*, p. 62.

45 J. Bukowski, op. cit., vol. 2, p. 141–143.

46 The text of the decree is quoted by S. Lubieniecki, op. cit., p. 60–61; see the account of the royal preacher Jan of Koźmin, "Joannes Cosmius, concionator regius Adalberto in Prussia duci, Cracoviae 24 VI 1551", *Elementa,* vol. XXXIX, p. 119–122. A discussion of the contents of the decree W. Zakrzewski, op. cit., p. 63; A. Sucheni-Grabowska, *Zygmunt August król polski i wielki książę litewski 1520–1562*, Warszawa 1996, p. 304–309.

47 W. Sobieski, "Król czy tyran? Idee rokoszowe w różnowiercy za czasów Zygmunta Augusta", [in:] idem, *Trybun ludu szlacheckiego. Pisma historyczne*, ed. W. Grzybowski, Warszawa 1978, p. 192.

arch, who must have understood the contradiction between the December edict and the tradition of Polish political culture, which had reserved such important matters for the Sejm at least since the *nihil novi* constitution of 1505?[48] Assuming that introducing religious coercion was not the king's actual objective, it seems likely that – on the basis of his father's experience – he sought to weaken Reformation efforts (which had by then started to undermine the state's authority), to limit the Reformation to strictly religious matters, and to in turn limit attacks on Catholic structures so that Protestants might be able to forge a compromise with the reforming Catholic Church[49].

However, politicians motivated by the good of the country found their room for manoeuvre continuing to shrink. After the 1550 Sejm, Protestants – believing they had the backing of the Catholic supporters of the execution of their rights – pushed policies by which they would overcome the political influence of the Catholic Church[50]. In late 1550 they attempted to test the limits of the official toleration (this was presumably what Oleśnicki tried to do in Pińczów). It is also difficult to find another explanation for the scandal caused by the Łęczyca chamberlain Stanisław Lasocki during Queen Barbara's coronation. Having been excommunicated by the Catholic Church, Lasocki, the patron of the Pełsznica (Pałecznica) congregation, appeared at the coronation. When asked to leave the Wawel cathedral, he did so only after the bishops threatened to stop the mass[51]. On the other hand, Catholic clergy, in particular some of its younger and more ambitious members, no longer sought to avoid confrontation.

In June 1551, the synod of the Archdiocese of Gniezno met in Piotrków. Stanislaus Hosius, who would later be described by nuncio Luigi Alvisio Lippomano as "persona molto dotta et cattolica, gran defensore dell' auttorità della Sede Apostolica,"[52] played a pivotal role in the synod, as did two delegates of the

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48 W. Wójcik, "Pomoc świecka dla Kościoła polskiego w sprawach szerzenia i ochrony wiary do 1565 r.", *Prawo kanoniczne* 9, 1966, 1–2, p. 74–105.

49 A. Sucheni-Grabowska, *Zygmunt August*, p. 308–313; H. Barycz, *U narodzin*, p. 231.

50 A. Sucheni-Grabowska, *Zygmunt August*, p. 306.

51 S. Lubieniecki, op. cit., p. 35. Lasocki's behaviour bore the hallmarks of provocation, and one can suspect this was a strategy adopted by Protestants. On 26 May 1552 r. Hieronim Ossoliński, also excommunicated earlier, caused a similar scandal by refusing to exit the Wawel cathedral, thus forcing the priests to interrupt the High Mass and close the church for the remainder of the day, J. Bukowski, op. cit., vol. 2, p. 236–238.

52 W. Urban, *Hozjusz Stanisław*, PSB, vol. X, Wrocław 1962–64, p. 42–46; A. Lippomano do C. Carafa, Varsaviae 30 I 1556, *Acta nuntiaturae Polonae*, (hereafter quoted as ANP) vol. III/1: *Aloisius Lippomano (1555–1557)*, ed. H. D. Wojtyska CP, Romae 1993, p. 135; see J. Dyl, "Spuścizna teologiczna kardynała Stanisława Hozjusza", [in:] *Kardynał Stanisław*

Kraków cathedral chapter, Bartłomiej Gantkowski and Wojciech Kijewski. The memorial which they presented and which was prepared by Marcin Kromer, Piotr Myszkowski and Stanisław Górski, was strongly critical of the episcopate and the Primate[53]. The synod was to debate "de haeresibus exstirpandis moribusque corrigendis, et qua ratione conatus secularium, Ecclesiam oppugnantium, comprimi et sedari possent."[54] Notably, supporters of Counter-Reformation stressed the need to improve the clergy's morals and education, seeing this – rather than structural or theological reform – as an opportunity for the Catholic Church: "Quantum igitur ad morum reformationem, quae est maxime necessaria et a qua totum initium sumendum est"[55]. Also, the printed defence of the Catholic Church, which was simultaneously prepared by Marcin Kromer, stressed the ideas of Counter-Reformation, not of reform[56].

The Kraków capitulars launched an attack on the episcopate, in particular the Primate Dzierzgowski, not understanding (or not wanting to understand) the reasons for his restraint in instigating a Counter-Reformation drive. They accused him of being passive: "Idem Dnus Archiepiscopus non est vigilans in officio suo in haeresi exstirpanda, quae propter ejus conniventiam magis in dies ac magis vires sumit et augescit. Presbyteri labe Luterana infecti haeresim docent, ac ubicque spargunt, hiidem sacrilega matrimonia contrahunt, sacramenta ecclesiastica tollunt, Eucharistiam Sacram conculcant, exurunt, derident, blasphemant, signa crucifixi Christi succidunt, confragunt, probris multis appetunt, bona ecclesiastica invadunt, libros haereticos imprimunt et inter seculares spargunt, conventicula haereticorum, coenas, conspirationes contra religionem et statum ecclesiasticum faciunt"[57].

Hozjusz (1504–1579). Osoba, myśl, dzieło, czasy, znaczenie, ed. S. Achremczyk, J. Guzowski, J. Jezierski, Olsztyn 2005, p. 272–284.

53 "Instructio Nunciis Capituli Cracoviensis ad Synodum A. 1551 data", Cracoviae, exeunte Majo 1551 [in:] *Andrzeja na Więcborku Zebrzydowskiego biskupa włocławskiego i krakowskiego korespondencyja z lat 1546–1553*, p. 477–499; cf. *Humanizm i Reformacja w Polsce. Wybór źródeł dla ćwiczeń uniwersyteckich*, first edition Chrzanowski, S. Kot, Lwów–Warszawa–Kraków 1927, p. 333–358.

54 Ibidem, p. 477.

55 Ibidem; J. Tazbir, *Znaczenie obyczajów kleru dla rozwoju i upadku polskiej reformacji*, OiRwP 8, 1963, p. 91–107.

56 "O wierze i nauce luterskiej. Rozmowa dworzanina z mnichem, Kraków 1551" [in:] M. Kromer, *Rozmowy dworzanina z mnichem (1551–1554)*, published by J. Łoś, Kraków 1915, p. 4–11, Biblioteka Pisarzów Polskich nr 70; S. Bodniak, *Marcin Kromer w obronie kościoła (1542–1556). (Kartka z dziejów walki z reformacją w Polsce)*, RwP 2, 1924, p. 203–217.

57 "Instructio", p. 477.

The restraint with which the bishops reacted to Reformation activities raised suspicions in some quarters concerning their orthodoxy; therefore, members of the episcopate agreed to swear an oath to the creed formulated by Hosius[58]. Some of the synod's resolutions were directed against supporters of the Reformation: contrary to Dzierzgowski's wishes, they were to be subject to judicial persecution; propagation of books incompatible with Catholic doctrine would be prohibited; heretics would not be able to lease church estates; finally, inquisitors were appointed[59]. Given the political climate at the time, few of those resolutions were likely to be implemented, but the fact is that supporters of a "politic", non-confrontational stance towards the Reformation had lost to those who favoured a hard Counter-Reformation line, one which would – then and in the future – not always heed the political circumstances or interests of the country[60].

Opponents of the Reformation had much to contend with, however, since there were numerous cases in which clergymen broke the rules of canonical discipline. Especially controversial was the issue of marriage. In particular, this concerned two popular priests from the Przemyśl diocese, Marcin Krowicki and Stanisław Orzechowski. The former married in 1550, abandoned the Catholic Church and soon became a Protestant minister[61]. The latter, a renowned writer, had a more ambitious objective – to overturn celibacy as a principle: "quanto item contemptu Sacrarum Ecclesiae Constitutionum sacrilegium contraxerit matrimonium, et non paucos sacerdotes ad simile matrimonium suo exemplo induxerit, haec omnia late fama invulgavit."[62] At the Sejmik of the Ruthenian voivodeship in Sądowa Wisznia, he publicly announced his imminent marriage; when threatened by Przemyśl Bishop Jan Dziaduski with a trial in an ecclesiasti-

58 "Juramentum Episcoporum in synodo provinciali, Petricoviae 14 VI 1551", [in:] *Andrzeja na Więcborku Zebrzydowskiego biskupa włocławskiego i krakowskiego korespondencyja z lat 1546–1553*, p. 499–523; J. Bukowski, op. cit., vol. 2, p. 149–159, 169–170; S. Litak, "Kościół w Polsce w okresie reformacji i odnowy potrydenckiej", [in:] H. Tüchle, C. A. Boumann, *Historia Kościoła*, vol. 3: 1500–1715, transl. J. Piesiewicz, Warszawa 1986, p. 353.

59 "Constitutiones Synodi Piotrcoviensis 1551 A.", [in:] *Andrzeja na Więcborku Zebrzydowskiego biskupa włocławskiego i krakowskiego korespondencyja z lat 1546–1553*, p. 513–523; W. Pociecha, *Arcybiskup gnieźnieński*, p. 87.

60 S. Cynarski, op. cit., p. 85–86; A. Sucheni-Grabowska, *Zygmunt August*, p. 306nn.

61 A. Brückner, "Marcin Krowicki", [in:] idem, *Różnowiercy polscy. Szkice obyczajowe i literackie*, Warszawa 1962, p. 73nn.; H. Barycz, *Krowicki Marcin*, PSB, vol. XV, Wrocław 1970, p. 350–353.

62 *Andrzeja na Więcborku Zebrzydowskiego biskupa włocławskiego i krakowskiego korespondencyja z lat 1546–1553*, p. 480; see G. Schramm, *Der polnische Adel,* p. 64–69.

cal court, he took his protest to the 1550 Sejm in Piotrków, where he was over-whelmingly supported[63]. The episcopate proposed that negotiations be held in Piotrków; Orzechowski arrived accompanied by Mikołaj Radziwiłł "the Black", Voivode of Vilnius; Marcin Zborowski, Voivode of Kalisz, Mikołaj Brudzowski, Voivode of Łęczyca; Rafał Leszczyński, Voivode of Brześć Kujawski; and Andrzej Górka, the Wielkopolska starosta. With the mediation of Jan Tarnowski, the Castellan of Kraków, it was decided that Orzechowski would postpone his marriage until a papal dispensation could be obtained[64].

This solution, however, was not acceptable to Protestants, who sought to resolve the matter quickly, and the marriage of Orzechowski to Magdalena Chełmska took place already in February 1551. Summoned to appear in an ecclesiastical court, Orzechowski arrived at the residence of his local ordinary at Brzozów accompanied by nobles and officers of the Przemyśl land. Bishop Dziaduski refused to admit Orzechowski's companions; Orzechowski, who would not stand by himself to hear the charges, was excommunicated and exiled *in absentia*. However, he felt confident enough to interrupt the announcement of his excommunication in the Przemyśl cathedral several days later to express his objection to the sentence[65]. Sigismund Augustus ordered the Voivode of Kraków and starosta of Przemyśl Piotr Kmita to enforce the sentence, but – with supporters of Orzechowski canvassing for support and with the Małopolska nobility on Orzechowski's side – the starosta abandoned enforcement attempts[66]. This was how the problem of the state's role in the enforcement of ecclesiastical sentences was resolved in practice.

After the Piotrków synod, overt Protestants were also targeted by the Counter-Reformation. What Evangelicals themselves described as *dispersio ministrorum* attests to their sense of insecurity in Małopolska: "Cum enim ei, tum Felici Crucigero et aliis piis viris, mota inditione Cracoviensi persecutione […] aliae sedes quietae quaerendae essent, in Majori Poloniam concesserat et Ostrorogii protectu tutus permanserat."[67] While some ministers went into hiding but remained active, others fled into exile. Some chose to flaunt their beliefs. Jakub Sylwiusz, who was sentenced by a church court *in absentia* on 17 February 1551

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63 J. Bukowski, op. cit., vol. 2, p. 95–96, 122–132.

64 Ibidem, vol. 2, p. 113–116.

65 Ibidem, vol. 2, p. 162–167.

66 The case of Orzechowski as related by himself, S. Orzechowski, "Kroniki", [in:] idem, *Wybór pism*, p. 149–186; *Orzechowski Stanisław*, PSB, vol. XXIV, Wrocław 1979, p. 287–292; S. Cynarski, op. cit., p. 86–87.

67 S. Lubieniecki, op. cit., p. 116–117; "Acta Iacobi Sylvii", loc. cit.

for preaching Protestant sermons, publicly burnt the Host during the traditional cleaning of the church in Krzcięcice on Good Saturday, 28 March 1551. Accused of blasphemy and sacrilege, he sought shelter in Silesia[68]. In Wielkopolska, Jakub and Stanisław, the Ostroróg brothers, provided a safe haven for ministers from Małopolska, but they themselves got into trouble. In July 1551, Stanisław Bojanowski informed Prince Albrecht Hohenzollern that Stanisław Ostroróg, who was being sued by the Primate Dzierzgowski for – among other offences – abolishing the mass in churches on his land, arrived for his trial in the company of some 400 noblemen[69]. Jakub Ostroróg and Krzysztof Lasocki were sentenced *in absentia*, the latter for refusing to surrender ministers Grzegorz Paweł of Brzeziny and Stefan of Kraków to authorities[70].

The decisive test of strength took place in Kraków, where the cathedral chapter convinced Andrzej Zebrzydowski[71], a typical "politique" who was appointed Bishop of Kraków on 22 December, to put a heretic on trial. Konrad Krupka Przecławski[72], from a burgher family recently elevated to the ranks of nobility, was picked as the defendant. He was accused of taking communion *sub utraque specie*; of organising "secret assemblies", presumably the Protestant Eucharist, at the Przecławice estate in the Proszów poviate; of forcing his serfs to work during holidays; and of breaking fast[73]. Przecławski was able to obtain one adjournment, and then another; it would appear that Bishop Zebrzydowski hoped to avoid having to pass sentence, which would be difficult to enforce. Eventually, the third trial date saw Przecławski arrive in Kraków in the company of noblemen and senators led by Marcin Zborowski, Voivode of Kalisz. The bishop's palace, where the court sat in session, was defended by armed men; therefore Przecławski refused to stand in court. Thus, on the basis of the December edict, he was convicted *in absentia* of being a heretic and pronounced *infamis*; his estate was also confiscated. The Voivode of Kraków,

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68 A. Kawecka-Gryczowa, *Jakub Sylwius a rozłam w zborze małopolskim*, RwP 9/10, 1937–39, p. 28–63.

69 T. Wotschke, "Stanislaus Ostrorog. Ein Schutzherr der grosspolnischen evangelischen Kirche", reprinted in *Zeitschrift der Historischen Gesellschaft für die Provinz Posen* 22, Posen 1907, p. 6.

70 O. Bartel, *Grzegorz Paweł z Brzezin*, RwP 5, 1928, p. 19; W. Pociecha, *Arcybiskup gnieźnieński*, p. 67.

71 J. Korytkowski, *Prałaci, kanonicy katedralni, metropolici gnieźnieńscy od roku 1000 aż do dni dzisiejszych podług źródeł archiwalnych*, vol. 4, Gniezno 1883, p. 465–468.

72 H. Barycz, *Krupka Przecławski Konrad*, PSB, vol. XV, Wrocław 1970, p. 411–413.

73 J. Bukowski, op. cit., vol. 2, p. 181–185.

Piotr Kmita, was tasked with enforcing the sentence[74]. A witness to these events writes: "Przy tym wszystkim […] było nieco godnych ludzi, okrom osób duchownych, którzy nie barzo to chwalili księdzu biskupowi, że taki uczynił dekret, wątpiąc, żeby miał mieć swój skutek" (There were several good men and clergymen who did not think it good that the bishop made such a decree, doubting it would have a result).[75]

Indeed, just as in the case of Orzechowski, Kmita did not act against Przecławski, who was protected not only by Voivode Zborowski, but also by Spytek Jordan, Grand Treasurer of the Crown, and the Castellans of Biecz, Walenty Dembiński; of Czchów, Mikołaj Lutomirski; and of Oświęcim, Jan Boner.

The convicted Przecławski and his supporters travelled throughout Małopolska, speaking at Sejmiks against the jurisdiction of Catholic ecclesiastical courts, which they presented as a threat to privileges enjoyed by the nobility and to the peace of the realm[76]. Bishop Zebrzydowski thus describes the mood in the autumn of 1551: "Quanto capitali odio et inimicitia ferveat universus plane ordo saecularis in ordinem ecclesiasticum adeo, ut aequis posse ferre animis videantur. Turcam vel Tartarum, aut eo truculentiorem hostem, sibi vicinum fore, qui homines et personas ecclesiasticas non modo jam decimas et facultates Ecclesiae ac bona eripienda, verum etiam et ipsos evertendos ac vitam denique ipsam eis auferendam, summo studio cuperent et efflagitarent."[77] The December Sejmiks became the stage for intense campaigning, and the demands of reformers and oppositionists were all anti-clerical. At the Sejmik of the Krakowskie voivodeship in Proszowice, Castellan Lutomirski produced the royal edict of 12 December 1550 and warned that it would result in a tyranny of bishops[78]. There were demands to prohibit the enforcement of ecclesiastical sentences by starostas and to repeal decrees already issued. The dispute over the state's attitude toward the Catholic judiciary now became a central issue, with Protestants supported by oppositionist nobility, or executionists, who believed that the freedom of religious worship was an inalienable civil right[79].

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74 H. Barycz, "Proces Konrada Krupki Przecławskiego o wiarę w 1551 r.", [in:] idem, *Z epoki*, p. 284–296.

75 Ł. Górnicki, op. cit., p. 605–608.

76 A. Sucheni-Grabowska, *Zygmunt August*, p. 396–397.

77 A. Zebrzydowski, 1 X 1551 r., *Dyaryusze sejmów koronnych 1548, 1553, 1570,* published by J. Szujski, Kraków 1872, p. 49, Scriptores Rerum Polonicarum, I.

78 S. Lubieniecki, op. cit., p. 60–61.

79 A. Sucheni-Grabowska, *Zygmunt August*, p. 306–307.

At the 1552 General Sejm, the deputies' attack on the jurisdiction of ecclesiastical courts was led by one of the most popular Executionist leaders, the Radziejów starosta Rafał Leszczyński, who in 1550 gave up the office of Voivode of Brześć Kujawski to demonstrate his compliance with the law forbidding the holding of several distinct offices (*incompatibilitas*)[80]. Leszczyński openly proposed an alliance with the nobility and against the episcopate to Sigismund Augustus: "Przybyliśmy tutaj, wysłani przez naszych braci, z tą nadzieją i wiarą, że zachowasz nam w pełni Twoją władzę królewską, z nikim nie podzieloną; i iż władza kapłańska na tym sejmie z mocy autorytetu publicznego zostanie przez ciebie sprowadzona do swych granic i powściągnięta" (We have come here, dispatched by our brothers, with the hope and faith that you would preserve your full royal power, shared with no one; and that sacerdotal power will be restrained and brought back to its limits at this Sejm by you on the strength of public authority).[81]

Lay senators were also critical of the ruling that stated that starostas were to enforce ecclesiastical sentences. Jan Tarnowski, who spoke against Oleśnicki in the autumn of 1550 and who signed the December edict, now – fearing an open religious conflict – took a stance against the bishops[82], while Marcin Zborowski threatened to emigrate. Officially, the bishops defended ecclesiastical jurisdiction, but in practice they sought a compromise, realising that freedom of religion was considered a basic right of each nobleman. Furthermore, in a country with a substantial Eastern Orthodox population, it was difficult to comprehend discrimination against Protestants, whose demands at the Sejm included – apart from repealing the ecclesiastical jurisdiction over lay persons and summoning a "national council" – communion *sub utraque specie*, the abolishing of celibacy and allowing a liturgy in the vernacular. Why were Protestants being denied what was customarily available to adherents of the Eastern Orthodox Church? Ultimately, fearing that the Sejm would not approve taxes, the king decided to suspend enforcement by starostas of ecclesiastical court decrees for a year[83]. He also promised that, should the resolutions of the Council of Trent not be satisfactory,

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80 M. Sipayłło, *Leszczyński Rafał*, PSB, vol. XVII, Wrocław 1972, p. 132–135.

81 Quoted from A. Sucheni-Grabowska, *Zygmunt August*, p. 309.

82 K. Hartleb, *Stosunek hetmana Tarnowskiego do reformy Kościoła w XVI. wieku i jej przedstawicieli*, KH 26, 1912, p. 249–292.

83 J. Bukowski, op. cit., vol. 2, p. 189–231; A. Sucheni-Grabowska, op. cit., p. 309–311; S. Cynarski, op. cit., p. 87.

a *concilium nationale* would be convoked in Poland to harmonise Church and state law[84].

Supporters of the Counter-Reformation had no chance of restoring Catholic religious coercion; putting on trial such influential protectors of the Reformation as Krzysztof Pilecki[85], Stadnicki[86], Lasocki[87], or the Ostrorógs outraged the nobility, who saw these actions not so much as instances of religious persecution, but rather as violating the *nihil novi* constitution. On several occasions acts of civil disobedience took place, and the solidarity of the nobility as an estate in confrontation with the clergy began to assume the form of denominational solidarity. In 1554, a group of nobles in Poznań prevented a sentence from being enforced against burghers convicted of being Protestants by a bishop's court[88]. A strongly anti-clerical public mood, supportive of the Reformation, was notable not only in some areas of Poland and Lithuania; similar ideas were entertained by members of the Bohemian and Hungarian estates of the realm[89].

The first stage of Counter-Reformation activities undertaken by the 1551 Piotrków synod turned out to be counterproductive. In November 1554, the Protestants of Małopolska who gathered in Słomniki decided to establish an overt church structure; over the course of the following year, five synodal meetings were held, where decisions were taken concerning the organisation of Evangelical-Reformed Church structures and the union between Calvinists and the Czech Brethren[90]. Acting with foresight, bishop Hosius asked Rome to dispatch a nuncio to Poland; the nuncio would be expected to lead the debate with Protestants at the anticipated general synod[91]. This expected synod was likely the reason why Stanisław Lutosławski prepared a draft of a confession which, modified and reworked, would be presented to the king and the estates of the realm in

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84 "Akta sejmu piotrkowskiego r. 1552", *Dyaryusze sejmów koronnych 1548, 1553, 1570,* p. 49–50; H. D. Wojtyska CP, *Papiestwo,* p. 43–44; H. Kowalska, *Działalność reformatorska*, Warszawa 1999, p. 10; E. Bałakier, op. cit., p. 90–92.

85 J. Bukowski, op. cit., vol. 1, p. 260–261.

86 T. Śliwa, "Działalność reformacyjna Stanisława Mateusza Stadnickiego w diecezji przemyskiej", *Roczniki Teologiczno-Kanoniczne* 18, 1971, 4, p. 87–111; Z. Pietrzyk, *Stadnicki Stanisław Mateusz,* PSB, vol. XLI, Warszawa 2002, p. 421–425.

87 I. Kaniewska, *Lasocki Krzysztof*, PSB, vol. XVI, Wrocław 1971, p. 540–541.

88 J. Tazbir, *Państwo*, p. 77–78.

89 G. Schramm, *Der polnische Adel*, p. 167.

90 List of synods and conventions, *Akta synodów*, p. XXXIV.

91 H. D. Wojtyska CP, *Papiestwo*¸ p. 45.

1555 in the hope that it would become the creed of a future Evangelical Church, established by the king and the "national council"[92].

The struggle over the denominational profile of the country now moved to the parliament, and this process appeared to be encouraged by the success of Protestants in the Holy Roman Empire: "Exempla praeclara principum et statum vicinae Germaniae quorum generoso incalverat pectus honesto, ut certatim ad tollendas in fide et moribus, inveteratas licet. Ecclesiae corruptelas concurrerent, nostros quoque homines valde accendebant."[93] Ahead of the 1555 Sejm, John Calvin made a personal plea to Sigismund Augustus to carry out the Reformation, which would begin with the rejection of papal supremacy and giving the faithful the right to choose their clergy[94]. Still, ecclesiastical authorities continued their repressive policies, and in March 1555 Primate Dzierzgowski summoned Stanisław Lutomirski, who resorted to a now familiar trick: on 5 April he appeared in court in the company of noblemen, and was accordingly sentenced *in absentia*, with the sentence not enforced[95].

In 1555, Mikołaj Sienicki, one of the leaders of Evangelicals, was appointed Marshal of the Sejm[96]. On 3 May, Kalisz deputy Wojciech Marszewski presented the confession of faith prepared by Stanisław Lutomirski, with added elements of Johannes Brenz's Lutheran creed[97]. Deputies also put forward suggestions for the provisional regulation of interdenominational relations until religious conflicts were solved[98]. This projected Polish *interim* would involve the legalisation of Protestant worship and equal rights for all denominations. In practice, this

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92 J. Lehmann, op. cit., p. 9–18; F. Flaczyński, "Idea kościoła narodowego w Polsce w XVI w.", *Ateneum Kapłańskie* 3, 1911, vol. 5, p. 205–218, 315–325, 399–422; B. Dembiński, "Sprawa soboru narodowego w Polsce w wieku XVI", [in:] idem, *Z dziejów życia i narodu*, Lwów 1913, p. 273–386.

93 S. Lubieniecki, op. cit., p. 57.

94 K. Hartleb, *Kalwin a Polska*, Lwów 1912, p. 6–7.

95 W. Pociecha, *Arcybiskup gnieźnieński*, p. 80.

96 A. Sucheni-Grabowska, *Sienicki Mikołaj*, PSB, vol. XXXVII, Warszawa 1996–97, p. 155–162; S. Grzybowski, *Mikołaj Sienicki – Demostenes sejmów polskich*, OiRwP 2, 1957, p. 91–132; S. Tarnowski, *Pisarze polityczni XVI wieku, vol.* 1, Kraków 1886, p. 251–255.

97 "Professio fidei nobilium Poloniae in comitis Petricoviensibus promulgata", Petricoviae 3 V 1555, ANP, vol. III/1, ed. H. D. Wojtyska CP, Romae 1993, p. 332–335; L. Finkel, *Konfessya podana przez posłów na sejmie piotrkowskim w r. 1555*, KH 10, 1896, p. 257–285; J. Lehmann, op. cit., p. 27.

98 W. Zakrzewski, op. cit., p. 80–81.

could even mean introducing religious coercion on Protestant estates[99]. The Sejm also debated the idea of a national "council", or a general synod, which would weigh the arguments of Catholics and Protestants under the king's guidance. An important voice in this matter was Andrzej Frycz Modrzewski, especially in his *De republica emendanda*. Published in 1554, it discussed, among other issues, Church-state relations. Its author was present at the 1555 Piotrków Sejm, and his concepts reverberate in statements made by deputies[100].

The success of the united Protestants at the 1555 Sejm was, however, at best relative[101]. Sigismund Augustus rejected the proposed *interim*, although the suspension of the execution of ecclesiastical sentences was confirmed. State authorities withdrew their support of ecclesiastical courts. In practice, by so doing they acknowledged the freedom of Protestant worship in private; nobles were able to worship freely on their estates under their patrimonial jurisdiction. However, this freedom of worship would only be implemented as long as the religious status quo was preserved and the nobility refrained from "riots" and "blasphemies", which meant that Protestant takeovers of churches and organising public Protestant services were now prohibited[102]. The king also declared that he would dispatch an envoy to Rome to ask for permission to introduce communion *sub utraque specie* and the liturgy in Polish, and to abolish celibacy[103]. It is worth noting that the pope would be asked to give his permission for what had long been practiced in the eastern parts of the Crown and the Grand Duchy of Lithuania.

With the 1555 Sejm resolutions, the Reformation process reached its apogee. Over subsequent years, state authorities would merely seek to restrain the progress of the Reformation by invoking the prohibition on riots and blasphemies. On 20 January 1556 Sigismund Augustus ordered the removal of Stanisław Lutomirski from Konin[104], and on 1 March, at the request of the Gniezno archbishop, he mandated that starosts should counteract the Reformation on royal

99   J. Bukowski, op. cit., vol. 2, p. 298–316; E. Bałakier, op. cit., p. 94; A. Sucheni-Grabowska, *Zygmunt August*, p. 314nn.

100   S. Kot, *Andrzej Frycz Modrzewski*, Kraków 1923, p. 132–140; W. Voisé, *Andrzej Frycz Modrzewski 1503–1572*, Wrocław 1975, p. 66.

101   O. Halecki, op. cit., p. 25–26.

102   W. Pociecha, *Arcybiskup gnieźnieński*, p. 81–82.

103   Cz. Frankiewicz, *Starania Zygmunta Augusta w Rzymie o sobór narodowy (1555–1556)*, RwP 2, 1920, p. 266–271; S. Cynarski, op. cit., p. 88.

104   J. Bukowski, op. cit., vol. 2, p. 283–285.

estates and in royal towns[105]. The Protestant nobility of Wielkopolska objected. In late April 1556, acting on its behalf, Stanisław Ostroróg lodged a protest with Wielkopolska starost Janusz Kościelecki concerning the closing of Protestant churches[106].

In the autumn of 1555, Bishop of Verona Luigi Alvisio Lippomano, "the scourge of heretics", was sent to Poland[107]. He was accompanied by several theologians, including Alfonso Salmerón SJ, a collaborator of Ignatius of Loyola, which appears to indicate that the Holy See considered the situation in Poland to be grave[108]. Papal instructions to the nuncio stipulated that efforts should be made to dissuade Sigismund Augustus from holding a "national council" and to effect the restoration of a ban on the importation and reading of Protestant writings. On his way to Vilnius, Lippomano stopped at Warsaw to talk with Bona Sforza, the Queen Mother; following the meeting, he wrote the following to Cardinal Carlo Carafa: "Gli Nobili et Principi del Regno, gli quali vogliono vivere a lor modo, sono per la maggior parte infetti di Lutheranismo, anzi, d'impietà."[109] The meeting with Sigismund Augustus on 28 October 1555 confirmed his pessimistic assessment: "le cose della fede et della Chiesa in questo regno sono ridotte a malissimi termini. Gli Baroni et primi del Regno sono et Lutherani et Sacramentarii, la Corte straparla publicamente di Sua Santita et degli dogmi della fede…"[110]. The conversation with the king came to nothing; when asked what measures had been taken against Protestants, he said: "Mi rispose: remedio di charità, d'amorevolezza et di dottrina, non di sevitia nè di ferro nè di fuoco",

105 W. Zakrzewski, op. cit., p. 99nn.; W. Pociecha, *Arcybiskup gnieźnieński,* p. 86; J. Tazbir, *Państwo*, p. 89nn.

106 J. Bukowski, op. cit., vol. 2, p. 348–350; T. Wotschke, op. cit., p. 16–17; G. Schramm, *Der polnische Adel*, p. 81–83.

107 Cz. Frankiewicz, *Ze studiów nad soborem narodowym w Polsce. Nuncjusz apostolski Ludwik Alojzy Lippomano w Polsce,* Rzeszów 1914; L. Tacchella, "Paolo IV e la nunziatura in Polonia di Luigi Lippomano, vescovo do Verona (1555–1557)", [in:] *Dalla Chiesa Antica alla Chiesa Moderna. Miscellanea per il Cinquantesimo della Facoltá di Storia Ecclesiastica della Pontificia Universitá Gregoriana*, a cura di M. Fois SJ, V. Monachino SJ, F. Litva SJ, Roma 1983, p. 231–260, Miscellanea Historiae Pontificiae, vol. 50.

108 Initially, Lippomano sought to be accompanied to Poland by Loyola's succesor himself, Father Jaime Lainez, A. Lippomano to G. Carafa, Veronae 7 VII 15555, ANP, vol. III/1, ed. H. D. Wojtyska CP, Romae 1993, p. 15.

109 A. Lippomano to C. Carafa, Varsaviae 9 X 1555, ANP, vol. III/1, ed. H. D. Wojtyska CP, Romae 1993, p. 62.

110 A. Lippomano to C. Carafa, Vilnae 31 X 1555, ibidem, p. 73.

while Chancellor Jan Ocieski explained to the nuncio that, in accordance with the resolutions of the last Sejm, clergy could no longer summon lay persons to appear in church courts[111].

Despite this, Catholic Church authorities still did not wish to abandon their actions against Reformation ideologists. Earlier in Małopolska (Lesser Poland), bishop Zebrzydowski briefly imprisoned Marcin Krowicki, a matter which was also debated at the 1555 Sejm[112]. It was probably for a similar reason that Lippomano gathered intelligence on Frycz Modrzewski, who was in Wolborz at the time. On 25 August 1556, Frycz Modrzewski sent an open letter to Pope Paul IV, in which, among other things, he warned against using force and against burning heretics at the stake, proposing reform and democratisation of church structures instead of repressive measures[113].

Nor could Catholic nobles be counted on: Jan Tarnowski proposed a partial reform which would involve communion *sub utraque specie*, liturgy in Polish, and abolishing celibacy, which was hoped to prevent the nobility from converting to Protestantism[114]. Further, Protestants themselves started working towards unification. On 31 August 1555 at the synod of Koźminek, in the presence of representatives of the Prussian prince Albrecht Hohenzollern, the Czech Brethren and Małopolska Protestants signed *pactum de unione totali*, whereby they united in the acceptance of the confession of the Czech Brethren[115]. The agreement turned out to be short-lived, as the liturgy of the Brethren was not widely accepted in Małopolska, and their ecclesiastical law even less accepted. However, the agreement strengthened supporters of Reformation; contrary to Catholic propaganda, they proved they were capable not only of dividing themselves, but also unifying themselves.

At the 1556 synod in Secemin in Małopolska, Protestants also brokered their own concept of *concilium nationale*. The willingness to cooperate with the state was yet again demonstrated by the synod's resolution that "presidens sit concilii

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111 A. Lippomano to C. Carafa, Vilnae 9 XI 1555, ibidem, p. 79–87.

112 *Dzienniki sejmów walnych koronnych za panowania Zygmunta Augusta króla polskiego, W.X. Litewskiego 1555 i 1558 w Piotrkowie złożonych*, Kraków 1869, p. 6–8; H. Barycz, "Marcin Krowicki. Polemista i pamflecista polskiej reformacji", [in:] idem, *Z epoki*, p. 328–329.

113 S. Kot, *Andrzej Frycz Modrzewski*, p. 151–155.

114 "Instructio Ill.mi D.ni Comitis a Tarnovio", ANP, vol. III/1, ed. H. D. Wojtyska CP, Romae 1993, p. 414–422.

115 O. Halecki, op. cit., p. 29–30.

Rex Sigismundus Augustus, Princeps noster"[116]; inviting other Christian rulers was also a possibility. At the "national council", Polish Protestants would be represented by the most eminent Reformers of the time: John Calvin, Philip Melanchthon and Jan Łaski. Thus, Protestants of Małopolska envisioned an international event with the participation of prominent Protestant personalities, one which could rival the Council of Trent. That the council was to be presided over by Sigismund Augustus meant that, once again, he was being offered the role of arbiter in denominational conflicts, and that the possibility of invoking *ius reformandi* was being mooted.

Eventually, the role of organiser in Polish ecclesiastical life would be played by the most renowned Polish Protestant theologian, Jan Łaski[117]. His return to the country was preceded by the publication of his *Epistolae tres lectu dignissimae, de recta et legitima ecclesiarum bene instituendarum ratione ac modo*, dated 31 December 1555. The letters, a Protestant manifesto, were published in Frankfurt am Main and addressed to the Polish king, Senate and nobility. They implied that the Reformation could count on the support of the Kingdom of Poland's supreme authorities[118]. On his arrival in Poland in December 1556, Łaski would quickly find just how unfounded his hopes were. On 8 December 1556, the day before the Warsaw Sejm was due to meet, Łaski, who enjoyed the hospitality of Jan Boner in Balice near Kraków, sent a long letter to Sigismund Augustus in which he attempted to persuade the monarch that the Reformation was a value in itself, and that it could not be harmful to the country when implemented by the ruler[119]. But the king was not satisfied; fearing that Łaski's action would prevent the Sejm from taking important decisions concerning the Livonian War, he eventually dissuaded Łaski from appearing in Warsaw.

Despite this, some of the debates at the 1556/57 Sejm were a continuation of the religious disputes of 1555[120]. On behalf of the Chamber of Deputies, Marshal Mikołaj Sienicki called upon Sigismund Augustus to implement political and religious reforms. On 16 December, invoking the example of the Augsburg

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116 *Akta synodów*, vol. 1, p. 48

117 H. Kowalska, *Działalność reformatorska*, p. 30–46.

118 J. Maciuszko, "Wprowadzenie", [in:] J. Łaski, *Listy trzy wielce czytania godne o dobrym i prawidłowym sposobie urządzenia kościołów*, transl. T. Płóciennik, Warszawa 2003, p. 16–26.

119 The contents of the letter are quoted by S. Lubieniecki, op. cit., p. 79–91; Polish summary *Akta synodów*, vol. 1, p. 116–118. See: H. Kowalska, *Działalność reformatorska*, p. 37–39.

120 J. Bukowski, op. cit., vol. 2, p. 408–446.

religious settlement, Protestants proposed that the king approve *Confessio Augustana Variata* as the norm for Protestantism in Poland; the confession, drawn up by Melanchthon in 1540, appeared at the time to be potentially acceptable to Calvinists[121]. After this was rejected, Catholic bishops put forward the proposal for an agreement subjecting Protestant pastors to their jurisdiction and demanded the return of the churches taken over by Protestants. In response, Protestants (Mikołaj Sienicki, Hieronim Ossoliński, Stanisław Lasocki, Mikołaj Rej and others) demanded that the 1555 denominational resolutions be confirmed and even extended, and questioned the privileges of Catholic clergy.

On 22 December Sienicki called for a confrontation with clergy: "Ksiądz poczciwość moję sądzi mię imo prawo moje prawem cudzem, którego i my i ojcowie naszy nie znali, źle zrodzone potomstwo legitymuje, dziedzicem mi go rownem czyni i inych wiele rozlicznych rzeczy. I tychże my to bronić podatkiem swym mamy, niepobożności, niesprawiedliwości, niewoli swej. Zażby nie lepiej to wygnać a wykorzenić, aniż tak milczeniem a oczekiwaniem dopuścić się szyrzyć ku ostatniemu upadkowi swemu…" (A priest judges my decency by a foreign law that neither we nor our fathers knew, he legitimates offspring born out of wedlock, makes that offspring a squire equal to myself and does many other things. And we are to support these with our taxes. This is impiety, injustice, lack of any freedom. Is it not better to expel it and eradicate it than with waiting and inaction let it spread until it ultimately falls…).[122] In turn, Ossoliński demanded that the status of Catholic clergy in the country be defined: "Jeśliże tiranni są, niechaj że nam powiedzą 'sic volo, sic iubeo', wżdy będziemy przyczynę słyszeć. Jeżeli są magistratus, tedy są albo boskie albo papieskie albo WKM NPM…" ("If they are tyrants, let them tell us 'sic volo, sic iubeo', so we hear the reason. If they are magistratus, they are either divine, or papal, or Your Majesty's, or Holy Virgin Mary's"), reminding the bishops that they are subject to the authority of the king[123].

Ultimately, Sigismund Augustus prolonged the 1555 resolutions, announcing the suspension of denominational disputes for the duration of the Livonian War, which meant upholding religious freedom for noblemen on their estates. But he also reiterated the prohibition on altering church relations[124]. The matter of

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121 *Diariusz sejmu walnego warszawskiego z roku 1556/7*, publisher: S. Bodniak, Kórnik 1939, p. 20–22, 30; see S. Piwko, *Frycza Modrzewskiego program reformy państwa i kościoła*, Warszawa 1979, p. 81.

122 *Diariusz sejmu walnego warszawskiego z roku 1556/7*, p. 34.

123 Ibidem, p. 44–45.

124 A. Sucheni-Grabowska, *Zygmunt August*, p. 314–315.

enforcing ecclesiastical sentences would remain suspended, and the state took responsibility for defending the possessions of the Catholic Church[125]. Another compromise was struck at the expense of burghers, who were excluded from the benefits of denominational freedom as agreed in 1555: "Item miasta królewskie i inne, gdyż ani wolnością, ani zacnością nie mogą być porównane ze stanem szlacheckim, nie mają też być w to pozwolenie inkludowane" (*Item* towns royal and others, not being comparable to the noble estate in their liberty nor virtue, are to be included in this agreement).[126] A resolution which made such a stark distinction between estates in terms of denominational freedoms had relatively little significance in the year 1557; however, this victory of estate solidarity over denominational solidarity would later enable the removal of Protestant churches from royal towns[127].

It was probably estate solidarity which ensured the support given by some Catholic deputies to Protestant deputies at the 1556/57 Sejm: "qui nec se, nec posteros, si hi forte in castra Evangelicorum transirent, servitutis Pontificiae jugo subolere volebant."[128] The nuncio's general unpopularity may have contributed to this support[129]. Though his advisor was Marcin Kromer, who was familiar with the mood among the nobility and often spoke against all tyranny[130], Lippomano was unable to shake off the reputation of a schemer who pushed the King towards repressive measures. Disgraced by a number of scandals fanned by writers hostile to him, Lippomano left Poland in 1557, convinced that it was Sigismund Augustus who bore the responsibility for the failure of his mission[131].

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125 W. Pociecha, *Arcybiskup gnieźnieński*, p. 93–94.

126 *Diariusz sejmu walnego warszawskiego z r. 1556/7*, p. 50.

127 M. Bogucka, "Miasta w Polsce a reformacja. Analogie i różnice w stosunku do innych krajów", [in:] eadem, *Człowiek i świat. Studia z dziejów kultury i mentalności XV–XVIII w.*, Warszawa 2008, p. 232.

128 S. Lubieniecki, op. cit., p. 93–95; S. Bodniak, *Walka o interim na sejmie 1556/7 r.*, RwP 5, 1928, p. 1–11.

129 A. Lippomano to Sigismund Augustus, Lovicii 3 IV 1556, ANP, vol. III/1, ed. H. D. Wojtyska CP, Romae 1993, p. 157–160; A. Lippomano to C. Carafa, Salisburgi 11 II 1557, ibidem, p. 302–305; H. D. Wojtyska CP, *Papiestwo*, p. 97–99.

130 S. Bodniak, *Marcin Kromer w obronie kościoła*, p. 203–217; A. M. Stasiak, *Ideał monarchy w pismach Marcina Kromera*, Olsztyn 2003, p. 85–95, 109–118.

131 Lippomano was ultimately damaged by evidence pointing to his interference in internal Polish affairs: the investigations against bishops (including A. Zebrzydowski); the bleeding Host scandal in Sochaczew, which cost the lives of five persons, and finally the forged letter, in which he was to advise the commencement of anti-Protestant repressive measures in Poland, "Processum contra Andream Zebrzydowski, episcopum

In September 1558 the Protestant general synod was held in Włodzisław, where ministers and a number of lay patrons of Protestant communities debated initiatives "ad promovendum regni Christi in Polonia" under the leadership of Jan Łaski. The aim of the synod was no longer to ensure equal rights for Protestants, but stage the Reformation on the territory of the Kingdom of Poland[132]. It was assumed that the King would take a decision on an established religion at the next Sejm[133]. It is therefore no wonder that, at the Piotrków Sejm in late 1558 and early 1559, Evangelicals would question not only the jurisdiction of Catholic clergy over laymen, but also the political rights of bishops[134]. According to an account by Peter Canisius (Pieter de Hondt, Kanijs), a Dutch Jesuit who was in attendance, as few as three bishops were initially present at the Sejm, with most deputies displaying open hostility towards them[135]. Hieronim Ossoliński gave a speech[136] in which he pitted the liberty enjoyed by the nobility against Catholicism, shown as politically dependent on Rome. Ossoliński, a Protestant deputy, opined that the raison d'état did not permit the dependence of some Senators of the Kingdom of Poland on a foreign ruler, the pope. In the context of attempts to hold a *concilium nationale* and to sever the connection with Rome, the intent behind those utterances was obvious – to remove the bishops from the Senate, or at least to deprive them of the ability to influence the election of a future monarch[137]. The bishops were forced to swear an oath of allegiance to the ruler, and thus to the state, which they had not been forced to do before[138]. Ultimately,

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Cracoviensem per Aloisium Lippomano confectus", Lovicii et Unieioviae 14 III – 24 IV 1556, ANP, vol. III/1, ed. H. D. Wojtyska CP, Romae 1993, p. 399–408; an account of the "Sochaczew affair"– A. Lippomano, M. Dzierzgowski to Paul IV, Lovicii 21 VI 1556, ibidem, p. 216–220; the forged letter to Contarini was allegedly written by Pietro Paolo Vergerio, A. Lippomano to Vice-Chancellor of the Crown Jan Przerembski, Lovicii 20 VIII 1556, ibidem, p. 242–245; H. D. Wojtyska CP, *Papiestwo*, p. 82–104.

132   *Akta synodów*, vol. 1, p. 265–282.
133   H. Kowalska, *Działalność reformatorska*, p. 93.
134   J. Bukowski, op. cit., vol. 2, p. 509–548; H. D. Wojtyska CP, *Papiestwo*, p. 374–375.
135   "Satan reigns at this Sejm," wrote P. Canisius to J. Lainez on 17 December 1558, H. D. Wojtyska CP, *Papiestwo*, p. 116.
136   *Dzienniki sejmów walnych koronnych*, p. 60–69; I. Kaniewska, *Ossoliński Hieronim*, PSB, vol. XXIV, Wrocław 1979, p. 396–399.
137   E. Bałakier, op. cit., p. 99–100; H. D. Wojtyska CP, *Papiestwo*, p. 117–119.
138   A. Sucheni-Grabowska, *Zygmunt August*, p. 315.

a compromise solution prevailed as proposed on 7 December 1558 by Bishop Jakub Uchański, whose advisor was Andrzej Frycz Modrzewski[139].

The Sejm debate was accompanied by intense propaganda from Protestant ministers active in Piotrków, including Marcin Krowicki, Stanisław Lutomirski and a Czech brother Jan Rokyta. The propaganda was likely efficient, because on 26 January 1559 Sigismund Augustus intervened to issue a ban on preaching and campaigning. The tension in Piotrków was attested to also by the words of Krowicki, who promised to submit to the king's order in a letter to Łaski "bowiem jeszcze nie stawimy oporu do krwi" (for we will not yet resist so far as to draw blood).[140] This phrasing might suggest that some Protestants entertained the possibility of moving away from compromise towards resistance. Krowicki may have had in mind individual sacrifice; alternatively, could he have been invoking the right of resistance against what he might have perceived as an instance of Catholic tyranny?[141]

The political emotions and hopes of Protestants tied to the contemporaneous dispute between Kraków and Rome over the appointment of Jakub Uchański to the office of bishop of Kujawy were at their height when, on 8 January 1560, Jan Łaski died. A supporter of cooperation with state authorities, Łaski strove until his final moments to unite Protestants not only against Catholics, but against the danger that was the increasing popularity of Anti-Trinitarian theology in Poland. Yet the unification of Protestants was not, for Łaski, an aim in itself; it was to be a prelude to the foundation of a Protestant Church which would, on the orders of the king, eventually replace the Catholic Church[142]. For the time being, however, Lasco's efforts were bearing lesser fruit, because on 9 May 1560 at the synod in Pińczów, Polish and Lithuanian Protestant congregations united. This initiative was supported by correspondence from Heinrich Bullinger in Zurich and John Calvin in Geneva; the latter in particular became involved in countering the Anti-Trinitarians[143].

Upon the death of Jan Łaski, Catholic bishops decided to take the offensive. The synod of the archdiocese of Gniezno, which began in Warsaw on 4 May 1561 with the new nuncio Berardo Bongiovanni in attendance, accepted a number

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139 *Uchansciana, czyli zbiór dokumentów wyjaśniających życie i działalność Jakuba Uchańskiego*, published by T. Wierzbowski, vol. 4, Warszawa 1892, p. 206; J. Piwko, op. cit., p. 82–83.

140 Quoted from H. Barycz, *Krowicki Marcin*, p. 352.

141 Ibidem, p. 340–341.

142 H. Kowalska, *Działalność reformatorska*, p. 161.

143 O. Halecki, *Zgoda sandomierska*, p. 64–67.

of resolutions consistent with the decisions of the Council of Trent; at the same time, the synod decided to forego the enforcement of interdicts and ecclesiastical trials. The nuncio lodged a statement with the king in which he postulated a renewed ban on the printing of heretical books; banishing foreign dissenters; and a policy of nominations and endowments which would promote only Catholics. A new and clearly "politic" (less confrontational) line of Counter-Reformation was emerging, which was much better suited to the uniqueness of the Polish-Lithuanian Commonwealth. The nuncio also solved the problem of the married priest Stanisław Orzechowski by freeing him from ecclesiastical punishment and granting him a dispensation from celibacy on condition that he refrained from performing priestly activities[144].

Debates at the 1562/63 Sejm on the subject of tithes served as a preparatory round of discussion for the Catholic episcopate before making an attempt to restore the jurisdiction of ecclesiastical courts[145]. The episcopate also demanded the return of churches turned Protestant after 1555 and, as postulated by the nuncio, the removal of foreign heretics from Poland. An important role in pre-Sejm campaigning was played by Stanisław Orzechowski. As recently as 1557–59, he had attacked bishops as servants of a foreign ruler, but – having been won over by Bongiovanni – was now criticising his recent Protestant allies in his work *Dyalog albo rozmowę około egzekucyjej Polskiej Korony*, whose continuation was the *Quincunx to jest wzór Korony Polskiej*[146]. Heavily erudite in nature and not always persuasive rhetorically, Orzechowski's views stood in stark contrast with the general mood among the nobility[147]. Instead of the nobles' democracy he was proposing a theocratic state to deputies who were in a strongly anti-clerical

144 H. D. Wojtyska CP, *Papiestwo*, p. 143–144.

145 H. Kowalska, *Walka o dziesięciny na sejmach egzekucyjnych w latach 1562–1565*, OiRwP 1, 1956, p. 71–101.

146 *Orichoviana. Opera inedita et epistulae Stanislai Orzechowski 1543–1566*, vol. I, ed. J. Korzeniowski, Cracoviae 1891, p. 378–390; S. Kot, *Andrzej Frycz Modrzewski*, p. 181–184.

147 J. Ślaski, *Polskie dialogi polityczne Stanisława Orzechowskiego na tle sejmów egzekucyjnych*, OiRwP 2, 1967, p. 47–86. See an assessment of this writing, S. Tarnowski, *Pisarze polityczni XVI wieku, vol.* 1, Kraków 1886, p. 275–278, 318–333; A. Sucheni-Grabowska, "Obowiązki i prawa królów polskich w opiniach pisarzy epoki odrodzenia", [in:] *Między monarchą a demokracją*, p. 83–91; E. Bem, "Stanisław Orzechowski – ideolog szlachecki?" [in:] *Kultura, polityka, dyplomacja. Studia ofiarowane Profesorowi Jaremie Maciszewskiemu w sześćdziesiątą rocznicę Jego urodzin*, ed. A. Bartnicki et al., Warszawa 1990, p. 62–71; L. Szczucki, *Stanisław Orzechowski e gli inizi del pensiero politico della Controriforma in Polonia*, OiRwP 39, 1995, p. 83–88.

frame of mind. On top of that, his phrasing was particularly provocative: "król polski jest sługa kapłański, postanowiony przeto w Polszcze ręką kapłańską, aby Polskie Królestwo najwyższego kapłana posłuszne było, ażeby żaden nie śmiał przeciwko zwierzchności kapłańskiej hardego pyska swego podnosić" (the Polish king is a servant of priests, he is established in Poland with a priestly hand so that the kingdom of Poland remains obedient to the supreme priest and so that no man should raise his muzzle against priestly authority).[148] While putting such a strong emphasis on the power of the clergy, he continued to reassure the nobility that it remained the dominant estate in Poland, and one which through parliamentary representation was in control of the king as well: "w samej tylko Polszcze prawo tak królowi jako poddanemu rozkazuje" (only in Poland does law give orders to a king as its subject).[149]

Orzechowski levelled stock charges against Protestants, accusing them of showing rebellious tendencies: "Ale gdyż już Polska odmiennie przeciwko Bogu starożytną wiarę swą, strzeż tego Panie Boże, aby Ona tymże torem i przeciwko królowi panu swemu posłuszeństwa swego nie odmieniła" (But when Poland, against God, changes its old faith, God forbid that it should similarly renounce obedience to the king, her master).[150] Further, he deemed opponents of the Catholic clergy to be enemies of the state, for "gdzie nie masz ołtarza, tam nie masz kapłana; a gdzie nie masz kapłana, tam też nie masz ani króla" (where there is no altar, there is no priest; and where there is no priest, there is no king either)[151], a doctrine more concisely expressed several decades later by James VI and I Stuart as "no bishop, no king". In 1562, Orzechowski even prepared a sort of a political manifesto entitled "Przestroga" (Warning). Articles 17, 18 and 19 stated that "Polska korona prawo, wolności swe i duszne zbawienie utraci, jeżeli się to kacerstwo Szwajcarskie w Polsce osadzi" (Poland will lose its law, liberties and salvation if this Swiss heresy should take root here); "Królewski i rycerski stan z gruntu upadnie, jeśli stan duchowny w Polsce zginie" (The royal and knightly estates will fall if the clerical estate dies in Poland); and finally that "Królestwo

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148   S. Orzechowski, "Dyalog albo rozmowa około egzekucyjej Polskiej Korony", [in:] idem, *Wybór pism*, ed. J. Starnawski, Wrocław 1972, p. 329; see L. Kubala, *Stanisław Orzechowski*, p. 63.

149   S. Orzechowski, "Dyalog", p. 327; P. Mesnard, "La liberté polonaise et le gouvernement de la loi. Orzechowski et Modrzewski", [in:] idem, *L'essor de la philosophie politique au XVIᵉ siècle*, Paris 1936, p. 414–428.

150   S. Orzechowski, "Dyalog", p. 307.

151   Ibidem, p. 318.

a kacerstwo incompatibilia sunt, stać pospołu nie mogą" (Monarchy and heresy *incompatibilia sunt*, they cannot stand together).[152]

However, the Chamber of Deputies led by Marshal Rafał Leszczyński, and the lay Senate in which the most prominent position was occupied by Marcin Zborowski (who was appointed the Castellan of Kraków on 12 December 1562), rejected the bishop's demands as presented by Primate Jakub Uchański on 12 December 1550[153]. There was no support among the deputies and senators for restoring the jurisdiction of ecclesiastical courts over laypersons; the demand to return churches was also dismissed[154]. When, in the middle of January 1563, news arrived that Ivan the Terrible's army had taken Połock, Sigismund Augustus was forced to choose between the interest of the state and that of the Catholic Church[155]. In mid-March, in return for fiscal regulations, he ratified the decision of the Chamber of Deputies which ultimately abolished the execution of ecclesiastical court sentences by starostas[156]. It is difficult to judge whether it was the Połock news or the writings of Orzechowski which contributed more to the demise of projects seeking to reactivate the significance of ecclesiastical courts, but surely the phrasing from the *Quincunx* stating that "Powroza na kacerza trzeba, nie pisma" (what a heretic needs is a rope, not writing) hardly helped build understanding between those who differed in faith and in politics[157]. It was becoming increasingly clear that extreme ideas had no chance of implementation. The king had rejected the project of a Protestant state championed by Łaski; in 1563, the Sejm did the same with the idea of a Catholic state promoted by Orzechowski.

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152   *Orichoviana*, p. 535–539.

153   "Diariusz sejmu 1562 r." [in:] *Źrzódłopisma do dziejów unii Korony Polskiej i W. Księstwa Litewskiego*, vol. II, part 1, published by A. T. Działyński, Poznań 1861, p. 92–101.

154   W. Zakrzewski, op. cit., p. 115nn., 156nn.

155   H. D. Wojtyska, "Król i nuncjusz. Zygmunt August i Berard Bongiovanni w latach 1560–1563", [in:] *Studia i materiały Instytutu Studiów Kościelnych w Rzymie*, Rzym 1972, p. 43–68.

156   H. D. Wojtyska CP, *Papiestwo*, p. 151–153; W. Polak, *O dobro wspólne i egzekucję praw. Sejm 1565 roku w Piotrkowie*, Toruń 2004, p. 94–95.

157   S. Orzechowski, "Quincunx to jest wzór Korony Polskiej", [in:] idem, *Wybór pism*, ed. J. Starnawski, Wrocław 1972, p. 616; M. Rechowicz, op. cit., p. 62–65. Concerning the assessment of his political writing, interesting remarks at the margins of Orzechowski's last monograph (K. Koehler, *Stanisław Orzechowski i dylematy humanizmu renesansowego*, Kraków 2004) were published by S. Salmonowicz, *Stanisław Orzechowski: retoryka w służbie polityki*, OiRwP 50, 2006, p. 283–294.

Alongside the victory of the Executionist movement, Protestant hopes for a top-down Reformation in Poland came to an end. In 1564, at the Parczew Sejm, Sigismund Augustus formally accepted the Canons of the Council of Trent from nuncio Giovanni Commendone and announced he wished to contribute to implementing them[158]. To emphasise his Catholic orthodoxy, on 7 August that year he issued an edict banishing foreign proponents of "religious innovations"[159]. In practice, this concerned Italian Anti-Trinitarians, whose activity led in 1562 to a split within the Reformed Church of Małopolska, which divided into the Calvinist orthodoxy, or the Major Church, and the Anti-Trinitarian Minor Church of the Polish Brethren[160]. The latter group, dubbed "Arians" by their opponents and later known as "Socinians" after their most famous theologian, Fausto Sozzini[161], would later have an important role to play; a more immediate result, however, was the weakening of the Reformed Church. Typically, it was Calvinists who sought decisions directed against Anti-Trinitarians, and Stanislaus Hosius (appointed Cardinal in 1561) who opposed these decisions. Hosius proposed that all dissenters either be banished or left in peace to fight against each other, according to the principle of *bellum haereticorum pax ecclesiae*. He reiterated at the same time that it was Lutherans and Calvinists who posed a danger to the state, given that Anti-Trinitarians believed that to oppose rulers in general was a sin[162].

The stance taken by Sigismund Augustus, along with the weakening of the Protestant camp following internal strife and the deaths of prominent leaders (1565 saw the deaths of Castellan of Kraków Marcin Zborowski, Voivode of Vilnius, Mikołaj Radziwiłł the Black, and of Malbork, Achacy Czema) raised Catholic hopes. At the 1565 Sejm, Voivode of Poznań Andrzej Kościelecki[163] called upon Sigismund Augustus to introduce Catholic denominational coercion in the

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158 It was a demonstration of intent but had no effect in law, as some scholars appear to see it, see P. Aleksandrowicz, "Przyjęcie przez króla i senat uchwał Soboru Trydenckiego w Parczewie w 1564 r.", *Prawo Kanoniczne* 9, 1966, 3–4, p. 363–381; S. Obirek, *Jezuici w Rzeczypospolitej Obojga Narodów w latach 1564–1668. Działalność religijna, społeczno-kulturalna i* polityczna, Kraków 1996, p. 21; A. Brüning, *Unio non est unitas. Polens-Litauens Weg im konfessionellen Zeitalter (1569–1648)*, Wiesbaden 2008, p. 38–39.

159 B. Dembiński, op. cit., p. 380; S. Cynarski, op. cit., p. 94; J. Kłoczowski, *Dzieje*, p. 121.

160 O. Halecki, *Zgoda sandomierska*, p. 80–82.

161 L. Szczucki, *Socyn Faust Paweł (Sozzini Fausto Paole)*, PSB, vol. XXXIX, Warszawa 1999–2000, p. 631–636.

162 J. Miller, "The Origins of Polish Arianism", *Sixteenth Century Journal* 16, 1985, 2, p. 229–256.

163 R. Żelewski, *Kościelecki Andrzej*, PSB, vol. XIV, Wrocław 1968–69, p. 400–401.

name of peace and harmony: "już Polska stała się *asylum* wygnańcom, i już się namnożyło ludzi różnych, więc też i różnych wiar. Zabiegali temu pilno przodkowie W.K.M. aby wszyscy, którzy w Polsce mieszkają jednako wierzyli, jako i panowie ich, bo z różności wiary różne też chuci przeciw sobie rostą […] Wierę, nielza, jeno W.K.M. uczynić, jako hetman w wojsce hasło wydać, aby tak wszyscy mówili i wierzyli jako W.K.M. a wiesz, kto hasła nie dzierży, niechby był karan jako w wojsce…" (Poland is now an asylum to exiles, and there are a great many people, and so a great many faiths. Your Majesty's ancestors strove diligently to ensure that all who lived in Poland had a uniform faith, and so had their masters, for the difference in faith causes tempers to flare […] I believe Your Majesty must make like a hetman in the army give a signal, so all speak and believe like Your Majesty, and who does not uphold the signal, may be punished like in the army…)[164].

It is difficult to suppose that Kościelecki was unaware of the risk of civil war that religious coercion would pose. The efforts of Catholic deputies, senators and bishops were strongly supported by nuncio Commendone, but even his efforts to restore the enforcement of ecclesiastical sentences by starostas failed. Sigismund Augustus' intentions are illustrated by the *votum* of Deputy Chancellor of the Crown Piotr Myszkowski, who called for harmony and asked that the parties rise above religious controversies for the good of the country: "Rozumienie różne Pisma niech miłości nie targa między nami, ani niem jeden drugiemu nie urąga, niech każdy przy swem rozumieniu ostaje. Jako to widzieli, co się działo w Niemczech, co we Francji, iż póki jedni drugim urągali, użyli niepokojów wielkich, których uchodząc, zostawili każdemu wolne rozumienie, i tak pokój między sobą postanowiwszy trwają w zgodzie […] Przeto, proszę i my dajmy pokój dysputacyom, a o zgodę się starajmy, publicum curemus" (Let a different understanding of the Scripture destroy no love between us, and let no man offend another, but each remain with his own understanding. It could be seen what happened in Germany, in France, where as long as some offended others, they caused great unrest, and to avoid this, they left a free understanding to each, and so, having made peace with each other, they continue in harmony […] And so, please, let us also leave disputations and let us strive for harmony, *publicum curemus*)[165].

164 "Votum Janusza Kościeleckiego wojewody poznańskiego na sejmie 1565", *Dyaryusz sejmu piotrkowskiego R.P. 1565 poprzedzony Kroniką 1559–1562*, published by W. Krasiński, glossed by W. Chomętowski, Warszawa 1868, p. 55–57; W. Czapliński, "Parę uwag o tolerancji w Polsce w okresie kontrreformacji", [in:] idem, *O Polsce siedemnastowiecznej*, Warszawa 1966, p. 101–129.

165 *Dyaryusz sejmu piotrkowskiego 1565*, p. 65–66; W. Polak, op. cit., p. 126.

Supporters of the Reformation, whose hopes that Sigismund Augustus would take their side had now subsided, also backed denominational freedom, fearing as they did Catholic domination. Some, however, showed an attachment to the idea of Christian piety and then denominational freedom. After the death of Sebastian Castellio on 29 December 1563, Jan Ostroróg, Jerzy Niemsta and Stanisław Starzechowski, who had earlier sought to bring Castellio to Poland, put up an epitaph for him in the gallery of the Basel Minster[166]. In 1565, Andrzej Frycz Modrzewski, at the request of Sigismund Augustus, proposed to maintain the religious *interim* during which discord and persecution should be forsworn. Practical toleration would allow time to prepare a meeting which would restore denominational unity[167].

Against the backdrop of the late sixteenth-century Reformation of nobles, the plebeian strand of Protestantism appears feeble. As shown by the scholarly research of Wacław Urban, the Reformation in the countryside can only be discussed in terms of the activities of squires, tenants, or estate overseers; depending on their confession, these individuals were in a position to resort to propaganda or denominational coercion over their subjects[168]. The situation of burghers was much better, though they too were often dependent on the protection of nobles[169]. Protestant centres, and then congregations, were established in many towns of the Crown and the Grand Duchy of Lithuania, but their later plight suggests they were based on relatively weak foundations. This was the case of the capital city of Kraków, where the Protestant congregation, ministered by pastor Grzegorz Paweł of Brzeziny, had some 1000 members in 1556, but which by the end of the sixteenth century was lost to the Counter-Reformation[170]. Lviv, an affluent trading centre, was so resistant to Protestant influences in the sixteenth century that Piotr Skarga dubbed it *civitas catholicissima*. The explanation for

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166 S. Kot, *Polacy w Bazylei za czasów Zygmunta Augusta*, RwP 1, 1921, p. 124.

167 S. Kot, *Andrzej Frycz Modrzewski*, p. 249–252.

168 W. Urban, *Chłopi wobec reformacji w Małopolsce w drugiej połowie XVI wieku*, Kraków 1959, p. 130–170.

169 M. G. Müller, "Protestant Confessionalization in the Towns of Royal Prussia and the Practice of Religious Toleration in Poland-Lithuania", [in:] *Tolerance and intolerance in the European Reformation*, ed. O. P. Grell, B. Scribner, Cambridge 1996, p. 265.

170 O. Bartel, *Grzegorz Paweł z Brzezin*, RwP 5, 1928, p. 23; *Materiały do dziejów Reformacji w Krakowie. Zaburzenia wyznaniowe w latach 1551–1598*, ed. R. Żelewski, Wrocław 1962; G. Schramm, "Reformation und Gegenreformation in Krakau. Die Zuspitzung des konfessionellen Kampfes in der polnischen Hauptstadt", *Zeitschrift für Ostforschung* 19, 1970, p. 1–41.

this proposed by Gottfried Schramm is that the intense rivalry between Catholics and Eastern Orthodox Russians and Armenians – Monophysites allowed no space in the city's "social landscape" for a new denomination[171].

In Ducal Prussia in turn, the Reformation process was now almost complete. In 1550 and 1551, two bishops, still Catholics when nominated, died in close succession – the bishops of Sambia Georg Polenz and of Pomesania Paul Spret (Speratus). Albrecht Hohenzollern did not appoint new bishops to replace them, thus abolishing the Lutheran episcopal hierarchy in Ducal Prussia, one of the most important relics of Catholic times[172]. In Royal Prussia, however, only towns became Protestant in practice[173]. Dominated by the influence of Western European religious tendencies, denominational relations in Gdańsk, Toruń and Elbląg were both complex and unique[174]. In March 1556, Gregorius Wagner, the minister at Saint Catherine's church in Gdańsk, issued a statement to the Royal Burgrave Konstantyn Ferber concerning the adoption of the Lutheran liturgy[175]. On 30 December of that year delegates from Toruń, Gdańsk and Elbląg, who (with the protection of Voivodes of Pomerania Fabian Czema and of Malbork Achacy Czema) had requested that Sigismund Augustus grant the legalisation of Lutheran worship, received their response from Crown Chancellor Jan Ocieszański. The Chancellor stated that the king would not grant this privilege, but would

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171 G. Schramm, "Lwów – szczególny przypadek w historii stosunków wyznaniowych w XVI wieku", [in:] idem, *Polska w dziejach Europy Środkowej. Studia*, transl. E. Płomińska-Krawiec, Poznań 2010, p. 97–106, first published in German in "Jahrbücher für Geschichte Osteuropas" 1963.

172 W. Hubatsch, *Albrecht von Brandenburg-Ansbach, Deutschordens-Hochmeister und Herzog in Preussen 1490–1568*, Köln-Berlin 1960, p. 156.

173 G. Schramm, *Der polnische Adel,* p. 116–136; J. Małłek, "The Reformation in Poland and Prussia in the Sixteenth Century. Similarities and Differences", [in:] *The Reformation in Easter and Central Europe*, ed. K. Maag, Aldershot 1997, p. 182–191, St. Andrews Studies in Reformation History.

174 M. Bogucka, "Specyfika gdańskiego luteranizmu XVI – XVIII w.", [in:] *Rzeczpospolita wielu wyznań*, p. 399–408; S. Salmonowicz, "Protestanci i katolicy w jednym mieście: casus Torunia w XVI – XVII wieku", [in:] ibidem, p. 65–78; see also S. Kościelak, "Wolność wyznaniowa w Gdańsku w XVI – XVIII wieku", [in:] *Protestantyzm i protestanci na Pomorzu*, ed. J. Iluk, D. Mariańska, Gdańsk-Koszalin 1997, p. 95–122; K. Maliszewski, "Uwagi o wyznaniowych aspektach zbiorowego wizerunku Niemców w Polsce XVI – XVIII wieku", [in:] *Acta Universitatis Wratislaviensis* 1554, Historia CXIV, 1993, p. 73–81.

175 Gregorius Wagner, praedicator Gedanensis, Propositio reformationis cultis Gedani, Gedani, initio Martii 1556, ANP, vol. III/1, ed. H. D. Wojtyska CP, Romae 1993, p. 360–367.

tolerate public Lutheran worship. Accordingly, on 25 March 1557 a solemn service, with the Eucharist *sub utraque specie*, was held at Saint Mary's church in Toruń; this event would later be considered the beginning of the official domination of Lutheranism in the town. In 1557, the efforts of Achacy Czema, Mikołaj Radziwiłł the Black and Albrecht Hohenzollern led to an agreement. For the sum of 100,000 florins, Sigismund Augustus granted the authorities of Gdańsk, Toruń and Elbląg (known as the great Prussian cities) privileges allowing them to administer communion under both kinds, thus agreeing to their becoming Protestant. Toruń was granted the privilege on 25 March, Gdańsk on 4 July 1557, and Elbląg on 22 December 1558[176].

However, the unique quality of these great cities should not be transposed onto the whole of Royal Prussian society. Although the Prussian nobility obtained guarantees of denominational freedom in 1559, and although in the 1570s over 40% of the parishes in the Pomeranian Voivodeship were in Lutheran hands, and in the Chełmno diocese under bishop Stanisław Żelisławski (d.1571) most towns obtained privileges confirming the freedom of Lutheran worship, the wider society remained diverse in cultural, linguistic and denominational terms. Around 1580, out of 30 churches in Gdańsk, Toruń and Elbląg, 25 were Protestant; in 17 smaller Prussian towns Protestants held 23 churches. If rural Protestant parishes are considered, the total reaches 162 congregations; this allows us to draw the conclusion that while Protestants maintained a clear advantage in towns, Catholics did so in the countryside[177]. The situation was similar in Western Małopolska, where many towns (Brójce, Wschowa, Międzyrzecz, Skwierzyna, Czaplinek, Wałcz) obtained privileges for Lutherans[178]. The only fully Protestant territory was Livonia (Inflanty), which was confirmed as such in

176 T. Glemma, "Stosunki kościelne w Toruniu w stuleciu XVI i XVII na tle dziejów kościelnych Prus Królewskich", *Roczniki TNT* 42, Toruń 1934, p. 49–65; M. Bogucka, "Prusy Królewskie jako teren styku wielu kultur i wpływ tego zjawiska na rozwój reformacji. Przykład Gdańska", [in:] eadem, *Człowiek i świat. Studia z dziejów kultury i mentalności XV–XVIII w.,* Warszawa 2008, p. 238–246; eadem, "Specyfika gdańskiego luteranizmu w XVI–XVIII w.", [in:] ibidem, p. 247–254; M. Pawlak, *Reformacja i Kontrreformacja w Elblągu w XVI – XVIII wieku*, Bydgoszcz 1994, p. 36–37.

177 J. Małłek, "Rozwój Reformacji na Pomorzu", www.luteranie.pl/www.biblioteka/dhistoria/pomorze-mallek.htm.

178 S. Litak, op. cit., p. 359nn.; J. Małłek, "The Prusian Estates and the Question of Religious Toleration, 1500–1800", *Parliaments, Estates and Representation* 19, 1999, p. 65–72.

1561, and the Duchy of Courland, a vassal state, where denominational freedom, which in practice meant Lutheranization, was announced as early as 1554[179].

The Grand Duchy of Lithuania also witnessed stronger Reformation activity in the 1550s and 1560s, which was the result of the influence of Protestant ideas coming from the Crown and Ducal Prussia. The institutional weakness of the Catholic Church in Lithuania eased the way for these developments; in the second half of the sixteenth century, the Samogitia diocese had as few as 38 parishes, with a total of 6 clergymen working there in 1567[180]. The unique social structure of the Duchy needs to be kept in mind as well, given that magnates had a substantial advantage over nobility, which means that the magnates' denominational choices were particularly important. Furthermore, as mentioned above, in this particular environment Protestantism was viewed as a sign of Westernisation. An example of the powerful influence of magnates was the Radziwiłł family, and in particular two of its most prominent representatives – Chancellor and Vilnius Voivode Mikołaj Radziwiłł the Black[181], and Hetman Mikołaj Radziwiłł the Red[182]. The period when their activity was at its most intense can also be considered the apogee of the Reformation in Lithuania[183].

In 1552, Mikołaj Radziwiłł the Black organised an Evangelical church at the castle in Brześć Litewski (Brest). Szymon Zacjusz (Zacius) was appointed minister; his activity was supported by Hieronim Chodkiewicz and Stanisław Kiszka[184]. It was around 1555 that Radziwiłł the Black turned towards the Reformed confession; he began corresponding with Calvin and transferred Zacjusz to Vilnius, where the latter organised a Reformed congregation with a prayer house in his protector's palace. Catholic hierarchs were uneasy about the influence the Lithuanian Chancellor exerted on Sigismund Augustus, who was at that time resident in Vilnius. In early 1556, Hosius attempted to persuade

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179 Ch. Schmidt, *Auf Felsen gesät*, p. 195–220; A. Bues, "Stosunki wyznaniowe w Kurlandii od XVI do XVII wieku", [in:] *Stosunki miedzywyznaniowe w Europie Środkowej i Wschodniej w XIV – XVII wieku,* ed. M. Dygo, S. Gawlas, H. Grala, Warszawa 2002, p. 61–79; eadem, "Konfesjonalizacja w Księstwie kurlandzkim. Przypadek wyjątkowy w skali Rzeczypospolitej szlacheckiej?", [in:] *Rzeczpospolita wielu wyznań*, p. 47–63.
180 J. Jasnowski, op. cit., p. 188–190.
181 H. Lulewicz, *Radziwiłł Mikołaj zwany Czarnym*, PSB, vol. XXX, Wrocław 1987, p. 335–347.
182 H. Lulewicz, *Radziwiłł Mikołaj zwany Rudym*, PSB, vol. XXX, Wrocław 1987, p. 321–335.
183 G. Schramm, *Der polnische Adel,* p. 137–162; M. Banaszak, "Reformacja i reforma katolicka w diecezji wileńskiej (1527–1591)", [in:] *Studia Teologiczne*, vol. 5/6, Białystok – Drohiczyn – Łomża 1987–88, p. 293–322.
184 J. Lehmann, op. cit., p. 79–88.

Lippomano to convert Radziwiłł to Catholicism or to at least moderate the influence that Radziwiłł had on the king. The nuncio believed the matter to be hopeless, and he did not wish to bring martyrdom upon himself, which was not an inconceivable possibility, given relations in Vilnius at the time[185]. He thus limited himself to castigating Radziwiłł in an epistolary way; Radziwiłł responded with a firm letter, to which he appended an apologetic treatise in defence of his religious views[186].

Radziwiłł subsequently had this correspondence printed in Koenigsberg as a *sui generis* Reformation manifesto, while its Polonized version (likely by Mikołaj Rej), known as *Dwa listhy*, was published in 1559 in Brześć Litewski by the printing house of Stanisław Murmelius, who specialised in polemical writing[187].

Under the auspices of Radziwiłł the Black, and later his brother Radziwiłł the Red and a number of other influential Lithuanian and Ruthenian noble families, around 80 Protestant congregations were functioning in the Grand Duchy of Lithuania in late 1550s (of which 54 were Calvinist, 15 Anti-Trinitarian, and 11 Lutheran), and as of 1557, the Reformed Church in the region held regular synods[188]. On 7 June 1563, Sigismund Augustus issued a privilege granting equal rights of access to titles and offices within the Duchy, which Protestants interpreted to their advantage[189]. The Radziwiłł family's support for Calvinism

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185   A. Lippomano to C. Carafa, Varsaviae 30 I 1556, ANP, vol. III/1, ed. H. D. Wojtyska, Romae 1993, p. 135.

186   A. Lippomano to M. Radziwiłł, Lovicii 21 II 1556 and M. Radziwiłł to A. Lippomano, Vilnae 1 IX 1556, ANP, vol. III/1, ed. H. D. Wojtyska CP, Romae 1993, p. 145–149 i 245–274.

187   [M. Rej], *Dwa listhy na polski ięzyk właśnie wyłożone. Ieden Aloizego Lipomana Weneta, Biskupa Werońskiego, od Papieża Oyca Rzimskiego w Polsscze posla będącego, ku iaśnie wielmożnemu Kxiążęciu a panu Mikolaiowi Radziwiłowi. Woiewodzie Wileńskiemu etc. A drugi tegoż iaśnie Wielmożnego Pana do tego Biskupa a do tego Papieskiego Posła….* Brześć Litewski MDLIX.

188   I. Lukšaitė, *Reformacija Lietuvos Didžiojoje Kunigaikštystėje ir Mažojoje Lietuvoje. XVI a. trečias dešimtmetis – XVII a. pirmas dešimtmetisi,* Vilnius 1999, p. 582–602; D. Počiute-Abukevičienė, *Protestantyzm*, p. 605nn.; M. Kosman, "Kalwini w kulturze Wielkiego Księstwa Litewskiego – elementy rodzime i wpływy obce", [in:] *Europa Orientalis. Polska i jej wschodni sąsiedzi od średniowiecza po współczesność. Studia i materiały ofiarowane Profesorowi Stanisławowi Alexandrowiczowi w 65 rocznicę urodzin*, ed. Z. Karpus, T. Kempa, D. Michaluk, Toruń 1996, p. 187–195.

189   *Źrzódłopisma do dziejów unii*, vol. II, part 1, published by T. Działyński, Poznań 1856, p. 167–168. This privilege was confirmed twice in 1568 r., T. Wasilewski, *Tolerancja religijna w Wielkim Księstwie Litewskim w XVI–XVII w.,* OiRwP 19, 1974, p. 116–128.

also resulted in important publications: the Brest (Brześć) Bible, a monumental translation of the Bible into Polish, was published in 1563 in Brześć Litewski[190]. The confessional choices of the Radziwiłł family were emulated not only by many Lithuanian Catholics, but also by Eastern Orthodox nobles of Ruthenia, whose numerous representatives adopted the Reformed creed. In 1569, around half of the Evangelical political elite in the Grand Duchy of Lithuania were converts from the Eastern Orthodox faith[191].

That having been said, the popularisation of Reformation ideas did not necessarily mean increased political power for the movement. On the contrary, though it gained many supporters, Protestantism in the Kingdom of Poland remained divided internally. The popularity of Anti-Trinitarians, growing since 1550s, was mentioned above. The 1565 Sejm in Piotrków saw an open schism. Representatives of the Evangelical strand clashed with theologians questioning the dogma of the Trinity during a colloquium that took place at the Sejm between 22 and 30 March. The inability to reconcile diverging opinions led to secession by the Anti-Trinitarians; they began to form independent Church structures, which pleased many Catholics, given that this matter would ultimately preclude the creation of an Evangelical "national Church"[192].

Despite differences within the Protestant camp, the reform of the state according to demands of the Executionist movement continued, and with political and religious outlooks influencing one another, the course of change was leading in the direction of a nobles' democracy. At the 1569 Lublin Sejm, representatives of the multi-denominational Polish, Lithuanian and Ruthenian nobility implemented Sigismund Augustus' most important political project, namely the transformation of the dynastic Polish-Lithuanian relationship into a real union[193]. It is worth stressing that in 1569 there were 130 members of the Commonwealth Senate; of those, 70 were Catholic, 58 Protestant and 2 Eastern Orthodox[194]; political representation of the nobility in the Chamber of Deputies largely consisted of supporters of Protestantism. The nobility as a group, whether

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190 J. Jasnowski, op. cit., p. 196–200, 360–368.

191 M. Liedke, *Od prawosławia do katolicyzmu. Ruscy możni i szlachta Wielkiego Księstwa Litewskiego wobec wyznań reformacyjnych*, Białystok 2004, p. 59–73; A. Musteikis, op. cit., p. 37–53.

192 S. Kot, *Andrzej Frycz Modrzewski*, p. 240–241.

193 J. Bardach, *Studia z ustroju i prawa Wielkiego Księstwa Litewskiego XIV–XVII w.,* Warszawa 1970, p. 11–67; H. Lulewicz, *Gniewów u unię ciąg dalszy. Stosunki polsko-litewskie w latach 1569–1588,* Warszawa 2002, p. 17–39.

194 O. Halecki, *Zgoda sandomierska*, p. 157.

Catholic, Protestant or Eastern Orthodox, was in those years implementing a political project that substantially strengthened its control over royal power. The construction of this new state model ran parallel with the organisation of Reformed Church structures, which were also controlled by the nobility, and both tendencies reinforced each other[195]. The Commonwealth of Both Nations, formed in 1569, was to be a Christian state with no clear confessional profile, though Catholics did keep an honorary advantage, as Catholic bishops continued to sit in the Senate while Eastern Orthodox bishops and Protestant superintendents did not sit in that chamber. Interestingly, the invocation to the "triune God, one in Trinity" appeared to exclude Anti-Trinitarians; there is, however, no record of their protests[196]. On 12 August 1569 Sigismund Augustus closed the Sejm expressing his hope that the next Sejm would provide order to denominational relations in the Commonwealth[197].

The political success of the 1569 Sejm, which so irritated Cardinal Hosius[198], encouraged Protestant political leaders to attempt unification. In late 1560s, many Protestants, especially from the younger generations, found themselves in a spiritual dither, which in many cases resulted in a return to Catholicism. These conversions are of particular importance given that they were not – unlike many later cases – caused by a consistent "personal politics" on the part of state authorities. To a degree, they resulted from the efforts of Catholic clergy, and of Jesuits in particular, who attempted to regain political elites for Catholicism; these efforts cannot, however, be described as pressure[199]. Among those who converted to Catholicism between 1567–1570 were Voivode of Siedlce, Olbracht Łaski, nephew of Jan Łaski; Mikołaj Firlej, son of Jan, Great Marshal of the Crown and the leader of Małopolska Calvinism; Mikołaj Tomicki, son of Jan, Castellan of Gniezno, the leader of Wielkopolska Lutherans; and Mikołaj Radziwiłł known as Sierotka ("the orphan"), son of Mikołaj Radziwiłł the Black[200]. One reason behind this

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195 G. Schramm, *Polityczna rola*, p. 46–47.

196 H. Wisner, *Rozróżnieni w wierze. Szkice z dziejów Rzeczypospolitej schyłku XVI i połowy XVII wieku*, Warszawa 1982, p. 27.

197 J. Pirożyński, "Sejm warszawski roku 1570", [in:] Zeszyty Naukowe UJ, vol. 189, Prace Historyczne, vol. 36, Kraków 1972, p. 9–10.

198 O. Halecki, *Zgoda sandomierska*, p. 156.

199 A. K. Banach, op. cit., p. 21–36; J. Kłoczowski, *Dzieje chrześcijaństwa polskiego*, Warszawa 2007, p. 134.

200 H. Merczyng, *Mikołaj Krzysztof Radziwiłł Sierotka i jego przyjęcie katolicyzmu w r. 1567. Przyczynek do dziejów reformacji w Polsce,* PH 13, 1912, p. 1–10; G. Schramm, *Der polnische Adel*, p. 57, 155–158.

process was believed to be public displeasure at the level of discord among the distinct dogmatic strands of Protestantism, of which Catholics took advantage; Catholics questioned the political and moral qualifications of those who sought to reform the state but could not achieve harmony within their own ranks[201].

In this context, two Voivodes, Stanisław Myczkowski of Kraków and Piotr Zborowski of Sandomierz, set the unification of Protestants as their goal[202]. Oskar Halecki, who researched the circumstances and origins of the 1570 Sandomierz Consensus, formulated the hypothesis that the leaders of Małopolska Calvinism did not just seek to unify Protestants, but set out to effect a "national council", and thus the Protestantization of the entire Commonwealth. They felt strongest in Małopolska, a region with several hundred Protestant and Anti-Trinitarian communities, to which Catholics lost many of their churches[203]. The maximal objective of Calvinist leaders might well have been to persuade Sigismund Augustus to establish a state Church like in England, and their minimal objective was a united Protestant Church, equal in rights to the Catholic Church[204]. They may have based their hopes on the marital problems of the king, who made several attempts to liberate himself from his wife, Catherine of Austria, whom he did not favour. Since Pope Pius V refused to annul the marriage, there were rumours that Sigismund Augustus might follow in Henry VIII's footsteps by taking a new consort and siring an heir[205].

The Protestant general synod held in Sandomierz between 9 and 14 April 1570 saw the political unification of the three strongest Protestant denominations in Poland: the Reformed Church (Calvinists), Lutherans, and the Czech Brethren[206]. Despite attempts by the Calvinists (the proceedings were conducted by Piotr Zborowski and Stanisław Iwan Karniński), who proposed a common confession based on Heinrich Bullinger's *Confessio Helvetica posterior* (the so-called *Sandomierz Confession*), there was no unification in terms of dogma, and each denomination retained its separate liturgy and Church structures. The parties did, however, sign the Sandomierz Consensus, by which they agreed to regard each other as orthodox Evangelical Christians, promised to forego

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201 O. Halecki, *Zgoda sandomierska*, p. 136–138.
202 A. Brüning, *Unio non est unitas. Polens-Litauens Weg in konfessionellen Zeitalter (1569–1648)*, Wiesbaden 2008, p. 172–176.
203 G. Schramm, *Der polnische Adel*, p. 55.
204 A. Brüning, op. cit., p. 175.
205 O. Halecki, *Zgoda sandomierska*, p. 157–158, 175–176, 391–416.
206 Ibidem, p. 199–263; A. Jobert, *Od Lutra do Mohyły*, p. 92–96.

proselytism, declared to share the pulpit and hold common general synods.[207] It is possible that participants of the Sandomierz Synod drew up a proposed constitution which was to be ratified at the autumn Warsaw Sejm of 1570, and which envisaged an Evangelical Church with equal rights, functioning according to the rules set out in Sandomierz.[208]

The authors of the Sandomierz Consensus regularly found common ground for agreement with Sigismund Augustus and the Catholics who cooperated with him, the best example of which is the text of the privilege issued for the Kraków Evangelical congregation on 2 May 1572; this document was countersigned by a leading representative of the "politic" faction of Catholics, Great Chancellor of the Crown Walenty Dembiński[209]. Several months before his death, the king signed a document which explicitly states the political justification for the necessity to maintain peace between denominations: "Quia nos considerantes, quae et quanta mala maxima et florentissima Christiani Nominis Regna et Dominia, hisce annis experta sunt; dum eorum Reges et Principes, opiniones, que hoc tempore diverse de religione exorte sint, reprimere conantur. Ideo his tantis totius Christianae Reipublicae periculis, quae cum aliis Regnis, tum huic nostro potissimum propter vicinitatem cum barbaris communibus Christianorum hostibus, imminent. Officij Nostri existimamus esse, quieti et tranquilitati Regni Nostri consulere et ne ob has controversias in religione, inflammatis partium studiis, occasio aliqua intestinis discordiis, quod Deus avertat, detur providere. Cum praesentim quod rigor hac in parte, non modo inutilis sed etiam perniciosus sit, aliorum Regnorum exemplis, in quibus cum illorum prope interitu, tantum Christiani sanguinis frustra effusum sit edocti simus."[210] It is difficult to find

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207 O. Halecki, *Zgoda sandomierska*, p. 264–279; J. Lehmann, op. cit.; J. Maciuszko, *Konfederacja warszawska*, p. 124–128; U. Augustyniak, *Konfesja sandomierska*, Warszawa 1994.

208 O. Halecki, *Zgoda sandomierska,* p. 290–297. J. Pirożyński, *Sejm warszawski roku 1570*, p. 28–29.

209 For a description of the Chancellor's political and religious views, see A. Tomczak, "Walenty Dembiński kanclerz egzekucji (ok. 1504–1584)", Łódź 1963, *Roczniki TNT*, LXVII, vol. 2.

210 W. Węgierski, *Kronika zboru ewangelickiego krakowskiego*, publisher: M. Pawelec, B. Tondera, Kraków 2007, p. 67–69; translated into Polish by J. Kabaja in the annex of this edition: "considering what and how great misfortunes befell the largest and most flourishing Christian kingdoms and countries; whereas their Kings and Princes strive to stifle diverse religious beliefs, which at this time arose. Therefore, in the face of these great dangers to all Christian Commonwealth, which threaten other Kingdoms as much as in particular this one of ours owing to our proximity to the common

a clearer explanation of the principles behind Sigismund Augustus's denominational policy.

The Sandomierz synod met in the atmosphere of the imminent interregnum. Despite Sigismund Augustus's hopes that his marriage to Catherine would be annulled, it was becoming increasingly clear that he would die heirless, and it is in the context of preparation for that crisis that the political consolidation of Protestantism can be viewed. Catherine died on 29 February 1572, and her husband on 7 July. The political force which had been decisive for several years was the Polish-Lithuanian-Ruthenian nobility, whose leaders were largely supporters of the Reformation; they had to contend with the magnates, who hoped to regain their hegemony. Now, this nobility had to maintain the security of the state and perpetuate their political and religious freedoms[211].

In the Senate, there was an almost perfect balance between Catholic and non-Catholic (Protestant and Eastern Orthodox) senators, with 58 of the former and 59 of the latter[212]. The Catholics, whose position improved after the Council of Trent, successfully sunk proposals ensuring legal protections for equal rights for all different denominations, as they did for instance at the 1570 Sejm[213]. After the death of Sigismund Augustus, who was the last of the Jagiellon Dynasty, supporters of the "politic" option, of whom there were many amongst the Senate Catholics, decided that peace between denominations should be secured; at the same time, they wished to remain in control of the situation by appointing the Gniezno archbishop interrex and giving him the powers to prepare the election

barbarian enemies of Christians: we consider it our duty to ensure the tranquility and peace of our Realm, and prevent that, because of the disparity in religion, and with high tempers, there should – God forbid – appear an opportunity for inner discord: Especially since we have been taught by the example of other Realms, where so much Christian blood has been spilled in vain, almost to their destruction, that intransigence in this respect would not only be unnecessary, but also destructive." (translated from the Polish).

211 S. Gruszecki, *Walka o władzę w Rzeczypospolitej Polskiej po wygaśnięciu dynastii Jagiellonów (1572–1573)*, Warszawa 1969, p. 17–31, Dissertationes Universitatis Varsoviensis, 36.

212 W. Dworzaczek, "Oblicze wyznaniowe senatu Rzeczypospolitej Polskiej w dobie kontrreformacji", [in:] *Munera litteraria. Księga ku czci prof. Romana Pollaka*, ed. W. Dworzaczek et al., Poznań 1962, p. 41–56.

213 A. Śmietana, *Zabiegi protestantów polskich o uzyskanie równouprawnienia przed śmiercią Zygmunta Augusta*, PH 19, 1915, p. 279–294; J. Maciuszko, *Konfederacja warszawska*, p. 101–103. See J. Pirożyński, *Sejm warszawski roku 1570*, p. 32–56.

of the new monarch[214]. To no avail did one leader of the Polish Brethren, Jan Niemojewski, oppose the stipulations of the Catholic clergy and demand that they be brought under the control of secular authorities in his work *Apologia Tho iest Dowody y obroná confessyey kosciolow polskich w wyerze prawdziwey powszechney…*, published in Kraków in 1572[215].

The situation was nonetheless tense, given that two groups with connections to rival European powers struggled over the balance of power in the Commonwealth. The Austrian party could count on the support of some bishops and Catholics as well as the pro-French circles, where Protestants led by the Zborowski family played an important part. But denominational and political fault lines did not overlap; the candidate preferred by the French party, and thus by Protestants, was the brother of the French king Charles IX, Duke Henri d'Anjou, known in Poland as Henryk Walezy (Henry of Valois). Victorious against Huguenots at Jarnac and Moncontour, de Valoise was also involved in the St. Bartholomew's Day massacre of Huguenots on 23 August 1572[216], which brought him into disrepute with Protestants. Therefore the French envoys, led by bishop Jean de Montluc (who was suspected of being a crypto-Protestant), had to work with great dexterity to persuade political leaders of Polish Protestants, including Piotr Zborowski and Hieronim Ossoliński, that de Valois would not pose a danger to them[217]. The French were prepared not only to commit to respecting denominational peace in the Commonwealth, but also to soften the anti-Huguenot policy in France[218].

In these political circumstances, the Convocation Sejm was held in Warsaw, and anti-magnate and anti-Catholic sentiments were frequently vented there. Some deputies objected to archbishop of Gniezno being appointed interrex and demanded the separation of the Catholic Church from the state[219]. In this atmosphere, on 28 January 1573, senators and representatives of the nobility passed an agreement negotiated by a fifteen-strong committee working

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214 H. Wisner, *Rozróżnieni*, p. 42; J. Maciuszko, *Konfederacja warszawska*, p. 129–138.

215 L. Szczucki, J. Tazbir, *Niemojewski Jan*, PSB, vol. XXIII, Wrocław 1978, p. 13–16.

216 Z. Kiereś, *Szlachta a magnateria Rzeczypospolitej wobec Francji w latach 1573–1660*, Wrocław 1985, p. 203–204.

217 In the Polish literature Jean de Montluc is usually referred to as "biskup Walencji"; see for example S. Gruszecki, *Walka o władzę*, p. 114 and others), although he was bishop of the French diocese of Valence, whose capital was, during his term in office, a centre of Protestantism in South-East France, S. Grzybowski, *Sylwetka polityczna i wyznaniowa Jana de Monluc*, OiRwP 6, 1961, p. 49–71.

218 W. Sobieski, *Polska a hugonoci po nocy św. Bartłomieja*, Kraków 1910, p. 8–20.

219 S. Gruszecki, *Walka o władzę*, p. 208–209.

under the guidance of Bishop of Kujawy, Stanisław Karnkowski, and later of Primate Jakub Uchański[220]. Protestants, including Voivode of Sandomierz Piotr Zborowski, Castellan of Sandomierz Hieronim Ossoliński, and Gniezno Castellan Jan Tomicki, also participated in the committee's work[221]. Following the intervention of nuncio Commendone, Catholic bishops (with the exception of Franciszek Krasiński of Kraków) expressed their opposition to the agreement, although this is considered to have been a formality giving them an alibi in the eyes of the Holy See[222].

The agreement, which went down in history as the Warsaw Confederation, stated that guarantees of religious peace must extend to all *dissidentes de religione* (adherents of different denominations) and that religious persecution – including on the grounds of court orders or official rulings – was prohibited. "And whereas in our Commonwealth there are considerable differences in the Christian religion [jest dissidium niemale in cause religionis christianae], these have not caused disorders [sedycyja] among people, as detrimental as have begun in other kingdoms that we have clearly seen, we promise to one another, for ourselves and for our descendants, for all time, pledging our faith, honor and conscience, we swear [pro nobis et successionibus nostris in perpetuum, sub vinculo iuramenti, fide, honore et consientiis nostris], that we who are divided by faith [dissidentes de religione], will keep peace among ourselves, and not shed blood on account of differences in faith or church [dla roznej wiary i odmiany w Koscielech], nor will we allow punishment [penowac] by the confiscation of goods, deprivation of honor, imprisonment or exile, nor will we in any fashion aid any sovereign or agency [urzedowi] in such undertakings. And certainly, should someone desire to spill blood on such account [ex ista causa] we all shall be obliged to prevent it, even if the person uses some decree as pretext or cites some legal decision."[223]

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220   W. Budka, *Kto podpisał Konfederację Warszawską 1573?*, RwP 1, 1921, p. 314–319; S. Gruszecki, *Walka o władzę*, p. 225–241.

221   W. Budka, op. cit., p. 28–32.

222   J. Dzięgielewski, "Biskupi rzymskokatoliccy końca XVI – pierwszej połowy XVII w. i ich udział w kształtowaniu stosunków wyznaniowych w Rzeczypospolitej", [in:] *Między monarchą*, p. 191–210.

223   *Konfederacja warszawska 1573 roku wielka karta polskiej tolerancji*, publisher: M. Korolko, J. Tazbir, Warszawa 1980, p. 25–26; see *Confoederatio generalis Varsaviensis (28 stycznia 1573 r.)*, *Volumina constitutionum*, vol. II 1550–1609, vol. 1 1550–1585, ed. S. Grodziski, I. Dwornicka, W. Uruszczak, Warszawa 2005, p. 306–307. English translation: There is a great deal of scholarship on the subject; apart from the works

The extent to which equal rights ought to be extended caused some doubt from the very beginning; the wording of the Confederation was purposefully ambiguous: "Certainly this our confederation does not abridge the authority over those subject to it, be it the authority of the ecclesiastical or secular lords, nor do we weaken [psujemy] any obedience owed the lords by their subject. Of course, should such license be taken under pretext of religious difference [sub prxtextu religionis] then, as has always been the case, a lord will be free to punish his disobedient subject, whether the disobedience be in spiritual or secular matters [tam in spiritualibus, quam in sxculavibus] according to his judgment [rozumienia]."[224] In practice, religious equality applied to the nobility, which left open the possibility of using religious coercion on commoners[225]. It has to be noted, however, that this coercion could take different forms. An analysis of polemical texts appears to indicate that, in the second half of the sixteenth century, the most frequent forms of religious coercion were passive; they consisted of removing dissenting clergy and thus limiting access to worship to that which was approved by the owner of the estate. Active coercion, or forcing subjects to worship at the church of the estate owner's choosing, was practiced much more rarely[226]. It appears that the questions of which was the dominant confession and

referenced in other footnotes, the following have been used: W. Sobieski, "A nie o wiarę. Spór o konfederację warszawską 1573 r.", [in:] idem, *Trybun ludu szlacheckiego. Pisma historyczne*, ed. and introduction by S. Grzybowski, Warszawa 1978, p. 238–250; S. Ptaszycki, *Konfederacja warszawska 1573 r. Rozmyślania archeograficzno-językowe*, RwP 5, 1928, p. 90–97; S. Salmonowicz, *Geneza i treść uchwał Konfederacji Warszawskiej*, OiRwP 19, 1974, p. 7–30; idem, *Konfederacja warszawska 1573,* Warszawa 1985; J. Kłoczowski, *Dzieje*, p. 112–114.

224   *Konfederacja warszawska 1573 roku*, p. 26.

225   S. Gruszecki, *Społeczne oblicze konfederacji warszawskiej*, OiRwP 13, 1968, p. 145–157; idem, *U społecznych podstaw konfederacji warszawskiej*, ibidem 19, 1974, p. 51–63; J. Dzięgielewski, W. Sokołowski, *"Bonis czy rebus" – nowe materiały i propozycje interpretacji aktu konfederacji warszawskiej z 1573 r.*, KH 92, 1985, p. 299–315; S. Salmonowicz, "Nieograniczona władza szlachcica polskiego w jego posiadłościach", [in:] idem, *Kilka minionych wieków. Szkice i studia z historii ustroju Polski*, Kraków 2009, p. 9–22, in particular the comments on p. 12–13.

226   The problem of the forms of religious coercion was highlighted by Józef Siemieński, who analysed the text of the Warsaw Confederation with regard to this issue ("'Rebus' w konfederacji warszawskiej r. 1573", [in:] *Rozprawy z polskiego prawa politycznego dawnego i obowiązującego*, vol. I, pt. 1, Warszawa 1927, p. 29–31) and with reference to the opinion of Piotr Skarga expressed in *Dyskurs na konfederacyą*, published in Kraków in 1607, and an anonymous Protestant polemic published after 1607, entitled *Krótki respons na dyskurs przeciwko konfederacyjej przedrukowany*, whose author

the potential use of denominational coercion were touchy issues, so much so that many comments on it are purposefully vague and open to interpretation. This was typical of non-Catholic writers and pamphleteers, among whom Andrzej Wolan appears to be the only defender of *ius reformandi* in the late sixteenth century[227].

It has often been stated that the Warsaw religious compromise of 1573 was not a unique phenomenon. Indeed, both earlier and later rulers of multi-denominational countries issued rulings which legalised dissenting religious worship. The most famous of these include the 1555 Peace of Augsburg; the 1568 edict of Maximilian II granting freedom of Lutheran worship to the nobility of Upper and Lower Austria, and the 1570 French edict of Saint-Germain allowing Huguenots to hold public services outside of Paris and guaranteeing them the right to hold public office; finally, the 1598 Edict of Nantes.[228] However, in contrast to these rulings, which usually concerned specific denominations, the Warsaw Confederation covered all Christian confessions. The rules of peaceful coexistence, agreed in Sandomierz in 1570, were extended onto all Christians in the country, making denominational equality the precondition for political peace[229]. Of course, this was a political act rather than a religious one, for in Poland, like in all Europe, Christian theologians of different denominations considered toleration – not to mention religious equality – a lesser evil, justifiable only by serious threats to public peace[230].

From 1572 onwards Polish and Lithuanian Protestants, who only several years earlier had aspired to Protestantize the Commonwealth, now sought only guarantees of denominational equality[231]. This task was made all the easier given that

<div style="border-top: 1px solid;"></div>

admits that there were cases of passive coercion in the Commonwealth, but categorically denies that Protestants resorted to active coercion; see the reproduction of both texts in: M. Korolko, *Klejnot swobodnego sumienia*, relevant fragments on p. 363 and 376.

227 M. G. Müller, "'Nicht für die Religion selbst ist die Conföderation inter dissidentes eingerichtet…' Bekennispolitik und Respublica-Verständnis in Polen-Litauen", [in:] *Aspekte der politischen Kommunikation im Europa des 16. und 17. Jahrhunderts. Politische Theologie, Res Publica Verständnis, Konsensgeschütze Herrschaft,* hrsg. L. Schorn-Schütte, München 2004, p. 317–318, HZ, Beiheft 39.

228 W. Sobieski, *Nienawiść wyznaniowa tłumów za rządów Zygmunta III*, Warszawa 1902, p. 13–19; W. Czapliński, *Parę uwag*, p. 106–107.

229 W. Czapliński, *Parę uwag*, p. 105; J. Tazbir, *Dzieje polskiej tolerancji*, Warszawa 1973, p. 49–52.

230 W. Sobieski, *Polska a hugonoci*, p. 7.

231 J. Maciuszko, *Konfederacja warszawska*, p. 207.

they were now acting within a wider debate, during which the fundamental principles of the Commonwealth's political system were being decided. In July 1572, work commenced in committees and in conventions of senators and deputies; from late 1572 onwards, Jan Zamoyski exerted an increasing influence on the shape of the future constitution[232]. Passed by the Election Sejm on 17 May 1573, the Henrician Articles were a manifesto of the nobles' democracy, the political system promoted by Zamoyski[233]. The second clause was a confirmation of the Warsaw Confederation: "A iż w ty zacny Koronie narodu polskiego i litewskiego, ruskiego i inflantckiego i innych iest niemało *dissidentis in religione*, przestrzegaiąc na potym iakich sedycej i tumultow z ty przyczyny rozerwania albo niezgody religii, warowali to sobie niektorzy obywatele koronni konfederacyją osobliwą, że w ty mierze *in causa religionis* maią w pokoiu być zachowani. Ktorą My im obiecuiemy w cale trzymać czasy wiecznymi" (And since in this good Crown of the Polish and Lithuanian, Ruthenian and Livonian and other nations there are many *dissidentis in religione*, to prevent sedition and revolt for the reasons of religious discord, some citizens of the Crown have drawn up a special confederation to ensure that they should not be persecuted *in causa religionis*. This we promise to preserve in perpetuity.)[234]. To secure political and religious liberty, the right of the nobility to disobey a ruler who acts unlawfully was reaffirmed: "Kondycye wszytkie przez Posły nasze, imieniem naszym podane y umocnione, wypełnić wszytkie powinni będziemy […]. A ieśliby (czego Boże uchoway) co przeciw prawom, wolnościom, artykułom, kondycyom wykroczyli, abo czego nie wypełnili: tedy obywatele koronne oboyga narodu, od posłuszeństwa y wiary nam powinney, wolne czyniemy" (All conditions presented by our Deputies, and here signed and affirmed with our name, we shall be bound to obey […]. And should we (God forbid) infringe on the laws, freedoms, articles, conditions, or not fulfil them: then we declare the citizens of both nations free from obedience

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232 S. Płaza, *Próby reform ustrojowych w czasie pierwszego bezkrólewia (1572–1574)*, Kraków 1969, p. 46–47; W. Sobieski, "Trybun ludu szlacheckiego. Studium historyczne", [in:] idem, *Trybun ludu szlacheckiego. Pisma historyczne*, publisher: S. Grzybowski, Warszawa 1987, p. 108 nn.

233 Ś. Orzelski, *Bezkrólewia ksiąg ośmioro 1572–1576*, publisher: E. Kuntze, Kraków 1917, p. 82–88, Scriptores rerum Polonicarum, vol. XXII; S. Płaza, *Próby*, p. 96–97.

234 *Volumina constitutionum* (quoted as VC), vol. II 1550–1609, vol. 1 1550–1585, ed. S. Grodziski, I. Dwornicka, W. Uruszczak, Warszawa 2005, p. 326; J. Siemieński, *Drugi akt konfederacji warszawskiej 1573 r. Przyczynek archiwalny do historii ustroju Polski,* Kraków 1930, p. 22.

and allegiance to us.)[235] Ultimately, Henry of Valois ratified the Henrician Articles, making religious equality and the right of resistance part of the Commonwealth's legal system and a basic guarantee of the liberties of the nobility[236].

It has to be stressed that concerns regarding these liberties were raised by both sides of the denominational divide, by Catholics and Protestants alike. The 1573 article *de non praestanda oboedientia* had its roots in the above-mentioned 1501 Privilege of Mielnik; in this privilege, Alexander I acknowledged that if he exceeded his authority, he might be deemed a tyrant[237]. In the second half of the sixteenth century, the tendency to defend political freedoms was dominant over the defence of religious freedoms[238]. The idea of liberty and the right to resist were defended by both the Catholic Stanisław Orzechowski and the Protestant Andrzej Frycz Modrzewski[239]. Deputies working in 1573 to legitimise the right to disobey a law-breaking monarch were influenced not just by domestic tradition, but also by the views of the French "politiques" propagated by Jean de Montluc[240], and possibly by the notion of the right to resistance as redefined by Theodore Beza, Calvin's successor in Geneva[241].

Beza had already been accused by Polish Catholics of encouraging resistance against legal authorities. During the reign of Sigismund Augustus, Father Walenty Kuczborski, secretary to Cardinal Hosius, wrote: "Nauczył świata on piekielny

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235 VC, ibidem; J. Szujski, *Artykuł o wypowiedzeniu posłuszeństwa. Przyczynek do dziejów konstytucyi polskiej*, [in:] ibidem, *Dzieła. Wydanie zbiorowe*, ser. II, vol. VII: *Opowiadania i roztrząsania*, vol. 3, Kraków 1888, p. 339–360; S. Gruszecki, *Walka o władzę*, p. 264–270; E. Opaliński, "Die politische Rolle der Adelsfreiheit in Polen-Litauen im 16. und 17. Jahrhundert", [in:] *Kollektive Freiheitsvorstellungen im frühneuzeitlichen Europa (1400–1850)*, hrsg. G. Schmidt, M. van Gelderen, Ch. Snigula, Frankfurt a. M. 2006, p. 223–238.

236 Ś. Orzelski, op. cit., p. 146–147; W. Sobieski, *Si non jurabis, non regnabis. Spór o przysięgę królewską*, RwP 2, 1922, p. 54–70; P. Skwarczyński, "Rokowania polsko-litewsko-francuskie w Polsce i Paryżu w 1573 r. Etap końcowy", *Teki Historyczne* 6, 1953–54, p. 125–144.

237 F. Papée, "O przywileju mielnickim dla senatu z r. 1501", [in:] *Księga pamiątkowa ku czci Oskara Balzera*, ed. W. Abraham, P. Dąbrowski, L. Piniński, vol. 2, Lwów 1925, p. 173–187; see chapter 1 of this part of the book.

238 W. Sobieski, "Król czy tyran. Idee rokoszowe a różnowiercy za czasów Zygmunta Augusta", [in:] idem, *Trybun ludu szlacheckiego*, p. 188–189; A. Sucheni-Grabowska, "Obowiązki i prawa królów", [in:] *Między monarchą*, p. 58.

239 W. Sobieski, *Król czy tyran,* p. 187–208.

240 S. Grzybowski, *Henryk Walezy*, Wrocław 1980, p. 92.

241 W. Sobieski, *Polska a hugonoci*, p. 5–7; H. Vehle, *Calvinismus und Demokratie im Spiegel der Forschung*, ARG 66, 1975, p. 210–212.

apostoł Theodorus Beza, że się godzi sługom pany swoje zdradzać, fallere et eis insidiari, kiedy onego Pultrona tak barzo chwalił, który był zabił pana swojego, ducem Guisium, powiedając i pisząc, że to dobrze uczynił, bo się nad nim krzywdy Bożej pomścił, a iż się to godzi chrześcianom." (The devil's apostle Theodorus Beza taught the world that servants may betray their masters, fallere et eis insidiari, when he praised that Pultron so much, who killed his master, dicem Guisium, saying and writing that he had done well, for he avenged the injustice done to God, and this becomes Christians)[242]. Indeed, in 1563, the Protestant Jean de Poltrot de Méré, the murderer of Francis (Duke of Guise, who bore responsibility for the massacre of Huguenots in Vassy), testified that his inspiration had come from, among others, Beza; after de Poltrot's execution, Huguenot pamphleteers praised his act as an example of justified revenge on the enemies of the Word of God[243]. What is relevant here is that Kuczborski's opinion proves that the situation in France and the statements made by French political actors were closely heeded in Poland.

It was therefore easier in 1573 to exploit, in the interest of French Protestants, Henry of Valois's efforts to gain the throne in Kraków. Through Krzysztof Trecy, the Poles gathered intelligence on Henry's participation in the St. Bartholomew's Day massacre to use it against Montluc's propaganda[244]. Accordingly, information was sent to Poland from Geneva, and in early May a Huguenot agent, Rémon baron de Thry, a courtier to Admiral Gaspard de Coligny (who had been murdered on 24 August 1572), set off for Poland. He did not arrive in time for the election, but had several meetings with Polish Protestant politicians over the following months[245]. A similar part on the Polish side was played by Konrad Krupka-Przecławski, secretary to Piotr Zborowski, Voivode of Sandomierz. In May 1573 he was sent to France, bearing news of the election result and the text of *Postulata Polonica*, or the pledge of the French authorities to make concessions

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242 "Przestroga przeciwko Konfederacyjej, którą pisał X. Walenty Kuczborski, kanonik krakowski, do króla Augusta 1569", [in:] *Sześć broszur politycznych z XVI i XVII stulecia,* ed. B. Ulanowski, introduction by S. Kutrzeba, Kraków 1921, p. 74–75, Biblioteka Pisarzów Polskich nr 76.

243 N. M. Sutherland, "The Assasination of François duc de Guise, February 1563", [in:] eadem, *Princes, politics and religion, 1547–1589*, London 1984, p. 139–155.

244 J. Tazbir, "Henryk Walezy w opinii jego polskich poddanych", *Przegląd Humanistyczny* 33, 1989, 5, p. 1–15.

245 S.M. Manetsch, *Theodore Beza and the quest for peace in France, 1572–1598*, Leiden 2000, p. 79–82; cf. R. Kingdon, *Myths about the St. Bartholomew's Day Masscres, 1572–1576*, Cambridge Mass. 1988, p. 88–105.

to Huguenots (confirmed by Montluc), along with the appended text of the *pacta conventa* and the Henrician Articles[246]. Thus the Polish delegation, which was in Paris negotiating the conditions of Henry's accession to the throne, not only was well-informed, but also careful to inform the French about the Polish political system; the flow of ideas went both ways[247].

French and Swiss Calvinism was attractive to the nobility of Poland and Lithuania because – as indicated above – its political theology was an acceptable foundation for supporters of the nobles' democracy. Calvin's concept of the special role of *populares magistratus*, or representatives of the people, which moderated relations between royal authority (with its inherent *libido dominandi*) and the people themselves, seemed tailor-made for the needs of noble political theorists in the mid-sixteenth century. There is no way of knowing whether the Protestant Jakub Przyłuski, who wrote in his *Leges seu statuta ac privilegia Regni Poloniae* (Cracoviae, 1553) that "mediumque obtinens ordinem, neque plebem ad seditionem, neque Magistratu ad Tyrannidem aspirare permittit,"[248] was referring to Calvin, or to Aristotle, or to later supporters of "mixed government" – Polybius or Cicero[249]. But it is clear that it was Calvin's *Institutio Christianae religionis* that was referenced by Andrzej Fryc Modrzewski, who envisaged the noble estate as the moderator in the political system of the Kingdom of Poland[250].

The most persuasive proof of Calvin's influence on late sixteenth-century political thought in the Commonwealth is a work by Andrzej Wolan, possibly the most prominent domestic (originally from Wielkopolska, but active in the Grand Duchy of Lithuania) lawyer and Evangelical-Reformed theologian of his day[251]. Typically, the original title of his 1572 work *De libertate politica sive civili libellus lectu non indignus* ("On political or civic liberty a booklet not unworthy of reading") was "Polonised" by its early seventeenth-century translator Stanisław

246 S. Gruszecki, *Walka o władzę*, p. 272.

247 *Diariusz poselstwa polskiego do Francji po Henryka Walezego w 1573 roku*, published by A. Przyboś, M. Żelewski, Wrocław 1963; *Opis koronacji Henryka Walezego. List Krzysztofa Trecego do zboru zuryskiego*, publisher: W. Sobieski, RwP 2, 1922, p. 132–138; see M. Serwański, *Henryk Walezy w Polsce. Stosunki polsko-francuskie w latach 1566–1576*, Kraków 1976, p. 100–101, 119–120.

248 Fol. 288, quoted from K. Grzybowski, *Teoria reprezentacji w Polsce epoki odrodzenia*, Warszawa 1959, p. 124; see B. Ulanowski, *Jakub Przyłuski i jego statut*, RwP 2, 1922, p. 241–255; A. Sucheni-Grabowska, *Obowiązki*, p. 64–69.

249 S. Tarnowski, *Pisarze polityczni XVI wieku, vol.* 1, Kraków 1886, p. 235–248.

250 K. Grzybowski, op. cit., p. 125.

251 K. Daugirdas, *Andreas Volanus und die Reformation im Grossfürstentum Litauen*, Mainz 2008.

Dubingowicz as *O wolności Rzeczypospolitej albo szlacheckiej* ("On the liberty of the Commonwealth, or the liberty of the nobility")[252]. This work refers to the views Calvin expressed in Book IV, Chapter XX of *Institution Christianae religionis.* Wolan states that those in power are obligated to rule in accordance with the law and for the good of the people, and a ruler who does not fulfil this obligation deserves to be called a tyrant. But if tyranny does occur, the culpable ones are those who, through poor performance in office, allowed it to happen and, above all, those who had been appointed to uphold the law but were negligent in their duties or lacked faith[253].

Thus, those responsible for the state are those who hold office and whose duty it is to uphold the laws. In the Commonwealth, these included the king, holders of state offices, senators, and deputies – that is, those described by Calvin as *magistratus inferiores* or *magistratus populares*. The price that Polish and Lithuanian Protestants would pay for their clearly politically motivated choice of Calvinism was twofold. In the short term, it meant opening themselves up to radical dogmatic proposals, which would lead to a split among Evangelicals. In the long run, the political motivation behind the adoption of Calvinism was decisive in that it ensured that the movement would remain shallow in religious terms, and that it would eventually be rejected by many as ideological dead weight, redundant after the victory of the nobles' democracy as a political system[254].

In the short term, however, the Warsaw Confederation can be considered a success for Protestants, though it bears repeating that, by making a political agreement with dissidents, they were giving up the hope of transforming the Commonwealth into an Evangelical state[255]. Similarly, to many Catholics, the Confederation was merely a *malum necessarium*, a compromise intended to prevent a religious war in a multi-denominational and multi-ethnic Polish-Lithuanian-Ruthenian-German

252 A. Wolan, *De libertate politica sive civili lectu non indignus*, Cracoviae 1572; Polish translation (1606) – *O wolności Rzeczypospolitej albo szlacheckiej*, transl. A. Dubingowicz, publisher: K. J. Turowski, Kraków 1859; see A. Volanas, *Rinktiniai raštai*, publisher: M. Ročka, I. Lukšaitė, Vilnius 1996, p. 50–114; S. Tarnowski, *Pisarze polityczni XVI wieku*, vol. 1, Kraków 1886, p. 380–389.

253 A. Wolan, *O wolności*, p. 16–17.

254 A. K. Banach, "Konwersje protestantów na katolicyzm w Koronie w latach 1560–1600", [in:] *Zeszyty Naukowe UJ*, DCCXIV, Prace historyczne, vol. 77, Kraków 1985, p. 21–36.

255 Z. Ogonowski, *Z zagadnień tolerancji w Polsce XVII wieku,* Warszawa 1957, p. 17–18; J. Maciuszko, *Konfederacja warszawska*, p. 207; G. Schramm, "Ein Meilenstein der Glaubensfreiheit. Der Stand der Forschungen über Ursprung und Schicksal der Warschauer Konföderation von 1573", *Zeitschrift für Ostforschung* 24, 1975, 4, p. 711–736.

state[256]. It was a Protestant success also because debate over the form of church-state relations resulted in the rejection of the idea (advocated earlier by Stanisław Orzechowski) of an almost mystical union between Polishness and Catholicism, with loyalty to Rome being a symbol of national unity. Instead, the year 1573 saw the victory of political pragmatism, along with the ideas – spread by Polish supporters of Erasmus of Rotterdam and Sebastian Castellio – of Christian piety and peace above dogmatic divisions. It was also a victory of political compromise over the wish to see one's opponent absolutely defeated[257]. It was the beginning of an age of balance; of equal rights for those belonging to the nobility, the dominant estate; but also of rivalry over who would benefit most from the new situation.

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256   S. Litak, op. cit., p. 362nn.

257   M. Rechowicz, op. cit., p. 53–65.

Chapter 4: Political Programmes of the Reformation

The following overview of the programmes formulated by Polish advocates of the Reformation and designed to work out the rules for Church-state relations is divided into three parts. The first part discusses proposals posited in projects drawn up by a series of outstanding Reformers, from Francesco Stancaro (Franciscis Stancarus) to Frycz Moderzewski. The second part deals with concepts related to Church-state relations as manifested in *Konfesja sandomierska* (*The Sandomierz Confession*) – a symbolic book of Polish-Lithuanian Calvinism published in 1570. The third part treats of the Anti-Trinitarian evolution of the theory of the state. Obviously, the typology and scope introduced in this chapter do not exhaust the scholarly possibilities, but the aim of this monograph is to showcase both the seminal and most original political ideas of the epoch.

An examination of programmes formulated during the Reformation in the Kingdom of Poland and the Grand Duchy of Lithuania and aimed at regulating Church-state relations poses considerable problems, because although the most crucial of them all – namely the project of the nobles – is universally well known, it has so far been analysed primarily from the political point of view as the so-called programme of the execution (enforcement) of rights. But religious matters no doubt attracted the attention of members of the executionist movement, and not only because they lobbied to deprive the Catholic clergy of fiscal privileges. Many of the movement's leaders were Evangelicals, and soon both strands became so entangled that – to avoid confusion – parliamentarians demanded that religious matters be separated from issues pertaining to execution.[1]

The Reformation of the nobility, as part of the Executionist movement, attempted not only to lay a new foundation for religious life, but also to normalize in a completely new way the legal, political and economic status of the Church and to establish its relations with the state.[2] The state was supposed to be a state of nobles, which implied that what really was at stake was relations between the Church (Churches?) and the nobility. However, the project of establishing

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1 S. Piwko, *Frycza Modrzewskiego program reformy państwa i kościoła*, Warszawa 1979, p. 78.

2 M. Wajsblum, "O wyznaniowym obliczu protestantyzmu polskiego i jego podstawach społecznych", [in:] *Pamiętnik zjazdu naukowego im. Jana Kochanowskiego*, Kraków 1931, p. 81.

a "national" Church, put forward around 1550, stipulated that it would be created under the auspices of the monarch. The willingness on the part of the Evangelical "executionists" to grant Sigismund Augustus *ius reformandi*, which was mentioned in the previous chapter, appears at first to run counter to the intention to build a democracy of nobles. But the contradiction is only superficial and can be explained by the high hopes the nobility placed in an alliance with the King against the Senate (and thus against the Bishops) and – most importantly – by the gravity of the tradition that said the monarch was responsible for the regulation of religious matters within the state.[3]

Given the current state of scholarship in the field, it seems impossible to precisely separate religious issues from political issues when talking about the ideology of the nobles' Executionist and pro-Reformation movement. Thus, in this section of the book we will analyse only those programmes and writings that concentrated on denominational issues tied to the modification of relations between the Church and the Polish-Lithuanian Commonwealth as it was becoming a noble domain.

The importance attached by the noble reformers/"executionists" to matters of Church-state relations is illustrated by, among other things, the fact that one of the first books published by Lesser Poland-based Evangelicals was the work of Wawrzyniec Discordia (Warzyniec of Przasnysz) on the subject of "the office of authority", i.e., the powers of those running the state. This treatise has not survived, but through indirect references one can infer that – in accordance with a more general tendency that was earlier engendered by the German Reformation – Discordia construed those in power as *custos utriusque tabulae*. In the Polish context, however, the practical consequences of this term underwent an important modification – the principle espoused by Discordia did not pertain so much to state or municipal authorities as to the authority over dominion. Both in the Kingdom of Poland and in the Grand Duchy of Lithuania, the king was the undisputed guardian of all laws, but it did not prevent the Evangelical magnates from regarding themselves as *custodes* responsible for the material and spiritual welfare of their subjects, which would in turn generate opposition from ministers and inter-Church conflict in the 1560s.[4]

Another early and more widely known manifesto of the Polish Reformation is *Canones reformationis ecclesiarum Polonicarum per Franciscum Stancarum*

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3   S. Grzybowski, *Teoria reprezentacji w Polsce epoki Odrodzenia*, Warszawa 1959, p. 215.

4   H. Kowalska, *Działalność reformatorska Jana Łaskiego w Polsce 1556–1560,* Warszawa 1999, p. 123–124.

Mantuanum conscripti Anno Domini 1550, drafted by Francesco Stancaro and published in 1552 in Frankfurt am Main. The work was dedicated to Sigismund Augustus, and Stancaro edited it as a royal project of the Reformation regulation; therefore, it ought to be interpreted as Stancaro's proposal addressed to the monarch, which stemmed from the author's conviction that it was the sovereign's obligation to improve Church-state relations. Stancaro expected that if the king ceased to uphold *ius reformandi*, then "inferiores debent in iurisdictionibus suis suas ecclesias reformare", i.e., Stancaro considered lower authorities to be competent in this regard. One could also argue that the above statement refers to the nobility and their attempt to introduce the Reformation on their estates "in iurisdictionibus suis". However, it is debatable whether Stancaro was drawing on Calvin's opposition between representatives (Sejm) and the incompetent sovereign (one who was shirking his responsibilities) or whether he was relying on the universally acknowledged assumption that if central authorities failed to fulfil their duties, then such negligence called for action by the *magistratus inferiores*.

Scholarship in the field emphasises that, while working on the model of the Polish Reformation, Stancaro relied on the programme prepared by Phillip Melanchthon and Martin Bucer for the use of Archbishop of Cologne Hermann von Wied. In comparison, Stancaro's first readers and patrons – Jakub Ostroróg and Hieronim Filipowski – were convinced that he relied on the English Church system as his model. Filipowski financed the translation of *Canones* into Polish as *Porządek naprawienia w koscielech nassych*. Interestingly, the Polish edition, which was printed in Kraków in 1553, was expanded with regard to politics, which in turn may suggest that it was this very topic that caused considerable doubts among readers of the Latin original.[5] Eventually, however, Stancaro's ideas were rejected by Evangelicals from Lesser Poland (Małopolska), who feared that they might offend Sigismund Augustus.

Despite only one surviving (and, to make matters worse, extensively damaged) copy of *Porządek naprawienia w koscielech nassych; z pisma swiętego, y z pisma Doktorow swiętych oycow starych, przez Franciszka Sztankara z Mantuy Doktora pisma swiętego spisany*[6], one can no doubt state that its author was an advocate of the idea to construe authority as *custos utriusque tabulae.* Entitled "Papieskie morderstwo odrzucone, a zwirzchnosc y władza krolewska utwierdzona",

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5 J. Lehmann, *Konfesja sandomierska na tle innych konfesji w Polsce XVI wieku*, Warszawa 1937, p. 18–17; W. Urban, "Canones reformationis ecclesiarum Polonicarum di Francesco Stancaro", [in:] *Zeszyty Naukowe UJ*, 1991, no. 960, *Prace historyczne* no. 94, p. 41–52; idem, *Dwa szkice z dziejów reformacji*, Kielce 1991, p. 91–97.

6 Jagiellonian Library, Kraków: sign. Cim. 5485, mf BN 1226.

Canon V constitutes a postulate to marginalise Catholicism and strengthen state power (secular authority), in particular the monarchy. This was not just an attempt to pacify those who thought that the dissolution of the Catholic Church might lead to anarchy and deposition of every authority imaginable as well as to the return of the offer addressed at Sigismund Augustus, which would entail his making use of *ius reformandi*. This would in turn result in the strengthening of his position. To Stancaro, the clergy of the new state Evangelical Church would be obliged to preach four special sermons a year on the subject of the loyalty of the faithful to royal authority: "iako maią poddawac się Krolowi swemu, a iako powinowaci, byc poslussni zwirzchnosci iego, iżeby tak niebyli nic powinowaci morderstwu papieskiemu ale telko samemu Krolowi swemu." This can be interpreted as showing the extent to which Stancaro was prepared to bestow upon the king supremacy over the Church, a situation that resembled the English model.

Stancaro was conversant with the specificity of the relations in Poland, so he understood that the nobility would play the role of executors of new Reformation legislation. This is evident in Canon XXIV, which addresses the penalisation of perpetrators: "Chcemy też aby każdy slachcic poddane swoie, i ony ktorzy są w iego opatrznosci karał obyczainem karaniem, i też głowną kaznią iesli żeby było tego potrzeba, to z porada koscioła Bozego, dla ustrzeżenia okrucienstwa (thak iako i Boże prawo i koronne, nam tego pozwala i rozkazuie)." The Reformation was thus supposed to strengthen the monarchy without weakening the nobility, which Stancaro vested with the patrimonial judiciary under the imprecise and perhaps facultative auspices of the authorities of the new Church. Although Canon LVI prohibits the nobility from introducing changes into the sphere of worship on their own, Canon LVIII granted them jurisdiction over serfs and subjects (commoners) with regard to religion. The Italian scholar, who himself was the author of innovative theological concepts, complained about the spread of "heresies": Anti-Trinitarians, followers of Andreas Osiander and "false Lutherans" ("fałssywych Luteranow"). To him, those who introduced confusion into the Church ought to be punished accordingly by the nobles in charge of a given estate; these nobles had the prerogatives of a secular authority limited to the expanse of their own estates: "swiecki urząd, to iest każdy slachcic w dzierżawie swoiey, miał moc poimac i sadzac takowe ludzi, iesliże są pod rozkazaniem iego." In practice, this entailed the introduction of Evangelical religious coercion on lands owned and/or controlled by nobles.

Towards the end of *Porządku naprawienia*, Stancaro returned to the idea of authority as *custos utriusque tabulae*, this time, however, pointing unequivocally to the nobility: "A przetoż zależy to na przełożone stany, nie tylko się starac o ciała

poddanych swoich, ale też zakonu Bożego mocą swiecką bronic, albowiem każdy przełożony iest Bożem sługą na tho od pana Boga zrządzony, aby zakonu Bożego (to iest woley swiętey iego) bronił mocą swiecką…" It was not then just the sole duty of the king and senators to defend divine law, given that this obligation also rested on everybody in a position of power, which – in the social practice of the Kingdom of Poland and the Grand Duchy of Lithuania – primarily meant that the nobles were responsible for their subjects as well as for members of local Church communities. This was indeed the genesis of the idea of the noble patronage of Reformed communities that was to become a significant element in the development of Polish and Lithuanian Protestantism.

Marcin Krowicki, one of the most vivid figures in the history of the Reformation in Poland and a friend of Stanisław Orzechowski, was yet another author of a programme of religious reform. Both his life and work have been well researched and for that reason this book concentrates on issues pertaining to relations between religion and politics. In the 1540s, Krowicki was the manager and overseer of the estate of Piotr Kmita in Przemyśl Land as well as a parish priest in Sądowa Wisznia. At that time, alongside Father Stanisław Orzechowski, Jerzy Tobołka – administrator of Mościska (Mostyska), Hieronim Piekarski – parish priest in Chyrów (Khyriv), and Father Marcin of Opoczno (Martin aus Opoczno), Krowicki belonged to a group of pro-Reformation clergy. As a result of a marriage arranged by Orzechowski, the Bishop of Przemyśl Dziaduski summoned Krowicki, and on 16 January 1551 the court sentenced him *in absentia*. Officially regarded by the Catholic Church as a heretic, blasphemer and illegally married, Krowicki found refuge in Dubieck, courtesy of Stanisław Stadnicki, and soon became an Evangelical minister. Later on, after a dispute and subsequent estrangement, Orzechowski regretted that such outstanding individuals as Marcin of Opoczno, Jakub Przyłuski and Krowicki himself had been driven away from Catholicism in the wake of the foolhardy activities of Bishop Dziaduski.[7]

Already an Evangelical, Krowicki resided in Pińczów in 1551. After anti-Reformation activities had begun on the basis of the royal edict of 12 December 1550, he headed for Saxony, where he wrote *Chrześcijańskie a żałobliwe napominanie do Najaśniejszej Jego Królewskiej Miłości Majestatu i do wszystkich panów wielkich, małych, bogatych, ubogich, na sejmiech bywających tej sławnej Korony Polskiej, aby Pana Jezusa Chrystusa przyjęli i Ewanjeliją Świętą, odrzuciwszy*

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7 H. Barycz, "Marcin Krowicki. Polemista i pamflecista polskiej reformacji", [in:] idem, *Z epoki renesansu, reformacji i baroku. Prądy-idee-ludzie-książki*, Warszawa 1971, p. 297–370.

błędy i bałwofalstwa Antychrystowe i sług Jego[8], which was eventually published in Magdeburg, in 1554.

Most probably, Krowicki modelled his work on Luther's *An den christlichen Adel deutscher Nation* (1520).[9] Not unlike Stancaro, Krowicki appealed to Sigismund Augustus, asking him to reform religion in Poland, i.e., to Evangelize/Lutheranize the Church. To Krowicki, the Reformation was indispensable to the salvation of the king and his subjects, as taking care of one's own salvation and that of one's subjects was the obligation of a Christian monarch. The author went on to argue that the Reformation was politically essential: to him, Evangelic countries were at a natural advantage over Catholic states, where permissiveness was rife as a result of the clergy's impact on the incumbency and the judiciary.[10]

As already mentioned, *Chrześcijańskie a żałobliwe napominanie* was dedicated to Sigismund Augustus, but it is worth emphasising that the author also appealed to "all members of the Sejm, regardless of their financial status or prestige" ("wszystkich panów wielkich, małych, bogatych i ubogich, na sejmiech bywających"), i.e., to the Polish nobility at large, which – given that the text was published on the eve of the 1555 Sejm – was not mere empty rhetoric. This was yet another appeal in favour of the Reformation, in which the role of the dominant force was to be played by the monarchy in cooperation with the nobility. In 1554, this was still only *pium desiderium*, but the recurrent emphasis on the role of the monarchy and the nobles in the process of the repair of religious relations seems symptomatic.

The publication of *Chrześcijańskie a żałobliwego napominanie* made its author a well-known figure. In 1554, when Krowicki returned to Pińczów, Bishop Zebrzydowski decreed that he should be incarcerated, though that did not happen. In 1555, Krowicki became a minister in an Evangelical community in Włodzisław under the patronage of the Lanckoroński family. He did not give up his political ambitions, as evidenced by his above-mentioned involvement in the Piotrków Sejm (1558/9), which resulted in the intervention of Sigismund Augustus. Later on, Krowicki sided with the Anti-Trinitarians and until the end of his life remained a minister of the Minor Reformed Church, where he made a name for

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8   M. Krowicki, *Chrześcijańskie a żałobliwe napominanie, Adhortatio, Obraz a konterfekt własny Antykrystów*, ed. B. Otwinowska, J. Tazbir, Warszawa 1969, Biblioteka Pisarzy Reformacyjnych nr 7.

9   H. Barycz, *Marcin Krowicki*, RwP 3, 1924, p. 21.

10 M. Krowicki, op. cit., p. 9–12; K. Meller, *"Noc przeszła a dzień się przybliżył." Studia o polskim piśmiennictwie reformacyjnym XVI wieku,* Poznań 2004, p. 56–61.

himself as an advocate of respect for state authority and an opponent of radicals like Marcin Czechowic.[11]

The Reformation projects presented above, along with other appeals formulated in the early 1550s, were addressed first to the king and then to the nobility, which suggests that those in the Reformation milieu rested their hopes on royal decisions that, in practice, would be administered by nobles. Because of the antagonism between noble representatives of the executionist movement and senators, who were deemed defenders of "the old order", the originators of these projects and appeals did not count on the participation of the Senate in Reformation processes in the Kingdom of Poland and the Grand Duchy of Lithuania. It seems, however, that in the mid-1550s new elements came to the fore: among the active promoters of Protestantism there were an increasing number of senators and, for that reason, it was difficult to consider the Senate a chamber that was absolutely dominated by the episcopate. With the increase in the number of influential Evangelical senators and with the ongoing Protestantization of magnates, Protestant Reformers in the Commonwealth began to hope that the Senate would approve certain changes and perhaps decide even to exclude bishops from the upper chamber. It was at this juncture that Jan Łaski entered the scene, who – as "baro Polonus" and because of his family ties – considered himself closer to senators than to the nobility.

Łaski's texts – prepared in connection with his return to Poland – constitute manifestos of the Reformation that presupposed the introduction of Calvinism in the Kingdom of Poland as the established religion through the decision of the highest state authorities.[12] This is what Łaski referred to in his three open epistles written in Frankfurt am Main in late 1555, in which he addressed the king, the Senate and the nobility of the Kingdom of Poland.[13] The letters – and this is worth emphasising – were written in the period when, after the Peace of

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11 "Zacnego a bogobojnego męża, Zboru Bożego uczyciela wiernego, Marcina Krowickiego, List o urzędzie, jeśli ji może Chrystyanin trzymać (w którem też niektóre Rakowskie zabobony i śmiałości spomina), do brata Stanisława Budzyńskiego za dwie niedzieli przed śmiercią napisany", [in:] *S. Budny, O urzędzie miecza używającem (1583)*, S. Kot, Warszawa 1932, p. 172–179; see H. Barycz, *Marcin Krowicki. Polemista*, p. 360–361.

12 A. Brückner, "Jan Łaski", [in:] idem, *Różnowiercy polscy. Szkice obyczajowe i literackie*, Warszawa 1962, p. 51.

13 Ioannes a Lasco, *Epistolae tres lectu dignissimae de recta et legitima ecclesiarum bene instituendarum ratione ac modo*, Basileae; Polish edition, J. Łaski, *Listy trzy wielce czytania godne o dobrym i prawidłowym sposobie urządzenia Kościołów*, trans. T. Płóciennik, ed. R. Leszczyński, Warszawa 2003; H. Kowalska, *Działalność reformatorska*, p. 27.

Augsburg, the Holy Roman Empire was governed in accordance with *ius refor-mandi*, by which the decision to adopt either Catholicism or Lutheranism was ceded to local authorities. To Łaski, who himself renounced Catholicism and was not able (and did not want) to pass off as a Lutheran, this was not an alternative that he would willingly accept. Furthermore, his stay in Frankfurt was becoming less appealing, especially since Łaski was hoping that the situation in Poland would develop positively. His work in Friesland and England convinced him that only Reformation conducted in cooperation with political authorities could, in the long run, bear fruit. With regard to Poland, he counted on cooperation with the king and – and this was a novelty and a major contrast to the above-mentioned projects – with the secular Senate. For that reason, his open letters to the monarch and senators are so insightful and extensive.[14]

Obviously, this does not mean that Jan Łaski underestimated the significance of the nobility in his projected process of Reformation in Poland. Most probably, however, he assumed that he no longer had to contend for their support, given that tendencies in favor of the Reformation seemed at that time inextricably linked to the nobles' Executionist movement. Furthermore, the Presbyterian system of Evangelical Reformed Protestantism, endorsed by theologians, appealed to the Polish nobility.[15] Perhaps Łaski feared that bestowing upon the nobility responsibility for the Reformation would result in internal strife and dogmatic disputes, which he always strove to avoid by minimising the importance of dogma and raising the status of ecclesiology and Church discipline.[16]

In deciding to present the details of his programme of Reformation in Poland, Łaski opted for ecclesiology as his primary field and mode of engagement. He had good reason and evidence to believe that this perspective would be most appealing to Polish elites. *Forma ac ratio tota ecclesiastici ministerij*, his treatise on the organisational principles behind the future Polish Evangelical Church, was dated 6 September 1555 and was dedicated jointly to Sigismund Augustus and the estates of the Kingdom of Poland. It was published just before Łaski returned to Poland, where it was distributed alongside *Epistulae tres*.[17] To Łaski, this sum of ecclesiological experience was intended to provide Sigismund Augustus with a versatile tool for building the new Church. Cohesive, united and endorsed

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14 J. Maciuszko, "Wprowadzenie", [in:] *Listy trzy*, p. 16–26.

15 A. Brückner, *Jan Łaski*, p. 52.

16 H. Kowalska-Kossobudzka, *Jana Łaskiego pojęcie Kościoła. Z dziejów myśli ekumenicznej polskiej reformacji*, OiRwP 10, 1965, p. 81–101.

17 J. T. Maciuszko, "Wstęp", [in:] J. Łaski, *Forma i całkowity porządek kościelnego posługiwania*, trans. T. Płóciennik, ed. R. Leszczyński, Warszawa 2004, p. 19.

by the state, the Evangelical Church in the Kingdom of Poland and the Grand Duchy of Lithuania was to be typified by an orderly structure and well-thought-out organisation, which would be attractive to Catholics and would simultaneously put elites at ease, decreasing their fear of anarchy.[18]

Łaski's cornerstone postulate directly referred to Calvin's ecclesiological "liberalism" and, as such, took for granted full liberty and diversity in terms of rites and liturgies – as long as they were consistent with the Word of God.[19] But, as the required and rightful rules of liturgy were too complex a matter to be introduced smoothly and without opposition, then – Łaski argued – one ought to take people's habits into consideration and act compassionately and wisely so as not to offend "simple folk". Each Church reform ought to be preceded by a thorough explanation of what ought to be excluded from the official rite and what ought to be included for the first time, and these decisions needed to be explained with reference to the Bible, which ought to provide justification for any changes. "The people" were to be first converted to the Reformation cause and understand the proposed alterations, i.e., changes in the form of religious worship and the organisation of the entire Church, which would likely – and understandably – take a long time. That having been said, Łaski maintained that it was not worth taking into consideration Catholic resistance, because by refusing to accept the truth, they condemned themselves.[20]

To Łaski, England was the role model for Church reform: there, during the reign of Edward VI, changes were introduced gradually, primarily by approval of the royal council so as to violate the law as little as possible. Łaski hoped that the same procedures that proved effective when he organised the Strangers' Church of London could be used in Poland. To this end, first the faithful would be listed and registered. Then, the authorities of a given Protestant community were to be selected. What followed would be the introduction and exposition of the creed; the issue of reforming the Church order was to be suspended so as to normalise liturgical matters only after the new organisation was sufficiently mature.[21] In Poland, introduction of the Evangelical faith by the king would most probably entail the state-mandated Protestantization of the Catholic Church, but matters pertaining to liturgy and organisation would be initiated somewhere in the distant future. Such an arrangement was believed to guarantee maximum public order since the faithful would not be upset by abrupt

18 J. T. Maciuszko, *Wprowadzenie*, p. 23–24.
19 J. Łaski, *Forma i całkowity porządek*, p. 25–26.
20 Ibidem, p. 27–29.
21 Ibidem, p. 30.

changes in the liturgy, and the Catholic clergy would be given a chance to gradually adjust to the new Evangelical reality. Łaski concluded this particular section of his deliberations with an offer of cooperation with the Reformation, which he extended to King Sigismund Augustus.[22]

The monarch was provided additional encouragement in the shape of Łaski's analysis of the correct formula for Church-state relations, as included in *Forma ac ratio*. In this regard, in contrast with the more reserved Calvin, Łaski – who was clearly under the influence of the Anglican paradigm – granted the king considerable prerogatives, primarily with regard to the complicated and sensitive matters of control over Church discipline and offices held by the clergy. In this way, Łaski limited the influence of the council of nobles in a congregation, thereby giving royal authority an upper hand.[23] It seems that a similar logic informed Łaski when he frequently repeated that congregations of the new Evangelical Church would be obliged to obey royal authority, bearing in mind also that the ultimate principle was that one ought to be more obedient to God than to people.[24]

On 19 March 1557, Sigismund Augustus granted Łaski an audience in Vilnius, which enabled the reformer to present the king his views on the state and its role in the improvement of the Church and religion. Not even a single memorial that Łaski presented the king has survived, but his line of reasoning has been successfully restored. To him, Christian sovereigns were ordained by God to rule over the people not through reign (command) only, but through service. Secular and Church authorities act separately but are obliged to be engaged in mutual cooperation and control. While the king, who by God's will wielded "the sword of secular justice", was supposed to maintain order and piety within the Church, ecclesiastic powers were obliged to advise him with a view toward preemptively stopping him from over-exercising his authority; they were also obliged to support him in his activities for the sake of the genuine faith. What Łaski required of Sigismund Augustus was to perform the duty of the sovereign, i.e., to establish the "real faith", the principles of which he was willing to teach the king.[25] In general, Łaski's take on Church-state relations alluded to concepts put forward by Calvin and Bucer, but when it came to detail, it was the Anglican model (as examined in *Forma ac ratio*) that was supposed

22 Ibidem, p. 50.

23 J. T. Maciuszko, "Wstęp", p. 16.

24 J. Becker, "Jana Łaskiego Forma ac ratio – rozważania krytyczno-historyczne", [in:] J. Łaski, *Forma i całkowity porządek*, p. 256–257.

25 H. Kowalska, *Działalność reformatorska*, p. 40–41.

to be implemented. However, reality proved far more stubborn than expected: in practice, the king dashed Reformers' hopes; bishops remained members of the Senate, blocking all proposed regulations pertaining to the Reformation. As a consequence, the nobility remained the last estate on which the Reformers rested the future of their movement.

The popularisation of the new, Calvin-influenced outlook on the proper relations between secular and ecclesiastic authorities might have benefited from two key theological texts published in Brześć in 1559 (before Łaski's death in 1560). The first of them was a translation of a work by Heinrich Bullinger, namely *O prawdziwym prziymowaniu prawdziwego ciała y krwie Pana naszego Jezusa Christusa*[26], which deals with Calvin's analysis of the sacrament of the Lord's Supper. Bearing in mind that – theologically speaking – the Eucharistic dispute was a focal point of dogmatic discussions and that Bullinger also authored *Confessio Helvetica posterior* (which – once Polonised – was to be embraced by Polish and Lithuanian Evangelicals as the *Konfesja sandomierska*, or *The Sandomierz Confession*), one ought to assume that the publication of his book was an important development in laying the foundation of Polish-Lithuanian Calvinism. The second text was *Wyznanie wiary Zboru Wileńskiego*[27], as edited by Szymon Zacjusz (Żak). In this confessional text, its author dealt primarily with problems related to dogma and ecclesiology and emphasised – as noted by Jerzy Lehmann – the Evangelical's obligation to obey secular authorities. Still, being a proponent of Calvin's theory, he believed that secular authorities were not competent in issues related to religion and faith. Despite that, Zacjusz considered it necessary to remind his readers of the doctrine of *custos utriusque tabulae*, stating that: "the princes were obliged to be the guardians of both tablets containing all the commandments prescribed by God."[28]

It seems that in the mid-sixteenth century a number of different, and often competing concepts of organising Church-state relations matured simultaneously in the Polish-Lithuanian Commonwealth. For instance, there was the Catholic idea disseminated by Orzechowski (a summary of which was included in the previous chapter) and a few Evangelical projects that were also introduced and analysed above. However, there is lack of research into the influence of *Forma ac ratio* on the doctrine and ecclesiological practice of the Polish Reformed Church that was gradually bearing fruit in the 1560s. What is known for sure, though,

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26   W. Budka, *Materjały. Szymon Zacius superintendent zborów litewskich*, RwP 2, 1922, p. 288–293.

27   Jagiellonian Library, Kraków: sign. Cim. 5154, mf BN 1165.

28   J. Lehmann, op. cit., p. 290–299, ibidem, p. 294.

is that many of Łaski's ideas were included in the seventeenth century *Agenda Gdańska* (*The Gdańsk Agenda*)[29], which was incorporated into that Church's liturgical practice. However, this development took place in an era in which it was clear that Reformed congregations were excluded from official state protection or formalised control.

There exists more precise data regarding some of the most original – and thus the most interesting – ideas on these topics, including those views of Church-state relations represented by the most outstanding Polish Humanist of the day, Andrzej Frycz Modrzewski, along with the escapist ideas disseminated by the first generation of Polish and Lithuanian Anti-Trinitarians.[30] Born around 1503, Frycz Modrzewski, whose works were as popular with Humanists as Łaski's works were popular with theologians, wrote an extensive treatise on the reform of the state in the late 1540s.[31] As it is widely known, his *Commentariorum de republica emendanda libri quinque* was published in Kraków in 1551, but it was bowdlerized; it did not include the chapters on the Church and on education. The case of their confiscation was discussed during the Synod of Piotrków (1551), which – under the influence of Stanisław Hozjusz – refused to withdraw the ban on publishing the full version, thereby listing it as a "heretic" publication. In 1558, Pope Paul IV ordered the work of Frycz Modrzewski to be included on the official (i.e., "Roman") *Index librorum prohibitorum*.[32] To the first generation of Reformers, it was the work of Frycz Modrzewski that contained the most developed programme for the Reformation in Poland. One can even assume that it was Hozjusz who edited consecutive versions of the famous confession of faith, referring – while doing so – to the opinions of the author of *Commentariorum*.[33]

But before Frycz Modrzewski's views on Church and state are discussed, it is worth examining his stance on the question of dissenters, along with his views on matters pertaining to denomination. The former poses no problem because the Basel edition of *Commentariorum* (1554), which was widely circulated in Poland,

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29 J. T. Maciuszko, "Wstęp", p. 19.

30 The above-mentioned Ludwik Kubala failed to notice Anti-Trinitarian concepts while discussing approaches to Church-state relations – L. Kubala, *Stanisław Orzechowski*, p. 66–78; this omission was rectified by Stanisław Kot, *Ideologia polityczna i społeczna braci polskich zwanych arianami*, Warszawa 1932.

31 P. Mesnard, "La liberté polonaise et le gouvernement de la loi. Orzechowski et Modrzewski", [in:] idem, *L'essor de la philosophie politique au XVIᵉ siècle*, Paris 1936, p. 414–428.

32 S. Kot, *Andrzej Frycz Modrzewski*, p. 189.

33 Ibidem, p. 97–98, 103–104.

included *Liber de ecclesia,* a book whose chapter entitled "Quibus argumentis errores tollendis" provided a concise and convincing lecture on the Erasmian attitude toward dissenters. Frycz Modrzewski was, therefore, a proponent of toleration, which was construed as refraining from violence against fellow humans even if they spread religious fallacies. As a consequence, Frycz Modrzewski questioned the most popular arguments in favour of religious coercion based on the conversion of Saint Paul and *The Parable of the Great Banquet*. Drawing on *The First Epistle to Timothy*, Frycz Modrzewski emphasised that the duty of the truly faithful was to convert the misguided, those who had gone astray, not by using coercion or violence of any kind, but by using a wide range of arguments. Embracing religious truth is a matter of faith, which in turn constitutes the disposition of one's soul and mind; it cannot be enforced, as long as one's goal is true faith and not a mere formal declaration.[34]

What remains far more complex is the matter of Frycz Modrzewski's religious views. Raised as a Catholic, Frycz Modrzewski studied in Wittenberg, where he was introduced to Luther and Melanchthon. He later associated himself with non-denominational Humanists, though he never formally declared his allegiance to any variety of Protestantism. His writings reveal the influence of the Erasmian concept of Evangelical Christianity and the hope of restoring unity to Christendom through a General Council, which was consistent with the idea of renouncing violence in religious disputes.[35] The Polish Humanist was conversant in *Liber de sarcienda ecclesiae concordia* (1533) and shared Erasmus' hope of uniting Christianity, from which stemmed his Irenicism and "eternal mediation", which are best evident in *Liber de ecclesia*.[36] That having been said, Counter-Reformers regarded Frycz Modrzewski as an ideologue of the Polish Reformation.

Konrad Górski, a scholar specialising in the life and work of Frycz Modrzewski, believes that the anti-Catholic shift in his thinking came about in the mid-1550s, when Frycz Modrzewski was preoccupied with those theological

34 A. Frycz Modrzewski, "O poprawie Rzeczypospolitej", trans. E. Jędrkiewicz, [in:] *Dzieła wszystkie*, vol. 1, [Warszawa] 1953, p. 406–408; for the relationship between the thought of Frycz Modrzewski and the concepts of Erasmus, see W. Ziętek, *Koncepcja ustroju państwa Andrzeja Frycza Modrzewskiego. Studium filozoficzno-prawne,* Kraków 2006, p. 44–45.

35 W. Voisé, *Andrzej Frycz Modrzewski 1503–1572*, Wrocław 1975, p. 104–106; W. Ziętek, op. cit., p. 68–71.

36 S. Piwko, op. cit., Warszawa 1979, p. 91–104.

treatises that were to become *De ecclesia. Liber secundus*.[37] This radical change came about as a result of his disappointment with the Synod of Trent, his anger at the activities of nuncio Lippomano, and his dissatisfaction with the effects of the 1555 Sejm.[38] It is worth emphasising at this juncture that both books of the *Commentariorum* questioned by Church censors included theses and proposals that extended far beyond the confines of Catholic orthodoxy. The postulate of levying the costs of the maintenance of education on the Church, especially on monasteries and nunneries, as formulated in the pages of *Liber de schola*, may be regarded as the then *locus communis*.[39] In contrast, the procedure of selecting bishops with the active participation of the laity, as put forward in *Liber de ecclesia*, ran counter to canon law and evoked the views of Calvin, who asserted that Church posts ought to be appointed by "the people" by means of election.[40]

What reminded Frycz Modrzewski's contemporaries of Calvin even more was his suggestion that Church courts be composed of secular and ecclesiastic judges: "Praesint itaque huic iudicio plures uiri honesti, graues et experientes, et quidem non tantum sacri, sed etiam profani ordinis. Cum enim cuncta ecclesia constet ex laicis et sacerdotibus, iudices huiusmodi, qui grauissimam ecclesiae personam induere debent, ex utroque ordine sumendi sunt."[41] Given that the proposed courts were to be responsible for public conduct (mores) and were to supervise religious education, one can rightly assume that Frycz Modrzewski modelled his programme on Evangelical consistories. As scholars have observed, similarities between Frycz Modrzewski's proposals and Calvinist paradigms

37 A. Frycz Modrzewski, *De ecclesia. Liber secundus*, ed. C. Kumaniecki, [in:] idem, *Opera omnia*, vol. III, [Warszawa] 1955.

38 K. Górski, "Ewolucja poglądów religijnych Andrzeja Frycza Modrzewskiego", [in:] *Studia nad arianizmem*, ed. L. Chmaj, Warszawa 1959, p. 9–47.

39 A. Frycz Modrzewski, *Commentariorum de republica emendanda*, ed. C. Kumaniecki, [in:] idem, *Opera omnia*, vol. I, [Warszawa] 1953, p. 518nn.

40 Ibidem, p. 484–496, cap. XXV: "De electione episcoporum et aliorum sacerdotum atque adeo magistratuum omnis generis"; S. Piwko, op. cit., p. 104–107; W. Ziętek, op. cit., p. 72–73.

41 Ibidem, p. 506, cap. XXVIII: "De vita Christiana et de censura ecclesiae seu excommunicatione"; translated from the Polish: "The ecclesiastic court ought to be presided over by a more considerable number [sic! – WK] of worthy, serious and experienced people, hailing not from the clergy but also from the secular estates. If the whole Church is composed of the laity and the clergy, then both these estates should be included as judges that in turn ought to represent the gravitas of the Church", A. Frycz Modrzewski, *O poprawie Rzeczypospolitej*, trans. E. Jędrkiewicz, ed. S. Bodniak [in:] idem, *Dzieła wszystkie* , vol. I, [Warszawa] 1953, p. 584.

included a prohibition on gambling, a ban on opulent feasts and public dancing, and a recommendation to turn inns into shelters for travellers. Finally, private life and mores of the residents of the Kingdom of Poland were to be overseen by "censors" (two in each *powiat*), who were to be also responsible for taking care of the poor.[42]

There is substantial evidence pointing to similarities between Frycz Modrzewski's ideas and those defended by Calvin. Still, on the key matter of the Eucharist, Frycz Modrzewski remained very careful, which was most probably a tactic he used to prevent being banished beyond the frontier of Catholicism.[43] Undoubtedly, it was not before the publication of *De ecclesia. Liber secundus* that his views overtly defying Catholic orthodoxy saw the light of day. Entitled "De modo essendi corporis Christi in sacramento Coenae Domini", his fifth treatise includes a Calvinist reading (and Frycz Modrzewski's approval) of the sacrament of the Lord's Supper: "A multis euangelicorum haec prodita sunt, a Ioanne autem Caluino planissime conscripta. Qui post multam et prolixam tractationem de modo essendi corporis sic ad uerbum scripsit. 'De modo si quis me interroget, fateri non pudebit sublimius esse arcanum, quam ut uel meo ingenio comprehendi, uel enarrari uerbis queat. Atque ut apertius dicam, experior magis, quam intelligam…"[44] Despite its reserve and reticence, the text – as the above fragment

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42 Ibidem, p. 85–100, cap. XIII: "De censoribus morum", XIV: "De censoribus matrimonium", XV: "De rerum venalium et numorum curatoribus", "De pauperum curatoribus"; see S. Piwko, op. cit., p. 64–69, footnote 40, which enumerates works pointing to the correlation of the social thought of Frycz Modrzewski and Calvin; more broadly: B. Geremek, "Frycza Modrzewskiego program opieki nad ubogimi i europejskie spory wokół pauperyzmu w XVI w.", [in:] *Polska w świecie. Szkice z dziejów kultury polskiej*, ed. J. Dowiat, A. Gieysztor, J. Tazbir, S. Trawkowski, Warszawa 1972, p. 207–225.

43 A. Frycz Modrzewski, *Commentariorum de republica emendanda*, ed. C. Kumaniecki, [in:] idem, *Opera omnia*, vol. I, [Warszawa] 1953, p. 394–404, "Liber de ecclesia", cap. XV: "De modo essendi et manducandi corporis Christi in sacramento coenae Domini", cap. XVI "De modo transubstantiandi panis et uini in corpus et sanguinem Christi"; see S. Piwko, op. cit., p. 110–122.

44 A. Frycz Modrzewski, *De ecclesia. Liber secundus*, ed. C. Kumaniecki, [in:] idem, *Opera omnia*, vol. III, [Warszawa] 1955, p. 93; translated from the Polish: "Such opinions were disseminated by many Evangelicals and were lucidly written down by John Calvin. The theologian, having conducted lengthy and extensive analysis of the ways of the presence of the bodily, concluded: 'Should anyone ask me about the way the body is present, I would not be ashamed to confess that it constitutes an overwhelming mystery – too complex for me to be able to grasp it intellectually or to verbalise it accordingly. And, if I were to be honest, let me confess that I feel it rather than comprehend it.", A. Frycz

corroborates – refers directly to *Institutio Christianae religionis*, through which Frycz Modrzewski renounces the dogma of transubstantiation and accepts the doctrine of the spiritual sense of the Lord's Supper.[45] For that reason, Stanisław Piwko's claim that there is little difference between Frycz Modrzewski's views in *Commentariorum de Republica emendanda* and in *De ecclesia. Liber secundus* is highly contestable, especially since Piwko himself mentions Frycz Modrzewski's inclination for "Genevan" ideas while analysing his acceptance of the doctrine of "double predestination"[46], which many Christians (not just the Catholics) found objectionable.

Frycz Modrzewski's general critique of the Catholic Church, his questioning of papal prerogatives, projects put forward to democratise Church structures, and – finally – his open disavowal of the limits of Catholic orthodoxy and a tendency to embrace Calvinism, all indicate a break with Catholicism, and it was understood as such by participants in the last phase of the Synod of Trent, e.g. Stanisław Hozjusz.[47] However, none of this meant that Frycz Modrzewski had to join the Evangelical Reformed Church. He exercised reserve under the influence of non-confessional Christianity, which was popular with elites of that time, hoping also that the "Roman Church" would eventually undergo a set of reforms and that its structures would serve as the foundation for the renewal of Christianity in general.[48] Regardless of his Erasmian reluctance to "build an altar against an altar", Frycz Modrzewski was no doubt in favour of setting in motion religious reforms based on the secular principle of *ius reformandi*. Close cooperation between the new "catholic" (i.e., genuinely universal) Church and the state was to guarantee, in turn, efficiency in the basic mission of the denomination, which was to spread Evangelical morality.[49]

Andrzej Frycz Modrzewski was clear about reforms, dedicating – as early as 1553 – *Liber de ecclesia* to the king: "In quibus omnibus procurandis te, Sigismunde Auguste Rex, ostendere aequum est patriae tuae, cui praees, quantum sit

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Modrzewski, *O Kościele. Księga druga*, trans. I. Lichońska, ed. K. Górski, [in:] idem, *Dzieła wszystkie*, vol. III, [Warsaw] 1957, p. 128. Cytat z Kalwina: *Joannis Calvini opera selecta*, ed. P. Barth, G. Niesel, vol. V: *Institutionis Christianae religionis 1559 librum IV. continens*, Monachii in Aedibus 1936, lib. IV, cap. XVII, § 32, p. 389–391.

45   S. Kot, *Andrzej Frycz Modrzewski*, p. 149.

46   S. Piwko, op. cit., p. 121, 141–146.

47   K. Górski, "Ewolucja poglądów religijnych Andrzeja Frycza Modrzewskiego", p. 29–31, 46–47.

48   S. Piwko, op. cit., p. 83nn.

49   Ibidem, p. 67–69, 125.

in te studium religionis, quantum desiderium pacis et concordiae ecclesiarum, quanta solicitudo ac uigilantia ad res perturbatas tranquillandas. Id a te boni uiri omnes optant, patria flagitat, ecclesia Christi postulat, Deus ipse requirit. Quorum expectationem frustrari non potes sine graui iactura salutis tuae."[50] Thus, it was the sovereign that, at the risk of his salvation, was asked to introduce religious reform. *Liber de ecclesia* includes advice and guidelines with regard to the scope of the reform and related activities: "Neque enim populus, nec ecclesia regis episcopiue causa, sed contra, rex et episcopus populi ecclesiaeue gratia constituuntur. Seruiant igitur reges honestati et utilitati filiorum Dei, non suae ipsorum libidini, ambitum et prensationes sacrilegas ex aulis suis exterminent, electionem uirtutis et uere doctrinae ecclesiae restituant."[51]

Thus, Frycz Modrzewski reasoned that the institutional Church should belong to the secular domain. His outlook on the state is well documented by scholars[52], but it is worth emphasising – especially in the context of Church-state relations, which are the main focus of this book – that he favoured "mixed government": "Optimum uero reipublicae statum illum perhibent, qui ex tribus illis generibus permistus sit, regali, optimate et multitudinis, hoc est, in quo regia uirtute omnia teneantur, optimis uiris summi honores tribuantur, omnibus ex aequo campus pateat et palaestra ad uirtutis laudem et gloriam."[53] Truth be told, such views

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50 A. Frycz Modrzewski, *Commentariorum*, p. 290; translated from the Polish: "By doing it, King Sigismund August, you will do the right thing and show the motherland that you reign over the breadth of your religious avidity and manifest your desire to bring back peace and concord within the Church; you will show how much care and tenderness you exercise while attempting to appease the situation. This is what is required of you by all good people; this is what the country demands; this is what the Church commands; this is what God Himself is waiting for! You are in no position to shirk your responsibility and let them down, without endangering the prospect of the salvation of your very soul", A. Frycz Modrzewski, *O poprawie Rzeczypospolitej,* trans. E. Jędrkiewicz, ed. S. Bodniak, [in:] idem, *Dzieła wszystkie*, vol. I, [Warszawa] 1953, p. 363–364.

51 A. Frycz Modrzewski, *Commentariorum*, p. 494–495; translated from the Polish: "Neither the nation nor the Church exists for the sake of the King or Bishop; quite the contrary, both the King and Bishop are elected for the sake of the nation and the Church. For that reason alone, kings ought to attend to the welfare of the sons of God and not to their own desires and whims.", A. Frycz Modrzewski, *O poprawie Rzeczypospolitej,* trans. E. Jędrkiewicz, ed. S. Bodniak, [in:] idem, *Dzieła wszystkie*, vol. I, [Warszawa] 1953, p. 572.

52 S. Piwko, op. cit., p. 44–75; W. Ziętek, op. cit., p. 51–64.

53 A. Frycz Modrzewski, *Commentariorum*, p. 32; translated from the Polish: "The best form of the Republic [of Poland] is such that contains the following: royal reign, the rule of the best, and the rule of the people, i.e., the virtue of the king governs all, the

were commonplace in his day; according to numerous interpreters of Aristotle, "mixed government" was the most effective guarantor of state autonomy and the best way to prevent authority from succumbing to tyranny.[54]

Frycz Modrzewski transitioned from theoretical reflection into a discussion of Polish-Lithuanian reality by emphasising the challenge posed by the need to provide leadership in a multi-ethnic, multi-cultural and multi-denominational country. He wrote openly: "Etenim si rem uere existimes, difficillimum est recte imperare. In hac uero temporum perturbatione, tot tantisque nationibus et sermone, et lege, et more, et ordinibus, et religione discrepantibus, recte et ordine imperare longe difficilius."[55] To him, only a strong authority (i.e., monarchy) was capable of rising to the challenge, as long as it followed the interests of its subjects and not its own *libido dominandi*: "Quemadmodum igitur pastoris est magis gregi quam sibi consulere, ita regis, hoc est hominum praesidis ac custodis, est non ad suas ipsius, quod est tyranni, sed ad eorum, quos regit, commoditates omnia referre. Qui enim in republica plus suis commodis consulunt, ii personam uiri principis pro dignitate tueri non possunt; ad iniuriam faciendam saepe aggredientur, potestas ipsa praebebit eis occasionem ad nocendum."[56] In order to prevent the monarchy from degenerating into tyranny, that monarchy

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best representatives of the nation are appointed to the highest offices, and everybody is at liberty to pursue fame and glory", A. Frycz Modrzewski, *O poprawie Rzeczypospolitej,* trans. E. Jędrkiewicz, ed. S. Bodniak, [in:] idem, *Dzieła wszystkie*, vol. I, [Warszawa] 1953, p. 99.

54 J. Ekes, *Trójpodział władzy i zgoda wszystkich. Naczelne zasady "ustroju mieszanego" w staropolskiej refleksji politycznej*, Siedlce 2001, p. 60.

55 A. Frycz Modrzewski, *Commentariorum*, p. 19; translated from the Polish: "If analysed accordingly, governing well is the most demanding of all. It is all the more difficult to govern justly and accordingly in the time of such tension and chaos and over so many and such great nations that differ in terms of language, law, customs, estates and religion.", A. Frycz Modrzewski, *O poprawie Rzeczypospolitej,* trans. E. Jędrkiewicz, ed. S. Bodniak, [in:] idem, *Dzieła wszystkie*, vol. I, [Warszawa] 1953, p. 83.

56 A. Frycz Modrzewski, *Commentariorum*, p. 60; translated from the Polish: "If a shepherd is obliged to take more care of the flock than of himself, then the king – who by definition is the defender and guardian of the people – ought to be guided by the welfare of his subjects rather than – as it tyrants' wont – by his own welfare. If somebody in the Republic [of Poland] is preoccupied more with his own advantage, then he cannot observe the majesty of the authority well; such a person is not infrequently given to acts of injustice – the very authority that he wields will provide him with ample opportunity to harm the people", A. Frycz Modrzewski, *O poprawie Rzeczypospolitej,* trans. E. Jędrkiewicz, ed. S. Bodniak, [in:] idem, *Dzieła wszystkie*, vol. I, [Warszawa] 1953, p. 128.

must be strengthened. In addition, the monarchy was to be controlled by the other elements of "mixed government". The kings of Poland were elective and reigned in cooperation with representatives of the estates, who were also subject to the law: "Omnia agunt cum ex ordinum suorum sententia, tum ex legum praescriptione."[57]

Monarchs would be aided in their duties by three circles of advisors, the first being a "secret council", which eventually took the form of senator-residents. The second was the Senate, which was conceived as a series of plenary meetings, held during Sejm proceedings and devoted to the discussion of matters prepared by the royal advisors. The last forum of political decision were "Sejm" meetings, which were not mentioned by Frycz Modrzewski directly, but to which he seemed to allude by stating that the monarchs of Poland could count on the assistance and advice of "multorum hominum eorundemque et optimorum et prudentissimorum."[58] Characteristically, while discussing the system's advisory and supervisory elements, Frycz Modrzewski failed to mention bishops. By officially projecting the establishment of the royal council and assuming that the Senate ought to make decisions on matters prepared by the royal advisors during parallel meetings of the lower chamber, Frycz Modrzewski effectively decreased the significance of the body that *ex officio* included bishops. In practice, this could potentially lead to a broadened royal prerogative.[59]

One ought to also mention the special role Frycz Modrzewski credited himself and his colleagues – royal advisors and secretaries – with as well as the project of the appointment of "censors" who were to supervise the work of state officials. Frycz Modrzewski's proposals were closely related to political practice, which was evidenced by the fact that during the 1565 Sejm the project of appointing such clerks was indeed discussed; similar projects regarding the appointment of state "instigators", who were authorised to supervise and summon officials,

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57 A. Frycz Modrzewski, *Commentariorum* p. 55; translated from the Polish: "Everything that they do, they do either upon approval of their own estates or in accordance with the rule of the law", A. Frycz Modrzewski, *O poprawie Rzeczypospolitej,* trans. E. Jędrkiewicz, ed. S. Bodniak, [in:] idem, *Dzieła wszystkie*, vol. I, [Warszawa] 1953, p. 122.

58 A. Frycz Modrzewski, *Commentariorum* p. 72; translated from the Polish: "many, including the best and the wisest of them", A. Frycz Modrzewski, *O poprawie Rzeczypospolitej,* trans. E. Jędrkiewicz, ed. S. Bodniak, [in:] idem, *Dzieła wszystkie*, vol. I, [Warszawa] 1953, p. 140.

59 S. Piwko, op. cit., p. 53, 55.

were formulated as late as 1587.[60] Frycz Modrzewski was thus a proponent of "mixed government", in which the principal role – apart from the sovereign, who was obliged to act on behalf of the welfare of the subjects and in the name of peace – was to be played by his advisors, officials and senators, all of whom were members of the aristocracy, whom Frycz Modrzewski considered the most virtuous of citizens. Democratic elements (i.e., the above-mentioned "censors" and the chamber of deputies) were to function as supervisory and moderating bodies.[61]

Religious elements played a secondary role in the above-presented vision of the state: Frycz Modrzewski was an advocate of building an institutional Christian Church that would cooperate with the state on social matters.[62] Regarding Church-state relations, the author of *Commentariorum* endorsed the notion that the national Church would be subordinate to secular authorities, though it would remain a constituent of the new Reformed universal Church. Obviously, both the degree and the political consequences in practice of the Church's subordination to the state could vary, but undoubtedly the adopted model would be close to Calvinism and would naturally take into consideration the Polish context. Just as the Polish political reality forced Łaski to modify his original concept of religious reform (based on the king and the Senate), so did Frycz Modrzewski's idea of a "national Church" soon become inapplicable. In effect, the nobility and – to a degree – the magnates were given the role of main catalyst for the Reformation in the Kingdom of Poland, which considerably decreased the movement's resistance to internal strife.

At this point, as we close our discussion of Frycz Modrzewski and his ideas, it is worth mentioning his characteristic sceptical suspension of judgement in terms of dogma that resulted in their prolonged existence in non-Catholic milieu. As much as Catholic Church authorities instantly questioned – and eventually renounced – his ideas, Protestants returned to them in the 1570s, when Mikołaj Dorohostajski financed the publication of the Polish translation of *O poprawie Rzeczypospolitej*. This edition, which was printed in Łosk in 1577 under the auspices of the protector of the Polish Brethren and Carver of Lithuania Jan Kiszka, included the following texts: "O obyczajach" ("On Customs"), "O statucie" ("On the Statute"), "O wojnie" ("On War") and "O szkole" ("On School"). To this day, this publication serves as a rare example of denominational agreement, in

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60 I. Kaniewska, *Walka o wprowadzenie instygatorów na sejmie piotrkowskim 1565 r.*, OiRwP 7, 1962, p. 70–97; W. Polak, *O dobro wspólne i egzekucję praw. Sejm 1565 roku w Piotrkowie*, Toruń 2004, p. 69–78.

61 W. Ziętek, op. cit., p. 54–64.

62 W. Voisé, *Andrzej Frycz Modrzewski*, p. 100.

light of the fact that the translation was prepared by Evangelical Cyprian Bazylik and the foreword, along with the introduction, was written by Evangelical Andrzej Wolan and Anti-Trinitarian Szymon Budny[63], who were the two most outstanding non-Catholic theologians working in the Grand Duchy of Lithuania at the time.

Reformation programmes and confessions being created at that time in the Crown and the Grand Duchy of Lithuania (even though the confessions were primarily focused on matters of dogma) projected the organisation of an Evangelical Church that would cooperate with the state and that would, on the basis of the monarchic *ius reformandi*, supplant Catholic structures. Interestingly, similar elements are to be found in later Polish variants of Lutheran and/or Reformed books. This, it seems, corroborates the thesis that, for a considerable period of time, those in the Evangelical milieu hoped that a Reformation project as potentially decreed by the king would bring success.

With regard to politics, the first Evangelical confessions prepared by the Poles were not dissimilar from ideas put forward in the early stage of Lutheran theology.[64] The influence of the thought of Luther and Melanchthon constituted a major challenge to Jan Łaski.[65] In 1561, just after Łaski's death, another translation of *The Augsburg Confession*, which he had so fervently opposed, was published; it was prepared by Marcin Kwiatkowski, a nephew of Stanisław Lutomirski and a courtier of Albert of Hohenzollern.[66] Jan Dulski presented Sigismund Augustus with this edition during the Sejm of Piotrków (1562/63) and it can be safely assumed that the publication functioned at that time as the official confessional book of Polish Lutheranism.[67]

Kwiatkowski's translation is regarded as but a paraphrase of the original publication, except for Chapter X "O zwierzchnoscy albo możnoscy koscielney" ("On Church Supremacy"), which includes a faithful overview of Melanchthon's views: "Niema tedy żadnym obyczaiem Kościelna zwierzchność zmiessana być swiecką, gdyż Kościelna to swoie własne przykazanie ma, aby Ewangeliei swiętey uczyła y iei pilno przestrzegałą, y Sacramenta, to iest swiątoscy rozdawała, niema sie

63 A. Frycz Modrzewski, *O poprawie Rzeczypospolitej*, trans. C. Bazylik, intr. J. Krzyżanowski, [Warsaw] 1953 – facsimile edition 1577.

64 J. Lehmann, op. cit., p. 293–294.

65 J. T. Maciuszko, "Jan Łaski a Confessio Augustana", [in:] *Jan Łaski 1499–1560. W pięćsetlecie urodzin*, ed. W. Kriegseisen, P. Salwa, Warszawa 2001, p. 51–70.

66 H. Kowalska, *Kwiatkowski (Quiatkovius) Marcin*, PSB, vol. XVI, Wrocław 1971, p. 358–359

67 J. Lehmann, op. cit., p. 51.

tedy wtargywać w cudzy urząd." ("Church authority should not overlap with secular authority, given that the Church is obliged to follow its own commandments, i.e., to spread the Gospel and to administer the sacraments, and given that its supremacy does not extend over any other office outside its remit.") What this implied was not just the separation of the powers of the clergy and politicians, but also a ban on Church interference in secular matters. In terms of competence, political authorities (the state) were supposed to be at an advantage, as expressed by a particular fragment from the above-mentioned joint work by Melanchthon and Kwiatkowski.[68] Devoted to defining the scope of the secular authorities' responsibilities towards religion, this fragment stipulates that, just as ecclesiastic powers ought to limit themselves to issues of worship and religious education, secular authorities should implement the mission of *inspectio ecclesiae* by actively opposing "idolaters", i.e., Catholics.

As opposed to the ambiguous and frequently enigmatic language that typified earlier works of Evangelical theology in Poland, the *Konfesja sandomierska* (*The Sandomierz Confession*), which was prepared by Krzysztof Trecy and based on Heinrich Bullinger's *Confessio Helvetica posterior*, was more in-depth and comprehensive with regard to the issues involved. With the telling title "On Suzerainty", article XXX is a short and succinct treatise on the role of the secular authority that included a characteristic polemic with the Anti-Trinitarians. The "suzerainty" addressed in the Bullinger/Trecy work was to be "virtuous."[69] At the same time, the only accepted authority is a legal one whose aim in turn is to maintain public order and safety.[70] The peace and safety that Bullinger and Trecy espoused would eventually be fully expressed in the resolutions of the Warsaw Confederation (1573), according to which everybody had a right to peace and security, regardless of their religious views.[71]

However, such legal authorities would provide subjects with peace and safety only if the sovereign remained pious and God-fearing and had trust in the Lord. Thus, secular sovereignty was supposed to be wielded by Christians who were "in grace" and were hopeful of their salvation; this was a direct reference to the virtue of "fides" that – typically in this strand of Evangelical theology – was required

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68 *Confessio Augustana fidei. To iest, Wyznanie Wiarei Krzescianskiei* […] *które było iego Cesarskei Miłości Rzymskiemu Karolussowi thego imienia piątemu, na Seimie Auspurskim offiarowane. Roku 1530…*, quoted from J. Lehmann, op. cit., p. 49–50.

69 *Konfesja sandomierska*, ed. K. Długosz-Kurczab, Warszawa 1995, p. 235; see J. Lehmann, op. cit., p. 290–299.

70 *Konfesja sandomierska*, p. 236.

71 J. Lehmann, op. cit., p. 299.

of the "true" faithful. Yet another obligation on the part of the incumbent was to support the spread of the Gospel and rectification of errors in this regard, such as falsehood or idolatry. Public law ought to be consistent with divine law: "legislation, which the people ought to be in charge of, should follow the Word of God."[72] In addition, responsibilities of the secular authorities should include the judiciary, social care, and maintenance of public safety. "The secular sword" ought to be used against those who violate the public peace as well as against such enemies as "blasphemers, perjurers and everybody else that the Lord ordered to punish and execute."[73] The secular authority was also responsible for crimes against religion, including "hardened non-conformism that amounted to heresy" and "blasphemy that disrupted the Church of God", which – through its supremacy – that authority was to put an end to. The work concludes with a condemnation of the Anabaptists' views of the state and their acceptance of the idea of a "just war."[74]

As far the attitude to the state was concerned, *Konfesja sandomierska* reiterated the opinions introduced by Bullinger in *Confessio Helvetica posterior*, granting the secular authority the highest powers with regard to non-spiritual matters. However, there are some considerable differences between the two works. Trecy emphasised that secular sovereignty was ordained by God and, as such, deserved respect, provided that it was legal and righteous. Trecy went on to enumerate the positive duties of the secular authority in relation to the Church: the defence of the "true", i.e., Reformed, doctrine and support of the righteous, i.e., Reformed, Church and its worship and associated education. In contrast, the negative responsibilities of the state included effective eradication of idolatry and "false" denominations, i.e., conceived of by mankind. Historian Jerzy Lehmann found considerable correspondence between *The Augsburg Confession* by Melanchthon and the Polish translation by Kwiatkowski.[75] The phrases about idolatry and man-made religions referred to Catholicism and Anti-Trinitarianism, which was an indication that Trecy and the originators of the Synod of Sandomierz (1570) remained hopeful that they would convince Sigismund Augustus to implement the Reformation.

As early as the mid-1560s, hopes held by representatives of the Counter-Reformation were stoked by internal strife within the Evangelical milieu in Poland. In 1564, Stanisław Hozjusz commented that the Anti-Trinitarians constituted that faction of the Reformation movement that was least dangerous to

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72 *Konfesja sandomierska*, p. 236.

73 Ibidem, p. 236.

74 Ibidem, p. 237–238.

75 J. Lehmann, op. cit., p. 298.

the state, though his opinion mostly probably stemmed from his desire to escalate conflicts among exponents of the Reformation in Poland, and from his attempt to construe the Anti-Trinitarians as those who drew on the escapist ideas of the Moravian Anabaptists. In fact, as early as around 1555, Piotr Giezek of Goniądz borrowed from them both the idea of renouncing the institution of the state and the notion of pacifism. In subsequent years, views put forward by the Moravian Church served as an important strand of Polish Anti-Trinitarianism as disseminated by, among others, Piotr of Goniądz and Marcin Czechowic. Initially, one of the movement's Polish proponents, Grzegorz Paweł of Brzeziny, was capable of aptly marrying the idea of Christian liberty with the doctrine of "Polish freedom." In 1562, at a meeting hosted by Stanisław Szafraniec in Rogów, he appealed to the emotions of the noble patrons who were in attendance, in an attempt to convince them to embrace the theological concepts of Giorgio Biandrata[76]: "Dei populus sumus, Christi peculium sumus sanguine ejus redemti, ejus non hominum mancipia sumus. Poloni sumus, ergo gens undique libera. Sed ita ad plenam libertatem vocati, ut hanc obedientia legibus divinis et humanis praestanda metiamur."

This attempt must have been successful, because in 1566, in the Lublin Sejm, Hieronim Filipowski presented similar views on the state while, at the same time on the outskirts of town, local Anabaptists preached against the obligation to obey secular authorities. Three years later, the Anti-Trinitarians founded "some type of a new Jerusalem or Zion" on the estate of castellan Jan Sienieński in Raków, near Szydłów.[77]

The refusal to cooperate with state institutions and the overt pacifism, which were typical of the "Raków dreamers", were not, however, widely accepted by Polish Anti-Trinitarians. Debate on the proper attitude toward the state would become an object of controversy among the Polish Brethren. The death of Sigismund Augustus brought on the first crisis; in July of 1572, the Senate of the Republic of Poland ordered mass mobilisation (*motio belli*) as a means of defending the country's borders. As a consequence, noble members of Anti-Trinitarian congregations faced a dilemma whether to comply with the order or to defy it in the name of fidelity to the principles espoused by some of their theologians.

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76 S. Lubieniecki, *Historia reformationis Polonicae, in qua tum Reformatorum, tum Antitrinitariorum origo et progressus in Polonia et finitimis Provinciis narrantur*, praef. H. Barycz, facsimile edition Varsoviae 1971, p. 136; see K. Górski, *Grzegorz Paweł z Brzezin. Monografja z dziejów polskiej literatury arjańskiej XVI wieku,* Kraków 1929, p. 89–91.

77 S. Kot, *Ideologia polityczna i społeczna braci polskich zwanych arjanami*, Kraków 1932, p. 23.

For instance, while Jakub Paleolog condoned the possibility of participating in a war of defence, Grzegorz Paweł endorsed a pacifist stance. To Paweł, the Polish Brethren ought to accept the existence of the state but live next to it, so to speak. A Christian was supposed to respect the authorities and pay taxes accordingly, but he was allowed neither to hold any official posts nor to participate in any war, including a war of defence.[78]

Paweł's views were further developed by the Lublin-based minister of the Polish Brethren Marcin Czechowic, who in 1575 published in Kraków a dialogue expounding on the religious and social doctrine of "pre-Socinian Unitarianism."[79] The issue of the proper attitude of the "pious" toward the state and war is addressed in the treatise entitled "Rozmowa dwunasta o żywocie chrystyjańskim, który w synach i córkach bożych wiernych ma być, który poddany jest wszem trudnościam i niebezpieczeństwam na wszystki strony, do którego nawięcej wierzącym cierpliwości potrzeba z posłuszeństwem i z zaprzenim samych siebie."[80] In the first part, Czechowic explained that throughout his life a Christian ought to emulate Christ. The second part addressed doubts generated over the course of conducting the required Evangelical teaching. To him, the secular authority was indispensable and Christians were supposed to obey it, "duly praising God for the sovereignty of kings and other officials, for the land and the town in which they live, praying to God so that they all enjoy peace."[81] One can assume that such godliness, which included prayers for those in authority, was supposed to guarantee peace for the congregations of the Polish Brethren, attesting to their civic loyalty.

However, their acceptance of the state authority did not mean that they consented to be part of it or to cooperate with figures of authority since "the sheep of Christ should not imprison, sentence or execute anybody as these actions are not compatible with the Bible, which has nothing to do with the sword or the executioner."[82] Nonetheless, Czechowic returned to the need to acknowledge

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78 K. Górski, *Grzegorz Paweł z Brzezin*, p. 267–268; S. Kot, *Ideologia*, p. 42.

79 M. Czechowic, *Rozmowy chrystyjańskie*, ed. A. Linda, M. Maciejewska, L. Szczucki, Z. Zawadzki, Warszawa-Łódź 1979, Biblioteka Pisarzy Reformacyjnych nr 12; A. Brückner, "Marcin Czechowic", [in:] idem, *Różnowiercy polscy. Szkice obyczajowe i literackie*, Warszawa 1962, p. 171–198; S. Kot, *Ideologia*, p. 49–54; L. Szczucki, *Marcin Czechowic. Studium z dziejów antytrynitaryzmu polskiego w XVI wieku*, Warszawa 1964, p. 89–98.

80 M. Czechowic, op. cit., p. 243–276.

81 M. Czechowic, op. cit., p. 269.

82 The whole quotation in Polish: "[Z]wierzchności abo urzędu świeckiego z mieczem, klózą, ogniem, katem, powrozem, szubienicą (bez czego urząd ten ziemski nie może

secular authority and demarcated the limits of obedience to it: "[T]he secular authority has been ordained by God and the faithful should not defy its supremacy as by doing so they would in consequence oppose not just the state but the Lord himself. Nowhere in the world is it possible to make do without the said authority; nor can one find residence without secular authority over it. The Holy Writ commands one not only to be just and pay all dues [taxes] but to obey the authority without objection."[83] This marks a divergence both from the dream of building "the Kingdom of God on earth" by which the Anabaptists were characterised and from the radicalism of the first generation of the Polish Brethren.

Despite his pronounced tendency to compromise, the minister of the Lublin congregation remained adamant with regard to military service. When asked what to do "if the sovereign ordered him to kill somebody and/or to accompany him in battle", Czechowic answered clearly: "One ought to be subordinate and obedient to the sovereign and respect his commands but only as long as the orders are congruous with the Word of God; nothing more can be expected of one."[84] This is followed by an exposition of the reasons for which "not a single faithful reborn Christian should comply with the [ungodly] commands of even the highest of authorities, as it would be better to lose everything, including one's life, than to diverge from the teachings of Christ and the apostles."[85]

Czechowic's opinions were an expression of the Polish Brethren's doctrine in the Crown, which in the late 1570s found its rival in the Grand Duchy of Lithuania: it was there that a vocal opposition gained prominence, claiming that both holding state offices and participating in war were not against the teachings of the Bible.[86] The most outstanding theologian of the new "revisionist" movement was Szymon Budny, author of a 1583 work entitled *O urzędzie miecza używającem* (*On Sword-Wielding Authority*), where he stated that "all citizens inhabiting all territories – in particular, Christians – ought to be obedient to their sovereigns, caesars, tsars, kings and their officials; they should also honour them

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być, bo mu nie darmo miecz Bóg sam do ręku daje) do zboru wiernych a szczyrych uczniów Chrystusowych nie potrzeba. […] Gdyż ta oboja rzecz, cierpieć co dla swych złych spraw, a nie dla samego imienia Bożego i sprawiedliwości, i zaś też kogo więzać, sadzać i tracić owieczkom Chrystusowym namniej nie przystoi ani sie z Ewanjeliją zgodzi, która z mieczem i katem nic nie ma spólnego." Ibidem.

83 M. Czechowic, op. cit., p. 272.

84 Ibidem.

85 Ibidem, p. 273.

86 P. Brock, "Antitrinitarians in the Grand Duchy of Lithuania Against Non-resistance, 1583", *East European Quarterly* 32, 1998, 1, p. 1–8.

and be honest, holding them in high esteem (the highest being reserved for God and the Son). Citizens must not rebel or resist them; nor are they allowed to assist insurgents, even if the sovereign (God forbid) ruled as a tyrant, oppressing his subjects, robbing them of possessions or even killing them."[87]

Apart from the kinds of phrases Budny used, his opinions did not differ from the original views in this regard presented by Luther and Calvin. Budny argued realistically that, by denouncing the escapism of the Moravian Anabaptists, the Polish Brethren were illogical in their assumption that they might avoid facing the consequences of their choice. At the heart of the matter was the false interpretation of the ban on active resistance to evil; the postulate of "turning the other cheek" and "fighting evil with good" did not prevent them from exercising their right to defence and, correspondingly, cooperating with authorities against evil-doers. Budny remonstrated with Piotr of Goniądz and Marcin Czechowic because, to him, by prohibiting the Polish Brethren from cooperating with the institutions of power, the two theologians perpetuated the tendency to oppose the state, which ran counter to the general disposition that ordered everyone to respect the God-ordained authority, as long as commands remained compatible with doctrine.[88]

Szymon Budny's theological, social and political views were rejected and he himself was removed from the Minor Reformed Church in 1584. However, his perspective on Church-state relations would eventually win over the whole milieu. The person who managed to overcome the remnants of sectarian escapism was the Polish Brethren's most widely known theologian, the Italian Anti-Trinitarian Faustus Socinus (Faust Socyn). In the mid-1590s, he initiated another stage in the discussion on the state and war, given that the Polish Brethren, who were representatives of the nobility, were increasingly faced with a dilemma between allegiance to the state and fidelity to religious doctrine. Since the development of his ideas (which have been thoroughly analysed by Stanisław Kot and his followers[89]) is not the focus of this book, they will be summarised only briefly here: Socinus not only condoned the possibility of appealing to the state as the authority, but he even condoned the possibility of appointing members of the Polish Brethren to public offices. Still, he recommended lenience with regard to the conduct of public officers. Regarding war and self-defence, his views were

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87   Quoted from S. Budny, "O urzędzie miecza używającym", [in:] *Filozofia i myśl społeczna XVI wieku*, ed. L. Szczucki, Warszawa 1978, p. 374–375; cf. S. Budny, *O urzędzie miecza używającem (1583)*, S. Kot, Warszawa 1932.

88   S. Kot, *Ideologia*, p. 69–70.

89   L. Chmaj, *Faust Socyn (1539–1604)*, Warszawa 1963, p. 144–169, 442–443.

less clear-cut, perhaps even a bit naïve: a Christian was allowed to actively defend himself and his property, even – upon request of the state – to participate in war, provided he himself refrained from killing.[90]

It appears, however, that his views were typical of the majority of the noble members of the Minor Reformed Church because they proved that the "pious" life was not in opposition to loyalty to the Republic and, in practice, justified their participation in political life and even in wars. It came as no surprise that these views were soon accepted by the Anti-Trinitarian community in the Crown and the Grand Duchy of Lithuania, and that they would eventually be included in the Polish Brethren's catechism published in Raków in 1605.[91]

The most convincing justification for participation in public life by Christians willing to consciously follow the Biblical commandments was authored by Samuel Przypkowski, an outstanding philosopher and theologian of the seventeenth-century Polish Brethren, whose *Animadversiones in Libellum cui titulus De qualitate Regni Dom. N. Jesu Christi, ubi inquiritur, an Christiano sive Regni eius subdito terrenae dominationes conveniant*[92], as discussed by Stanisław Kot, is universally regarded as the first ever (in Poland) "in-depth and original work on Church-state relations." In his work, Przypkowski argued against opinions put forward by the Dutch chiliast Daniel de Breen[93], which were popularised in Poland by, among others, Ludwig Wolzogen.[94]

Interestingly, the seventeenth-century discussion between the Dutch spiritualists and the Polish Brethren marked the return of the social-political doctrine of the latter, which followed the route originally charted by sixteenth-century reformers. Inspired by Grotius' *De iure belli ac pacis*, Przypkowski wrote a treatise entitled "De iure Christiani magistratus et privatorum in belli pacisque negotiis", in which he claimed, not unlike Luther and Calvin before him, that there was no conflict between the Christian's obligations to ecclesiastic and secular authorities. Both powers should work for the sake of his welfare; while the former ought to care for his salvation, the latter ought to care for his worldly goods. The fact that these two "reigns" ought to act separately stemmed from their own nature, which in principle was different. To Przypkowski, while the ecclesiastic reign was in

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90   S. Kot, *Ideologia*, p. 77–85.

91   Ibidem, p. 87.

92   S. Przypkowski, *Cogitationes sacrae*…, Eleutheropoli (Amsterdam) 1692, p. 619–681.

93   L. Chmaj, *Samuel Przypkowski na tle prądów religijnych XVII* wieku, Kraków 1927, p. 159–162; L. Kołakowski, *Świadomość religijna i więź kościelna. Studia nad chrześcijaństwem bezwyznaniowym XVII wieku*, Warszawa 1997, p. 149–154.

94   S. Kot, *Ideologia*, p. 112, 124–136.

charge of the spirit and was one with which the people complied voluntarily, the secular reign – in order to be efficient – ought to be equipped with *regimen co-activum*, i.e., instruments of coercion, traditionally known as "the secular sword". Accordingly, the government that relied on the "sword" was far more beneficial to "God's children" in terms of their worldly life.[95]

Because of circumstances surrounding their origins, the time of publication and the scope of their social influence, Przypkowski's views are typical of a later era; his writings form an unquestionable link between this very unique strand of Old Polish political thought and the genesis of the European Enlightenment.[96] Without a comparative analysis of Przypkowski's entire body of work, it is difficult to properly define how often elements culled from various sources occur: from the Reformation tradition, the original concepts of the Polish Anti-Trinitarians, and interpretations of the writings of seventeenth-century thinkers. However, the fact that Przypkowski construed the Church as a type of voluntary association that functioned under the auspices of state authority allows him to be regarded as one of the co-creators of the idea of Church-state separation. Furthermore, given his irenicist opinions, one can justifiably repeat Ludwik Chmaj's claim that this representative of the last generation of Anti-Trinitarians actively working in Poland belongs in the top rank of Polish intellectuals.[97]

What was the cause of the highly pronounced late sixteenth-century change in attitude toward the state on the part of the Polish Brethren? It seems that it was a long-term consequence of systemic developments that, in the mid-sixteenth century, united Anti-Trinitarians with the Republic of the Nobles. Seventeenth-century Socinian historian Stanisław Lubieniecki even argued (though not in an entirely original way) that "well structured" states are founded upon religion:

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95 Ibidem, p. 124–139; L. Chmaj, "Przypkowski a Grotiup. W 300-lecie dzieła „De jure belli ac pacis" (1625–1925)", [in:] *Księga pamiątkowa ku czci prof. W. Heinricha*, ed. F. Znaniecki et al., Kraków 1927, p. 57–78.

96 L. Chmaj, *De Spinoza a Bracia Polscy*, RwP 3, 1924, p. 49–88; Z. Ogonowski, *Socynianizm a oświecenie. Studia nad myślą filozoficzno-religijną arian w Polsce XVII wieku*, Warszawa 1966, p. 536–537.

97 S. Przypkowski, *Dissertatio de pace et concordia Ecclesiae*, recensit, in linguam Polonam vertit M. Brożek, praefatione instruxit, versionem Polonam recognovit S. Ogonowski, Varsoviae – Lodiae 1981, Biblioteka Pisarzy Reformacyjnych nr 13; M. Chmaj, *Samuel Przypkowski*, p. 4–6 and passim.

"Nam cum religione constent Reipub. bene ordinatae…"[98] A great deal must have indeed changed in Poland and the Grand Duchy of Lithuania since the times of Piotr of Goniądz to allow his fellow Socinian to so openly re-introduce the platitude about the relationships between the secular authority and religion. If this is how the statute was construed by Anti-Trinitarians (i.e., as a structure with its whole baggage of the Anabaptist tradition), then it is easily understandable that in a similar manner equally so representatives of other denominations were far more receptive to (and appreciative of) the state structure that came into being in the latter part of the sixteenth century.

In an attempt to reiterate the above presentation of views on Church-state relations as expressed by representatives of various strands of the Polish Reformation, one ought to focus on the unique role with which royal sovereignty was credited. This fact was above all the result of an entrenched tradition of respect for the God-ordained monarchic authority and its anointment as a result of having been crowned. However, reformers felt particularly obliged to emphasise their respect for state authority since they were presented by Catholic propagandists of the era as those who would disrupt the social and political peace. Acting on the popular sixteenth-century contention that the state was founded upon "the genuine faith", Catholics regarded their own denomination as such, while Evangelical writers supplanted Catholicism with their own confessions, without attempting to question the very principle of the non-secular state. They did so convinced that they were not destroying anything, rather – quite the contrary – that they were bringing back the order of "genuine" Christianity.[99]

For that reason, confessional works by the first generation of Polish Reformers, e.g., *Postylla* by Mikołaj Rej and *Confessio* by Stanisław Lutomirski, highlighted the obligation to obey secular authority. The duty of compliance and manifestation of attachment to the king do not constitute the exclusive characteristic of all Polish Evangelical confessions; they were also propagated in widely distributed

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98 S. Lubieniecki, *Historia reformationis Polonicae, in qua tum Reformatorum, tum Antitrinitariorum origo et progressus in Polonia et finitimis Provinciis narrantur*, praef. H. Barycz, facsimile edition Varsoviae 1971, p. 1; translated from the Polish S. Lubieniecki, *Historia reformacji polskiej*, trans. E. Bursche, vol. 1, Warszawa 1938, p. 213: "Since well structured states are founded upon religion …" ("Skoro bowiem na religii opierają się państwa dobrze urządzone…").

99 K. Meller, "Antagoniści Stanisława Hozjusza. Idea powrotu do źródeł wiary w ujęciu XVI-wiecznego piśmiennictwa reformacyjnego", [in:] *Kardynał Stanisław Hozjusz (1504–1579). Osoba, myśl, dzieło, czasy, znaczenie*, ed. S. Achremczyk, J. Guzowski, J. Jezierski, Olsztyn 2005, p. 151.

Catholic catechisms and prayer books.[100] The best example of the tendency to demonstrate fidelity to royal authority as a symbol and embodiment of the Kingdom of Poland is provided in Andrzej Trzecieski's prayer *Oratio pro re publica et rege*. Here, Trzecieski expressed hope that Sigismund Augustus' rule would be long and that, during his reign, the state would flourish and the king's subjects would be adherents of the "true" (i.e., Evangelical) faith.[101]

The prayer was translated around 1558 into Polish by Jakub Lubelczyk as *Modlitwa za Rzecz Pospolitą naszą i króla*, and it was included in Jan Zaremba's hymnbook, which was printed the same year in Brześć Litewski. Its author and his work's supporters hoped that, after Sigismund Augustus joined the Reformation, *Modlitwa* would become the *sui generis* anthem of the Evangelical Kingdom of Poland. Most probably, it is for this reason that Lubelczyk's translation is marked by a clearly regalistic tone. At this juncture, it is worth emphasising that the regalism of Trzecieski-Lubelczyk did not run counter to the predominantly noble character of the ideology tied to both the Reformation and the Executionist movement. In 1556, Trzecieski wrote an extensive elegy *De sacrosancti Euangelii in dicione regis Poloniae post revelatum Antichristum origine, progressu et incremetu elegia*, where he voiced the opinion that the victory of "genuine" Evangelical teachings would be the product of commitment by their noble proponents and of Sigismund Augustus' endorsement.[102]

Grounded in the 1550s, hopes for cooperation between the nobility and monarchy regarding Church-state reform continued long after it was clear that Sigismund Augustus would not commit himself to such reform. In 1559, at the Synod in Pińczów, Jan Łaski, who was no doubt disappointed by the king's attitude, emphasised his loyalty to the sovereign and appealed to the Evangelicals, asking them to refrain from offending his majesty.[103] Requests for cooperation continued to be formulated openly and publicly, reaching their zenith in the mid-1560s. The anonymous author (perhaps Stanisław Lutomirski)

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100 Eadem, "*Noc przeszła a dzień się przybliżył.*", p. 40–48, 67–73.

101 A. Trzecieski, "Carmina. Wiersze łacińskie", trans. and ed. J. Krókowski, [in:] idem, Dzieła wszystkie, vol. I, Wrocław 1958, p. 384–385, Biblioteka Pisarzów Polskich, seria B, no. 8.

102 *Elegia o początku, postępach i wzroście przenajświętszej Ewangelii w krajach podległych królowi Polski, po objawieniu się Antychrysta*, ibidem, p. 14–41; K. Meller, *"Noc przeszła a dzień się przybliżył."*, p. 19–21, 25–29, 65.

103 W. Sobieski, *Król czy tyran?* "Idee rokoszowe a różnowiercy za czasów Zygmunta Augusta", [in:] idem, *Trybun ludu szlacheckiego. Pisma historyczne*, ed. W. Grzybowski, Warszawa 1978, p. 203.

of *Narzekania z wyznaniem wiary Drojowskiego* addressed Sigismund Augustus in the following way: "Conquer foes at home and take care of the souls of those that God placed for you to rule […] especially since there are so many assistants – grand dukes aplenty and nobles galore in the Crown that accompany you to fight off the Antichrist."[104] Similarly, Stanisław Sarnicki – in the dedication preceding his 1564 sermons – openly asked Sigismund Augustus to renounce the Pope.[105] Finally, during the 1565 Sejm, Mikołaj Sienicki not only declared allegiance to Sigismund Augustus but also exhorted the monarch, explaining to him that problems related to the reform of the state – and even his family problems – were the direct result of his hesitation with regard to religious reform.[106]

It seems that this type of regalism long remained a key element of the ideology endorsed by the nobility and espoused by exponents of the Reformation. Although Sigismund Augustus agreed to cooperate with the nobility in realizing a programme of political-state reform, he adamantly refused to participate in religious reform. Despite his lack of agreement, Evangelical leaders continued to support the monarchy and lost no hope that he might someday change his mind, as reflected in their diplomatic attempts during the Sejm of 1570. And later, when the paths of Catholic and Evangelical regalists began to diverge even more visibly than before, the Polish Evangelicals' official doctrine accepted the king's ultimate authority in both politics and religion. As late as 1594, Stanisław Sarnicki – in his *Statuty* (*Statutes*) – reminded his contemporaries of the king's responsibilities, including one of his most important duties, namely to maintain "unity, peace and agreement"[107] in denominational matters. However, his statement referred directly to Sigismund III Vasa, against whom a significant section of the Evangelical nobility would, within a few years' time, openly rebel.

104   Quoted from K. Meller, *"Noc przeszła a dzień się przyblizył"*, p. 59.s.

105   Ibidem.

106   *Dyaryusz sejmu piotrkowskiego R.P. 1565 poprzedzony Kroniką 1559–1562*, annotated by W. Chomętowski, publisher: W. Krasiński, Warszawa 1868, p. 35, 38–40.

107   A. Sucheni-Grabowska, "Obowiązki i prawa królów polskich w opiniach pisarzy epoki odrodzenia", [in:] *Między monarchą a demokracją. Studia z dziejów Polski XV–XVIII wieku*, ed. A. Sucheni-Grabowska, M. Żaryn, Warszawa 1994, p. 71.

Chapter 5: Equal Rights (1573–1606)

Over the course of the debate over the form of Church-state relations, the Commonwealth of Both Nations, created in 1569, ultimately rejected (in 1573) both the idea of a state Protestant Church as proposed by Jan Łaski and the vision promoted by Stanisław Orzechowski, in which the state was subordinate to the Catholic Church. Polish and Lithuanian *dissidentes in religione* chose a middle way by ratifying the Warsaw Confederation, negotiated by the "politiques". The democracy of nobles thus did not favour either side of the denominational divide, instead undertaking to preserve the peace between them. The good of the Commonwealth was valued above the interests of religion, and this prioritising of "politics" over "religion" was something that those who opposed this idea from the beginning would have to tolerate.

The 33 years which passed between the Convocation Sejm of 1573 and the rejection in 1606 by the Catholic episcopate and Sigismund III[1] of regulations providing real protection to denominational minorities represent the most interesting period in the religious history of the Commonwealth, the Democracy of Nobles that attempted to implement the idea of denominational equality[2]. The latter part of that period saw two watershed events for non-Catholic communities – the general Evangelical synod in Toruń in 1595, and the 1595 and 1596 synods in Brześć on the Bug, the consequences of which would define relations between denominational minorities and the state as the Commonwealth, starting in the late sixteenth century, was undergoing an increasingly clear re-Catholicisation.

The Commonwealth of Both Nations, which comprised the Crown of the Kingdom of Poland and the Grand Duchy of Lithuania (along with Lutheran Livonia and Courland), had – at the end of the sixteenth century – around 7.5 million inhabitants, who lived in an area of about 900,000 sq. km and spoke mainly Polish and Ruthenian, but also Lithuanian and German. Apart from Catholics, members of the Eastern Orthodox Church, and Protestants of various confessions, there were Armenian Monophysites; practicing Jews; Karaims (adherents

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1   W. Sobieski, "Czy Skarga był 'turbatorem' ojczyzny?", [in:] idem, *Studya historyczne*, Lwów 1912, p. 191–225; idem, *Pamiętny sejm*, Warszawa 1913, p. 211–212.
2   G. Schramm, *Der polnische Adel und die Reformation 1548–1607*, Wiesbaden 1965, p. 232–281.

of Karaite Judaism[3]); and finally Tatars-Muslims. The country also became a safe haven for heterodox individuals of various denominations. This is the origin of the image of the Commonwealth as a veritable mosaic of cultures, religions and denominations, a paradise for Jews and heretics alike.

The Commonwealth's neighbours also presented an almost full range of European confessions and religions. To the northeast were Protestants, mainly Lutheran: Sweden, Brandenburg, Pomerania and Ducal Prussia. To the east and southeast were the Eastern Orthodox lands of Muscovy, Moldavia and Wallachia, and the Muslim Crimean Khanate and Turkey. To the south, finally, were the Lands of the Crown of St. Stephen and the Principality of Transylvania, a mixture of denominations with a strong Reformed element, and the multidenominational (with Protestants the most numerous group) territories ruled by Habsburg to the south-west[4]. From Rome's perspective, the Commonwealth was the most north-easterly territory suitable as a base for possible missionary activity in Protestant Scandinavia and Orthodox Russia. This fact must be borne in mind when reflecting on interdenominational relations and on relations between state authorities and particular Churches or religious groups in the Commonwealth after 1573.

The 1570s saw political life (in the Sejm and Sejmiks) dominated by an elite that was connected with the Executionist movement, most of whose members were non-Catholics: Wacław Urban has established that around 60% of those who participated in the important Kraków Sejmiks in 1572 were Calvinists and Polish Brethren[5]. No more than a couple dozen percent of the nobility in the mid-sixteenth century would likely have been Evangelicals, but in 1569 52% of the elite of the country (i.e. lay senators) were Protestants, as were as many as 66% of the Crown deputies. In the Grand Duchy of Lithuania, the ratio was even less favourable for Catholics, who were practically dominated by dissenters: in 1572, 17 out of 22 Lithuanian senators were non-Catholics (14 Evangelicals and three members of the Eastern Orthodox church); in 1586, there were 12 Protestants in the Lithuanian Senate, and 10 in 1596[6].

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3   S. Gąsiorowski, *Karaimi w Koronie i na Litwie w XV – XVIII wieku*, Kraków 2008.

4   H. Wisner, *Rozróżnieni*, p. 11–13.

5   W. Urban, *Skład społeczny i ideologia sejmiku krakowskiego w latach 1572*–1606, PH 44, 1953, p. 333; cf. G. Schramm, *Der polnische Adel,* p. 56; A. Mączak, "Confessions, Freedoms, and the Unity of Poland-Lithuania", [in:] idem, *Money, Prices and Power in Poland, 15–17*[th] *Centuries. A Comparative Approach*, Aldershot 1995, p. 225.

6   S. Litak, op. cit., p. 357–358; H. Lulewicz, *Skład wyznaniowy senatorów świeckich Wielkiego Księstwa Litewskiego za panowania Wazów*, PH 68, 1977, 3, p. 425–445.

In 1570s, the Protestant parish networks in the Commonwealth amounted to around 1000 congregations (parishes) of different confessions, character and size. In Greater Poland, we know of around 140 Lutheran congregations existing in the last decades of the sixteenth century, many of which were large communities, sometimes entire villages or towns[7]. In Royal Prussia, Evangelical congregations resembled those in Western Europe; the most important role was played by large urban parishes. Reformed communities established in villages or small private towns were different in character; especially in Lesser Poland and the Grand Duchy of Lithuania, they tended to have substantially fewer "auditors" (the faithful). In those areas, a congregation was made up of the family of the estate owner, who was the patron of the congregation, the domestic servants and other members of the household, along with nobles living in the vicinity and persons connected with them. That having been said, the significance of a community did not depend on how large it was, but on the social status of Reformed nobility.

The ecclesiological structure of Polish-Lithuanian Protestantism took on the typical form of territorial churches, and the dominant model resembled the synodal-presbyterian system. Individual congregations (parishes), which preserved a substantial degree of independence, were managed by lay patrons, mostly from the ranks of the nobility. The most highly developed was the organisational structure of the Reformed Unities (Jednoty, territorial federations) of Lesser Poland and Lithuania, and the Unity of Greater Poland, which combined Reformed and Czech Brethren communities. These Unities were divided into districts (dioceses), governed by representatives of congregations, who met at synods. The counterparts of the Catholic archbishops and bishops, the general and district superintendents ("superattendants") and (with the Czech Brethren) seniors, were elected from among ministers (pastors), over whom they also had jurisdiction. From the state's point of view, this was an honorary office, and the influence of Evangelical clergy depended on the standing they had with the nobles or magnates, who were their patrons.

In practice, Lutheran synods, attended by the clergy of this confession from the numerous congregations in Greater Poland and Royal Prussia, could not afford to overlook the opinions of lay auditors, in particular those representing

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7   S. Litak, op. cit., p. 359nn.; see also A. Werner, *Geschichte der evangelischen Parochien in der Provinz Posen*, überarb. von J. Steffani, Lissa 1904; E. Kneifel, *Die evangelisch-augsburgischen Gemeinden in Polen 1555–1939. Eine Parochialgeschichte in Einzel-darstellungen*, Vierkirchen über München b. d.

city authorities[8], with the highest standing accorded to the three great Prussian cities – Gdańsk, Toruń and Elbląg. However, this does not mean that their influence was always decisive in the internal affairs of Lutheran congregations in the Commonwealth at the end of the sixteenth century[9]. Evangelical clergy of the Augsburg confession had a substantial degree of autonomy, as confirmed among others by the independent stance the Poznań Lutheran pastor Paul Gericke took during the 1595 synod in Toruń[10].

The Church of the Polish Brethren, who described themselves simply as Christians ("chrystyjanie") and were called "Arians" by their opponents, came into being as a result of a split in Reformed communities and preserved a similar organisational structure with a division into districts[11]. There were a number of eminent theologians who played an important role in the movement; it is enough to mention Marcin Czechowic and his most esteemed antagonists, Szymon (Symon) Budny and Fausto Sozzino. Still, at the end of the sixteenth century, this group too saw the increasing importance of "master politicians", or patrons from the ranks of the nobility. A characteristic feature of Protestant communities was their diasporic nature, which determined the practice of ministry.

The second half of the sixteenth century is considered the age of confessionalization in Western Europe. This still debated theory, an outcome of research into the results of post-Reformation confessional patterns in the Holy Roman Empire, describes actions undertaken jointly by church and secular authorities to shape social life in accordance with the rules of the dominant confession. In practice, this could mean, for example, disciplining and restricting social life by a Church-state bureaucracy. In this sense, confessionalization (whether Catholic, Lutheran, or Reformed), along with the processes of secularisation, is also presented as a decisive factor in modernising processes which form the foundation of the modern (i.e., absolutist) state. Of course, this is only of limited relevance

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8   "Die Synoden der Kirche Augsburgischer Konfession in Großpolen im 16., 17. und 18. Jahrhundert", hrsg. von G. Smend, *Jahrbuch der Theologischen Seminars der Unierten Evangelischen Kirche in Polen* 2, 1930, p. 224–590.

9   See M. G. Müller, *Zweite Reformation und städtische Autonomie im Königlichen Preußen. Danzig, Elbing und Thorn in der Epoche der Konfessionalisierung (1557–1660)*, Berlin 1997.

10 W. Sławiński, *Toruński synod generalny 1595 roku. Z dziejów polskiego protestantyzmu w drugiej połowie XVI wieku*, Warszawa 2002, p. 300nn.

11 S. Szczotka, *Synody arjan polskich od założenia Rakowa do wygnania z kraju*, RwP 7–8, 1935–36, p. 21–100.

to the reality of the Polish-Lithuanian state[12]. The lack of more powerful modernising impulses in the seventeenth-century Commonwealth is often ascribed to the demobilising success of the Counter-Reformation, but Polish Evangelicals too appear conservative in this respect, and scholarly research into this group does not confirm Weber's classic claim about the genetic relationship between capitalism and Calvinism[13]. The lack of modernising processes may have been the price paid by the Commonwealth for denominational equality. The passing of the Sandomierz Agreement and the Warsaw Confederation blocked confessionalization, since equal rights is fundamentally incompatible with the idea of the confessional state.

Catholics continued to believe that their denomination was dominant, but at this particular time in history such a belief was of little significance. In fact, there were no legal regulations disqualifying dissenters from the throne, and the election of a non-Catholic monarch was theoretically possible. However, Catholic bishops, who continued to sit in the Senate, were finding it increasingly difficult to reconcile the Trent model of the Catholic Church with their responsibilities to the Polish-Lithuanian state. At the same time, the significance of the interrex should not be understated; this was a function fulfilled during the interregnum by the Catholic primate[14]. Finally, the territorial structures of the Catholic Church

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12 H. Schilling, "Kultureller Austausch und zwischenkonfesionelle Beziehungen in Ost- und Mitteleuropa in der werdenden Neuzeit, 14. bis 17. Jahrhundert – Ansätze, Wege und erste Ergebnisse ihrer Erforschung", [in:] *Stosunki wyznaniowe w Europie Środkowej i Wschodniej w XIV – XVII wieku*, ed. M. Dygo, S. Gawlas, H. Grala, Warszawa 2002, p. 5–24. See also the interesting studies in the *Konfessionalisierung in Ostmitteleuropa. Wirkungen des religiösen Wandels im 16. und 17. Jahrhundert in Staat, Gesellschaft und Kultur*, hrsg. J. Bahlcke, A. Strohmeyer, Stuttgart 1999, among others by W. Eberhard, *Voraussetzungen und strukturelle Grundlagen der Konfessionalisierung in Ostmitteleuropa*, p. 89–103; K. Friedrich, *Konfessionalisierung und politische Ideen in Polen-Litauen (1570–1650)*, p. 249–265; R. J. Frost, *Confessionalization and the army in the Polish-Lithuanian Commonwealth 1550–1667*, p. 139–160 (cf. idem, "Konfesjonalizacja a wojsko Rzeczypospolitej 1558–1668", [in:] *Rzeczpospolita wielu wyznań. Materiały z międzynarodowej konferencji, Kraków, 18–20 listopada 2002*, ed. A. Kaźmierczyk et al., Kraków 2004, p. 89–98); M. G. Müller, *Unionsstadt und Region in der Konfessionalisierung. Polen-Litauen und die grossen Städte des Königlichen Preussen*, p. 123–137.

13 H. Levine, *Economic Origins of Antisemitism. Poland and its Jews in the Early Modern Period*, New Haven-London 1991, p. 22–26.

14 J. Dzięgielewski, "Biskupi rzymskokatoliccy końca XVI – pierwszej połowy XVII w. i ich udział w kształtowaniu stosunków wyznaniowych w Rzeczypospolitej", [in:] *Między monarchą a demokracją. Studia z dziejów Polski XV–XVIII wieku*, ed. A. Sucheni-

traditionally buttressed the feeble administrative organs of the state. Taxes were announced and Sejmiks summoned through the Catholic parishes, which were sometimes treated as the lowest level of the state's administrative structure[15].

Moreover, Catholic Church structures survived the Reformation without great damage. The Commonwealth was divided into two large church provinces, Gniezno and Lviv, with 11 dioceses in the former and seven in the latter. As a result of Reformation processes, the number of Catholic parishes in Crown dioceses was reduced, in particular in the Kujawy diocese and in northern parts of the Gniezno diocese, and as many as 30% of parishes were lost in the diocese of Poznań; however, other dioceses were not substantially affected. The Catholic ecclesiastical organisation in the early modern Commonwealth continued to differ from that in Western Europe: dioceses were larger and the parish network not as dense. Catholic structures were particularly weak in Ruthenian lands, and their farthest reaches overlapped with those of Polish settlements. After 1596, they would be complemented with a dense network of parishes of the Greek Catholic rite, competing with the Eastern Orthodox Church[16]. The Uniate Greek Catholic Church, formed as a result of the Brest (Brześć) Union, formally replaced Orthodox ecclesiastical structures. In the Commonwealth, it comprised 2 archdioceses and 6 dioceses[17].

The good condition of Catholic structures in the Commonwealth stood in stark contrast with the situation in neighbouring areas, particularly in the north. After 1525, the bishoprics of former Teutonic Prussia, which belonged to the Riga archdiocese, became Lutheran; in 1587, the offices of bishop in Ducal Prussia were abolished. Livonia saw similar developments, as bishoprics were secularised before 1566[18]. The structures of the former archdiocese of Riga that survived within the borders of the Commonwealth were the bishopric of Chełmno (Culm), subordinate to the Gniezno archdiocese since 1577, and some parishes of the Pomesania diocese incorporated into it. The diocese of Warmia

Grabowska, M. Żaryn, Warszawa 1994, p. 191–210; J. Kłoczowski, *Dzieje chrześcijaństwa polskiego*, Warszawa 2007, p. 162–163.

15 S. Litak, "Organizacja Kościoła łacińskiego w Rzeczypospolitej w XVI – XVIII wieku ze szczególnym uwzględnieniem diecezji krakowskiej", [in:] *Kościół katolicki w Małopolsce w średniowieczu i we wczesnym okresie nowożytnym*, ed. W. Kowalski, J. Muszyńska, Kielce-Gdańsk 2001, p. 18–35.

16 Ibidem, p. 21–22, 24, 28, 35, 31.

17 L. Bieńkowski, "Organizacja Kościoła wschodniego w Polsce", [in:] *Kościół w Polsce,* vol. II: *Wieki XVI – XVIII*, ed. J. Kłoczowski, Kraków 1969, p. 863–864.

18 Ibidem, p. 19.

was a separate unit, and since 1551 bishops of Warmia were directly subordinate to Rome and had canonical jurisdiction over Catholics in Ducal Prussia[19].

Politically united as of 1570, but diverse in terms of confession, Protestants had limited opportunities to initiate confessionalization processes, and not just because subsequent kings (Henry of Valois, Stephen Báthory, Sigismund III Vasa) were Catholics. An important obstacle in solidifying the foundation of a denominational identity was also the 1570 Sandomierz Agreement. Having brought adherents of Protestant confessions together in political terms, the agreement blocked confessionalization, which is possible only in the spirit of the individual denominations. The *Sandomierz confession*[20] remained a symbolic book only for Reformed Evangelicals. In the mid-1580s an attempt was made in Protestant circles of the Grand Duchy of Lithuania to work out a consensus between Lutheran and Reformed theologians; the effort was unsuccessful[21]. Protestantism in the Commonwealth did not have at its disposal a dogmatic platform which could form the basis for a shared denominational identity. Those seeking to construct a sense of identity in the spirit of one of the confessions which were party to the Sandomierz Agreement risked being accused of breaking that agreement. It was only the loosening of relations between Evangelical Churches following the 1595 synod of Toruń that allowed a more intense focus on shaping a confessional identity, whether Lutheran or Reformed[22].

To strengthen their position, Protestants resorted to denominational coercion, at least where they could afford to; this coercion was a consequence of a peculiar interpretation of political liberty. There was a widespread belief that freedom could be maintained only if the correct civic attitude was fostered, even enforced; young people should, it was believed, be raised in civic virtue; they should be moulded into good citizens and good Christians. The need to

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19 A. Liedtke, "Zarys dziejów diecezji chełmińskiej", *Nasza Przeszłość* 34, 1971, p. 59–116; A. Kopiczko, *Ustrój i organizacja diecezji warmińskiej w latach 1525–1772*, Olsztyn 1993, p. 12–13, 55–58; see A. Szorc, *Dominium Warmińskie. Przywilej i prawo chełmińskie na tle ustroju Warmii*, Olsztyn 1990.

20 *Konfesja sandomierska*, ed. K. Długosz-Kurczabowa, Warszawa 1995.

21 D. Petkūnas, "Das Vilniuser Kolloquium von 1585 als Bemühung des Fürsten Christophorus Radivilius des Donners, die kirchliche Eintracht zwischen der Lutherischen und der Evangelich-reformierten Kirche des Groβfürstentums Litauen zu bewahren", [in:] *Colloquium habitum Vilnae die 14 Iunii, anno 1585 super articulo de Caena Domini*, concinnaverunt J. Gelumbeckaitė, S. Narbutas, Vilnae 2006, p. 205–238.

22 J. T. Maciuszko, "Proces konfesjonalizacji w Europie i w Polsce. Kontekst wyznaniowy synodu generalnego toruńskiego z roku 1595", *Czasy Nowożytne* 2, 1997, p. 17–26.

discipline individuals, to inculcate in them the correct religious and political behaviours, was obvious. Andrzej Wolan wrote: "Próżnoby się kto uskarżał, żeby mu wolność jego była łamana, gdyby do cnoty i przystojnej powinności i z musu był przyciśniony" (It would be pointless to complain that one's freedom was being infringed if one were compelled by force to be virtuous and do one's duty)[23]. Coercing someone to do good is not evil; the principle of *compelle intrare* was applied at the political level, and religious coercion was exerted on individual subjects.

It was not only Catholics who exerted coercion on plebeians; the 1559 synod in Pińczów recommended that nobles enforce Evangelical baptism and education on the children of their subjects. In the second half of the sixteenth century, coercion was applied on estates belonging to members of the Reformed Unities of Lesser Poland and Lithuania; the Greater Poland Unity of the Czech Brethren did not take such a step[24]. The resolutions of the Warsaw Confederation, despite some doubts concerning their interpretation, changed little in the accepted practice, which increasingly incorporated coercion not only on private estates, but even on royal estates. After 1573, magnates began to see themselves as entitled to *ius reformandi*; this – as Michael G. Müller noted – had a disastrous impact on the position of non-Catholic residents of royal towns, in light of the fact that "the crown claimed the same rights with respect to the royal towns and openly supported anti-Protestant action."[25] Some good examples of religious coercion can be found in the latifundia of the Grand Duchy of Lithuania; for instance, the Protestant Radziwiłłs made an early start on activities typical for confessionalization[26].

Denominational coercion was a practice which revealed that the benefits that came with confessional equal rights as of 1573 were, in practice, limited to the nobility as an estate. Nonetheless, this regulation was part of public law;

23 A. Wolan, op. cit., p. 41; see A. Grześkowiak-Krwawicz, *Regina libertas,* p. 263–264.

24 J. Tazbir, *Państwo, p.* 93–97; S. Tworek, *Przymus wyznaniowy na terenie Wielkiego Księstwa Litewskiego w XVI – XVII w.*, OiRwP 19, 1974, p. 161–164; H. Gmiterek, *Bracia czescy a kalwini w Rzeczypospolitej. Połowa XVI – połowa XVII wieku. Studium porównawcze*, Lublin 1987, p. 111–114.

25 M. G. Müller, "Protestant Confessionalisation in the Towns of Royal Prussia and the Practice of Religious toleration in Poland-Lithuania", [in:] *Tolerance and Intolerance in the European Reformation*, ed. by O. P. Grell, B. Scribner, Cambridge 1996, p. 266.; H. Wisner, *Rozróżnieni w wierze*, p. 32–35.

26 D. Karvelis, "Przymus wyznaniowy w „księstwie birżańskim" u schyłku XVI i w pierwszej połowie XVII wieku", [in:] *Litwa w epoce Wazów*, ed. W. Kriegseisen, A. Rachuba, Warszawa 2006, p. 257–275.

the Election Sejm of 1573 included an abridged version of the Warsaw Confederation into the Henrician Articles, a *sui generis* constitution[27]. Henry of Valois made only a general promise that he would protect denominational peace[28], which gave rise to some doubt, but Stephen Báthory ultimately swore to respect the Henrician Articles with the passage from the Confederation, which now became law[29].

Contrary to what Catholic opponents of denominational equality feared, its confirmation did not stop Protestantism and its influence from shrinking; a clear sign of this was the growing number of conversions to Catholicism. Converts from the Reformed confession included two of the most influential politicians in the Commonwealth at the turn of the sixteenth and seventeenth centuries, Jan Zamoyski and Lew Sapieha[30]. These were the early results of the work on Catholic reform[31]. This work gained momentum thanks to King Stephen Báthory, elected in 1575; while he strove to implement a balanced religious policy, he did not conceal his preference for his fellow Catholics[32]. The work on reform proceeded alongside an intensifying Counter-Reformation

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27 S. Gruszecki, *Walka o władzę w Rzeczypospolitej Polskiej po wygaśnięciu dynastii Jagiellonów (1572–1573)*, Warszawa 1969, p. 260–261, Dissertationes Universitatis Varsoviensis, 36.

28 W. Sobieski, "Si non jurabis, non regnabis… Spór o przysięgę królewską", [in:] idem, *Trybun ludu szlacheckiego. Pisma historyczne*, edit. and intr. S. Grzybowski, Warszawa 1978, p. 251–277.

29 Litterae confirmationis Articulorum Henrico Regi antea oblatorum, VC, vol. II 1550–1609, vol. 1 1550–1585, ed. S. Grodziski, I. Dwornicka, W. Uruszczak, Warszawa 2005, p. 356; S. Salmonowicz, *Geneza i treść uchwał konfederacji warszawskiej*, OiRwP 19, 1974, p. 7–30; J. Obirek, *Jezuici w Rzeczypospolitej Obojga Narodów w latach 1564 – 1668. Działalność religijna, społeczno-kulturalna i polityczna*, Kraków 1996, p. 204–217; J. Dzięgielewski, "Biskupi katoliccy a sprawa prawnego uznania wyznań reformacyjnych w Polsce 1551–1576", [in:] *Kardynał Stanisław Hozjusz (1504–1579). Osoba, myśl, dzieło, czasy, znaczenie,* ed. S. Achremczyk, J. Guzowski, J. Jezierski, Olsztyn 2005, p. 141–142.

30 K. Tyszkowski, *Przejście Lwa Sapiehy na katolicyzm w 1586 r.*, RwP 2, 1922, p. 198–203; A. K. Banach, op. cit., p. 21–36; J. Dworzaczkowa, *Konwersje na katolicyzm szlachty ewangelickiej wyznania czeskiego w Wielkopolsce w XVI i XVII wieku*, OiRwP 50, 2006, p. 89–100.

31 S. Litak, "Kościół w Polsce w okresie reformacji i odnowy potrydenckiej", [in:] H. Tüchle, C. A. Bouman, *Historia Kościoła*, ed. L. J. Rogier, R. Aubert, M. D. Knowles, vol. 3: *1500–1715,* transl. J. Piesiewicz, Warszawa 1986, p. 383–402.

32 G. Schramm, *Der polnische Adel*, p. 271–281; J. Tazbir, *Piotr Skarga, p.* 77; S. Obirek, *Jezuici w Rzeczypospolitej*, p. 190–199.

action, coordinated by Rome through bishops supervised by papal nuncios. Thus, in the last quarter of the sixteenth century, a mechanism began to emerge in which two cooperating centres conveyed the idea of Catholic reform: the episcopate and the royal court. But while the court and the bishops promoted the ideas of Catholic confessionalization, they were mindful of the political reality of the multi-denominational Commonwealth. It is still difficult to speak of a Catholic faction centered around the episcopate at this stage; nor did the courtly faction during the reigns of Stephen Báthory and Sigismund III Vasa always fulfil Catholic demands. On the other hand, dissenters – Protestants and Orthodox Christians – did not form political groups of denominational character[33].

Of central importance to the condition of Catholicism in the Commonwealth was acceptance of the decrees of the Council of Trent, which ended in 1563. In 1564, Sigismund Augustus received the volume of canons and decrees produced by the council, but this did not mean they had been acknowledged by the state. In the same year, the Trent Canons were accepted by the synod of the Lviv diocese, but more significant were decisions made by the 1577 synod in Piotrków, where the bishops of the Gniezno province not only accepted the Trent Canons, but also condemned the Warsaw Confederation[34]. Thus, a constitutional act, sworn to by the monarch of the Commonwealth, was officially questioned by representatives of the Catholic Church. At that early stage, it was merely a demonstration of a policy to consistently contest facts incompatible with Catholic doctrine, but the episcopate's stance was of course in conflict with the raison d'état. As senators, diocesan bishops strove in fact to avoid openly challenging equal rights in order not to risk accusations of violating the denominational peace[35].

Even if implementation of the Trent reform was seen in the Commonwealth as a task to accomplish in a matter of decades, with the practical realisation of many regulations not initiated until the early seventeenth century[36], the

33 S. Obirek, *Wizja Kościoła i państwa w kazaniach ks. Piotra Skargi SJ*, Kraków 1994, p. 160–163.

34 S. Litak, op. cit., p. 366, 370; O. Halecki, *Od unii florenckiej do unii brzeskiej*, transl. A. Niklewicz, vol. 1, Lublin 1997, p. 268–269.

35 J. Dzięgielewski, "Biskupi rzymskokatoliccy końca XVI – pierwszej połowy XVII w. i ich udział w kształtowaniu stosunków wyznaniowych w Rzeczypospolitej", [in:] *Między monarchą a demokracją*, p. 191–210.

36 K. Zielińska, *Program integracji społecznej w świetle uchwał Kościoła potrydenckiego*, OiRwP 28, 1983, p. 93–110; see S. Nasiorowski, "*List pasterski*" *kard. Bernarda Maciejowskiego*, Lublin 1992.

Counter-Reformation was considered an urgent matter as early as the 1570s. As Catholic propaganda intensified, so did denomination-based hostility, which resulted in increasing public unrest. The first victim of "denominational hatred" (*nienawiść wyznaniowa*), to borrow from the title of Wasław Sobieski's evocative book, would be Evangelical communities in royal towns[37]. The most dramatic example was the drive to remove such communities from the capital city of Kraków, where – in the middle of the sixteenth century – Protestants had felt secure, and where they even (thanks to the influence of the Castellan of Biecz, Jan Boner) celebrated services at the Wawel cathedral[38]. The Protestant community in Kraków was estimated to be quite large. The Jesuit Peter Canisius noted that holiday services attracted up to 10,000 faithful to the city and its surroundings, though this must have been an exaggeration, given that, according to visitation data, there were 68 Evangelical families in Kraków in 1565–1570, and the number of non-Catholics in the city was estimated at 700[39].

In 1560s, Protestant services were held in private townhouses, and in 1570 the Evangelical congregation purchased "kamienicę Bróg nazwaną na ulicy św. Jana" (the townhouse called Bróg in St. John Street), which was rebuilt for the purposes of religious worship[40]. In 1572, Kraków Protestants received from Sigismund Augustus the privilege legalising the status of the temple and the congregation school[41]. However, already on 10 October 1574, after Henri of Valois fled the country, a rioting crowd severely damaged "Bróg"[42]. Stephen Báthory acted promptly and decisively to prevent further riots, but after his death, on 8 May 1587, the church was attacked again[43]. Sigismund III Vasa adopted a different

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37 W. Sobieski, *Nienawiść wyznaniowa tłumów za rządów Zygmunta III-ego*, Warszawa 1902; M. Bogucka, "Miasta w Polsce a reformacja. Analogie i różnice w stosunku do innych krajów", [in:] eadem, *Człowiek i świat. Studia z dziejów kultury i mentalności XV–XVIII w.*, Warszawa 2008, p. 227–237.

38 O. Halecki, *Protestantyzm na Wawelu*, PH 11, 1910, p. 188–197.

39 G. Schramm, "Reformation und Gegenreformation in Krakau. Die Zuspitzung des konfessionellen Kampfes in der polnischen Hauptstadt", *Zeitschrift für Ostforschung* 19, 1970, 1, p. 1–41.

40 W. Węgierski, *Kronika zboru ewangelickiego krakowskiego*, published by M. Pawelec, B. Tondera, Kraków 2007, p. 65.

41 G. Schramm, *Reformation und Gegenreformation*, p. 26–27.

42 *Akta i relacje dotyczące zburzenia zboru kalwińsko-luterańskiego w Krakowie w r. 1574*, ed. R. Żelewski, „Teki Archiwalne", vol. II: Z *dziejów Odrodzenia w Polsce*, Warszawa 1954, p. 109–137.

43 H. Barycz, "Historia zburzenia zboru krakowskiego w roku 1587", [in:] idem, *Dokumenty i fakty z dziejów reformacji*, RwP 12, 1953–1955, [printed 1956], p. 228–240.

stance. When on 23 May a rioting crowd again set out to destroy the Protestant church and a nearby prayer house of the Polish Brethren, the king's reaction was much less prompt[44]. With the riot resulting in several deaths, Protestants abandoned their efforts to maintain a church in the Commonwealth's capital. Services were subsequently held in the nearby town of Aleksandrowice under the protection of Stanisław Karniński Iwan before they then moved to Lucjanowice (Łucjanowice) of the Żeleński family and Wielkanoc of the Wielowieyski family[45]. Evangelical churches in Poznań and Lublin lasted longer, with both closing in the first half of the seventeenth century.

The situation of non-Catholics in the Grand Duchy of Lithuania was somewhat better. Here, on the basis of the Third Statute of Lithuania of 1588, churches of all denominations were protected by law; the Statute went so far as to prohibit laypersons from being summoned to ecclesiastical courts, and the Warsaw Confederation was *in extenso* included in the Statute[46]. At the end of the sixteenth century, there were about 200 Protestant congregations there, about as many as there were Catholic parishes[47]. The capital city of Vilnius was a multi-denominational city, and civil rights were enjoyed not only by Catholics and Orthodox Christians, but also by Lutherans and Calvinists, who also had churches there[48]. However, in the face of intensifying Counter-Reformation activity in the Grand Duchy, the protection extended by magnate families to their fellow non-Catholics was increasingly important. The Vilnius Reformed church was removed outside the city walls, though

44 W. Leitsch, *Das Leben am Hof König Sigismunds III. von Polen*, Wien 2009, Bd. II, p. 740–746.

45 *Materiały do dziejów reformacji w Krakowie. Zaburzenia wyznaniowe w latach 1551–1598*, edit. R. Żelewski, Wrocław 1962, Materiały Komisji Nauk Historycznych PAN, no. 6; J. Bieniarzówna, "Pierwsze stulecie zboru pod Wawelem", [in:] J. Bieniarzówna, K. B. Kubisz, *400 lat Reformacji pod Wawelem*, Warszawa 1958, p. 5–34.

46 S. Ptaszycki, "Konfederacja Warszawska roku 1573 w trzecim Statucie Litewskim", [in:] *Księga pamiątkowa ku uczczeniu czterechsetletniej rocznicy wydania pierwszego Statutu Litewskiego*, Wilno 1935, p. 185–213; T. Wasilewski, *Tolerancja religijna w Wielkim Księstwie Litewskim w XVI – XVII w.*, OiRwP 19, 1974, p. 116–128; H. Wisner, *Rozróżnieni w wierze*, p. 27.

47 L. Jarmiński, *Bez użycia siły. Działalność polityczna protestantów w Rzeczypospolitej u schyłku XVI wieku*, Warszawa 1992, p. 11.

48 G. Schramm, "Protestantismus und die städtische Gesellschaft in Wilna (16.–17. Jahrhundert)", *Jahrbücher für Geschichte Osteuropas*, NF, 17, 1969, 2, p. 187–214.

tis happened rather late, in 1640; the Lutheran temple, however, survived in the Old Town of Vilnius until the modern day[49].

The first manifestations of the Counter-Reformation can be dated to the first years of the second half of the sixteenth century, but the drive progressed beyond its initial stages only during the reign of Stephen Báthory[50]. And although it is the reign of Sigismund III that is most associated with "the Catholic reaction", it has to be noted that the denominational policy of this monarch, with all his "Trent piety" reminiscent of *pietas Austriaca*, cannot be reduced to Counter-Reformationist fanaticism[51]. In 1587, Sigismund III committed himself to preserving denominational peace, confirmed the liberties of Royal Prussia and the regulations of the Third Statute of Lithuania, and rejected the point in electoral procedure which allowed only Catholics to stand for election[52]. In private, he demonstrated a lack of prejudice, and he had Protestants among his courtiers and advisors. English envoy Thomas Roe noted that the king would sing Evangelical psalms with Kasper Denhoff, and that he allowed his Lutheran sister, Anna Vasa, to organise services at Wawel[53]. But his attitude toward dissenters evolved, possibly influenced by hopes for a successful Catholic confessionalization of the Commonwealth[54]. While extreme opinions, such as praise for the Spanish Inquisition expressed in 1595 by the priest Paweł Szczerbic[55], were not heeded at the court, there was support for views expressed by the Jesuit priest Piotr Skarga, who rejected the equal rights of denominations in favour of a conditional "for now" toleration[56].

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49 G. Schramm, "Nationale und soziale Aspekte des wiederverstarkenden Katholizismus in Posen (1564–1617)", [in:] *Festschrift Percy Ernst Schramm zu seinem siebzigsten Geburtstag von Schülern und Freunden zugeeignet*, Wiesbaden 1964, p. 61–71; idem, "Lublin und das Scheitern der städtischen Reformation in Polen", [in:] *Kirche im Osten. Studien zur osteuropäischen Kirchengeschichte und Kirchenkunde*, hrsg. R. Stupperich, Bd. 12, Göttingen 1969, p. 33–57; H. Gmiterek, *Tumult wyznaniowy w Lublinie w 1633 roku*, OiRwP 50, 2006, p. 157–167; U. Augustyniak, *Jeszcze raz w sprawie tumultu wileńskiego 1639 i jego następstw*, ibidem, p. 169–189.

50 G. Schramm, *Der polnische Adel*, p. 204–219.

51 Ibidem, p. 281–314; W. Leitsch, op. cit., p. 740–750, 866–897.

52 E. Barwiński, *Zygmunt III i dyssydenci*, RwP 1, 1921, p. 51–57; E. Opaliński, *Elita władzy w województwach poznańskim i kaliskim za Zygmunta III,* Poznań 1981, p. 63–67; H. Wisner, *Zygmunt III Waza*, Wrocław 1991, p. 47–48.

53 H. Wisner, *Zygmunt III Waza,* Wrocław 1991, p. 221–222; W. Leitsch, op. cit., p. 748–749.

54 J. Bidlo, *Udział Jednoty Brackiej w walce o proces i egzekucję konfederacji warszawskiej*, OiRwP 22, 1977, p. 159–175; L. Jarmiński, op. cit., p. 31nn.

55 J. Tazbir, *Państwo bez stosów*, p. 174.

56 Quoted from J. Tazbir, *Piotr Skarga. Szermierz kontrreformacji*, Warszawa 1978, p. 188.

Jesuits quickly became the third element in the Commonwealth, after the royal court and the episcopate, which worked for Catholic reform[57]. As early as 1553 Marcin Kromer conducted negotiations with Canisius in Vienna on the subject of how to set up the order in Poland, and then persuaded Stanislaus Hosius to support the idea[58]. In 1556, Alfonso Salmerón informed Ignatius Loyola that some difficulties had emerged and the project had to be postponed[59]. The first college was founded only in 1564 in Braniewo, with subsequent colleges organised in Pułtusk, Vilnius, Poznań and Jarosław[60]. Jesuits, whose role in the shaping of denominational relations in the Commonwealth was pivotal (if often misrepresented), had the support of Báthory, who frequently used them in his eastern policy. He founded large missionary colleges in Połock, Riga and Dorpat, and raised the Vilnius College to the rank of an Academy[61]. It is to Jesuits that Catholicism owes the modern notion of the confessional state, and in the Commonwealth, it is they who applied this doctrine to the specific Polish-Lithuanian context[62].

Catholic attitudes toward the state, as expressed and advocated in the Commonwealth before this stage, had a tenuous connection with political reality, either invoking medieval doctrines or gravitating towards a peculiar Messianism, as reflected in the overrated writings of Orzechowski. The misery of the Catholic

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57 S. Obirek, *Jezuici w Rzeczypospolitej*, p. 247–248.

58 S. Bodniak, *Marcin Kromer w obronie kościoła (1542–1556). (Kartka z dziejów walki z reformacją w Polsce)*, RwP 3, 1924, p. 214; T. Pawlak, "Niektóre aspekty kontrreformacyjnej postawy Stanisława Hozjusza", *Warmińskie Studia Historyczne* 7, 1970, p. 116.

59 A. Salmerón do I. Loyoli, Vindobonae 1 I 1556, *Acta nuntiaturae Polonae,* vol. III/1, ed. H. D. Wojtyska, Romae 1993, p. 112; S. Obirek, *Jezuici w* Rzeczypospolitej, p. 21–43; M. Inglot SJ, "Hosii amicus. Alfons Salmerón – pierwszy jezuita w Polsce", [in:] *Kardynał Stanisław Hozjusz (1504–1579). Osoba, myśl, dzieło, czasy, znaczenie*, ed. S. Achremczyk, J. Guzowski, J. Jezierski, Olsztyn 2005, p. 63–76.

60 S. Załęski, *Jezuici w Polsce*, Kraków 1908, p. 9–13; J. Korewa SJ, *Z dziejów diecezji warmińskiej w XVI w. Geneza braniewskiego Hosianum*, Poznań 1965, p. 18–34, 113nn.G. Schramm, *Der polnische Adel*, p. 152–154.

61 J. Tazbir, *Propaganda kontrreformacji wśród chłopów inflanckich (1582–1621)*, KH 65, 1958, 3, p. 720–725; V. Helk, *Die Jesuiten in Dorpat 1583–1625. Ein Vorposten der Gegenreformation in Nordosteuropa*, Odensee 1977; L. Piechnik SJ, *Dzieje Akademii* Wileńskiej, vol.1: *Początki Akademii Wileńskiej 1570–1599*, Rzym 1984, p. 41–77; S. Obirek, *Jezuici w Rzeczypospolitej*, Kraków 1996, p. 173–199.

62 B. Natoński, "Humanizm jezuicki i teologia pozytywno-kontrowersyjna w XVII i XVIII wieku. Nauczanie i piśmiennictwo", [in:] *Dzieje teologii katolickiej w Polsce*, ed. M. Rechowicz, vol. II, pt. 1, Lublin 1975, p. 113–160.

apologetics of the day is exemplified by the work of two collaborators of Hosius: Marcin Kromer and Walenty Kluczborski. While the former penned a timid polemical piece against Lutheranism[63], the latter made a stereotypical argument that confessional diversity weakened the state because Protestants undermined political and social order. More interesting is his defence of the privileges of Catholic clergy as a pillar of royal power and a guarantor of the liberties of the nobility[64]: not wishing to abandon regalism, Kluczborski apparently wished to make it palatable for the Executionists.

Catholic political writing in the second half of the sixteenth century, whose most prominent representatives were, among others, bishops Wawrzyniec Goślicki, Józef Wereszczyński, and Stanisław Karnkowski, was just as monarchist as its Protestant counterpart, but it was distinguished by its clericalism[65]. Wawrzyniec Goślinski's work *De optimo senatore libri duo* (Venetis 1568) reads: "Unde omnis bene instituta respublica in administrando imperio sacerdotes, aut principes, aut socios, sibi putat iustum, utile, et necessarium asciscere. […] Quos quidem, qui ex respublicae eiiciunt, aut iniusti, rudes, imperiti, barbarique sunt, aut non nostrae, id est Christianae Reipublicae cives, aut impuri, impiique religionis hostes censeri debent. Si enim omnis respublica deorum cultu, et religione conservatur, iisque virtutibus sacerdotes maxime excellunt, iuste profecto, sancteque facere sunt illi putandi, qui hos reipublicae muneribus, muniisque obeundios, socios sibi asciscunt…"[66] Even in 1574, bishop Karnowski claimed that, since

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63 M. Kromer, "O wierze i nauce luterskiej. Rozmowa dworzanina z mnichem, Kraków 1551", [in:] M. Kromer, *Rozmowy dworzanina z mnichem (1551–1554)*, published by J. Łoś, Biblioteka Pisarzów Polskich nr 70, Kraków 1915, p. 4–11.

64 "Przestroga przeciwko Konfederacyjej, którą pisał X. Walenty Kuczborski, kanonik krakowski, do króla Augusta 1569", [in:] *Sześć broszur politycznych z XVI i początków XVII stulecia*, published by B. Ulanowski, introduction by S. Kutrzeba, Kraków 1921, Biblioteka Pisarzów Polskich nr 76, p. 41–88; already Stanisław Kutrzeba noted that the title of this work must have been added by a later copyist, working after 1572, see J. Tazbir, *Kuczborski Walenty*, PSB, XVI, 1971, p. 73–74.

65 J. Związek, "Katolickie poglądy polityczno-społeczne w Polsce na przełomie XVI i XVII wieku w świetle kazań", [in:] *Studia Kościelnohistoryczne*, vol. 2, Lublin 1977, p. 13.

66 "That is why every well-managed state considers it just, good and necessary to choose priests either as rulers, or as associates in directing it. […] Those who remove them from power are either unjust, obtuse, foolish, and barbarians, or are not adherents of our, that is Christian, religion, or should be considered impure and vile enemies of religion. For if everyone preserves oneself through the worship of God and religion, and priests excel in those virtues, then indeed it should be considered that they acted justly and in a holy way who chose them as companions in fulfilling duties and obligations of

the Kingdom of Poland had always been Catholic, the king must protect this confession, while religious innovation must simply be rejected, because it posed a danger to the state. In 1588, an author who gave his name as "Philopolites" made an equally unconvincing argument that identified Catholicism with civic virtue and patriotism[67].

Krzysztof Warszewicki, a supporter of the Habsburgs who opposed the candidacy of Stephen Báthory and then Sigismund Vasa, adopted a more profound tone[68]. Among his writings are two short treatises on political and religious issues, published in the *Paradoxa* collection. The text entitled *Extremum libertatis initium servitutis* addresses the danger posed to the state by excessive political liberty, including confessional liberty; compared to earlier concepts, however, there is nothing particularly original in it. Warszewicki proposes prayer as a remedy for excessive freedom, and in his treatise *Monarchia melius est et prosperitate populo nihil molestius* he praises monarchy as the best system of government[69]. In a "dialogised" dissertation *De optimo statu libertatis* (1598), published towards the end of his life, he expresses the belief that the Commonwealth must choose between monarchy and the nobles' democracy based on the raison d'état rather than public opinion, which is an open criticism of the nobles' democracy. Warszewicki thus expressed his preference for a strong hereditary monarchy, in which the ruler, along the lines of the Habsburg model, would also be *propugnator religionis*[70].

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the state …" W. G. Goślicki, *O senatorze doskonałym księgi dwie*, transl. T. Bieńkowski, ed. M. Korolko/L. G. Goslicius, *De optimo senatore libri duo*, in linguam polonicam vertit T. Bieńkowski, composuit M. Korolko, Cracoviae 2000, p. 90–93 [translated from the Polish]; M. Korolko, „Introduction", ibidem, p. V–XIX, with a discussion of the extensive literature on this work by Goślicki. See also J. Mańkowski, A. Stępkowski, *O wydaniu Goślickiego*, OiRwP 46, 2002, p. 185–198.

67 S. Obirek, *Wizja*, p. 74–79.

68 T. Wierzbowski, *Krzysztof Warszewicki 1543–1603 i jego dzieło. Monografia historyczno-literacka*, Warszawa 1887, p. 70, 112, 124–125; Cz. Lechicki, *Mecenat Zygmunta III i życie umysłowe na jego dworze*, Warszawa 1932, p. 262–267.

69 T. Wierzbowski, op. cit., p. 172–178; cf. K. Warszewicki, *Paradoksy*, transl. L. Gajda [in:] *Filozofia i myśl społeczna XVI wieku*, ed. L. Szczucki, Warszawa 1978, p. 383–405.

70 T. Wierzbowski, op. cit., p. 219–220; cf. J. Tazbir, *Thomas More et la Pologne,* "Moreana" 13, 1976, 52, p. 25–38, tu p. 32; B. Leśnodorski, "Polski Makiawel", [in:] *Studia z dziejów kultury polskiej. Książka zbiorowa*, ed. H. Barycz, J. Hulewicz, Warszawa 1948, p. 257–279; A. Jobert, *Od Lutra do Mohyły. Polska wobec kryzysu chrześcijaństwa 1517–1648*, trans. E. Sękowska, Warszawa 1994, p. 206–207.

The political writing of Warszewicki or Goślicki was dominated by the Latin rhetorical convention of the late Renaissance, hardly accessible to a wider audience; other writers, such as Kuczborski, were simply short on talent. This cannot be said for the writing of the Catholic bishop of Kiev Józef Wereszczyński, who, in relation to the 1587 election and drawing on the ideas of Orzechowski (but the language and imagery of Mikołaj Rej), put together a short treatise characterising a perfect Commonwealth monarch[71]. Emphasising the need for the king to cooperate with the Senate (a ruler who does not heed his senators' advice is a tyrant), Wereszczyński stresses the significance of the primate, who was to be not merely the "crowner" of the king, but also an "inspector" of all his affairs[72]. The diversity of religions in the Commonwealth was to him an abomination: "wiele ranami oszpecona jest wiara powszechna w naszej miłej Polszcze, jako wiele sekt jednych z drugich pochodzących w naszej się ziemi namnożyło, jako wiele cudów dziwnego domniemania, jako wiele potwór dziwnych konfessyj albo wyznania wiary. Już husowie, już luteranowie, już kalwinistowie, już pikarci, już trójbożanie, już trójczacy, już nowochrzceńcy, już ebionitowie, już obrzezańcy i żydowie, ledwie nie machometanie (sic)…" (the Catholic faith in our beloved Poland is fouled with many wounds, as many sects have multiplied, one from another, many [are] peculiarities of thought, many monsters of strange confessions. There are Hussites, Lutherans, Calvinists, Picards, Tritheists, *trójczacy* [a strand of Anti-Trinitarians], Anabaptists, Ebionites, there are those who are circumcised and Jews, there nearly are Muslims [misspelled]…)[73].

Wereszczyński pondered the duties of the king in this situation: "Takci to więc bywa, kiedy już bywa utracon porządek kościelny; wszystko się opak dzieje, zkąd możemy baczyć, jako szkodliwe jest niedbalstwo królewskie albo przez szpary patrzenie. Dobrzeć ono zdawna powiedziano: *qui nescit dissimulare, nescit*

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71 J. Wereszczyński, "Reguła, to jest nauka albo postępek dobrego życia króla każdego chrześcijańskiego", [in:] idem, *Pisma polityczne ks. Józefa Wereszczyńskiego, biskupa kijowskiego, opata benedyktyńskiego w Sieciechowie, z wiadomością o jego życiu i pismach*, published by K. J. Turowski, Kraków 1858, p. 79–178. The text abounds in thoughts taken from the earlier work by Orzechowski, translated into Polish by Jan Januszowski ("Fidelis subditus albo o stanie królewskim", [in:] *Sześć broszur*, p. 1–38), also the author of the compiled "royal mirror" (J. Januszowski, *Zwierciadło krolewskie z wielu miejsc ludzi wielkich zebrane i na Polskie przełożone*, [in:] ibidem, p. 213–278); on Wereszczyński and his compilatory work S. Ptaszycki, *Mikołaj Rej z Nagłowic i ks. Józef Wereszczyński. Ustęp z większej całości*, Wilno 1879; A. Sitkowa, *O pisarstwie Józefa Wereszczyńskiego. Wybrane problemy*, Katowice 2006.
72 J. Wereszczyński, op. cit., p. 80–87; cf. Cz. Lechicki, op. cit., p. 293.
73 Ibidem, p. 93.

imperare, to jest, kto nie umie wiedzieć nie wiedząc, albo widzieć niewidząc, ten już nieumie królować. Ale zaś dyssymulacyja takowa, która się tknie wiary i religii chrześciańskiej, barzo jest szkodliwa, bo tym sposobem dyssymulować, jest jakoby Pana Boga najgrawać, który jako apostoł powieda, nie może być pośmiewam" (And so this is what happens when church order is lost; everything goes amiss, and so we can see how damaging royal negligence or turning a blind eye is. It is well said that *qui nescit dissimulare, nescit imperare*, that is, he who cannot know when not knowing, or see when not seeing, cannot be king. But such dissimulation as concerns faith and the Christian religion is very harmful, for to dissimulate in this way is to mock the Lord God, who, as the apostle says, cannot be derided).[74] This criticism was levelled at Sigismund Augustus, and the directions addressed to Sigismund Vasa: "Król w onym niesłusznym i przymuszonym pokoju to czynić ma, żeby to wszelakim sposobem i znakiem dawał po sobie znać, to jest, i żywotem, i obyczajami, i pojźrzeniem, że mu się zgoła odszczepień" (What the king ought to do, in this wrong and forced peace, is to make it known in any way possible, with his life, his habits, and his look, that he disapproves of dissent). We have no way of knowing whether Wereszczyński's advice reached its intended receiver, but Sigismund III rather infrequently "dissimulated" dislike for his non-Catholic subjects. This was presumably the result of the influence of his teachers and associates, some of whom were drawn from the ranks of Jesuits and the environment of Cardinal Hosius, who died in 1579[75].

During the reign of Stephen Báthory, Jesuit preachers and writers (Jakub Wujek, Hieronim Powodowski) invoked the ideology of the Catholic monarchy as a defender of "the true religion"[76], but in adapting the political theology of the Council of Trent to the reality of the nobles' democracy that was the Commonwealth, they often resorted to dramatic tropes. Piotr Skarga viewed the Commonwealth as a fortress besieged by enemies: "żydów, pogan, tyranów, turków, heretyków, odszczepieńców i złych katolików" (Jews, pagans, tyrants, Turks,

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74 Ibidem, p. 96–97.

75 Cz. Lechicki, op. cit., p. 25–38, 42–44, 50–55, 102–126, 183–187; K. Zielińska, *Orzeł Patronów Królestwa – ze studiów nad związkami katolicyzmu ze świadomością narodową w Rzeczypospolitej przełomu XVI – XVII w.,* [in:] *Kultura, polityka, dyplomacja. Studia ofiarowane Profesorowi Jaremie Maciszewskiemu w sześćdziesiątą rocznicę Jego* urodzin, ed. A. Bartnicki et al., Warszawa 1990, p. 527–536; S. Obirek, *Jezuici w Rzeczypospolitej*, p. 223nn.

76 A. Glinka, "Hieronim Powodowski jako polemista", *Nasza Przeszłość* 23, 1961, p. 65–96; J. Związek, op. cit., p. 59–72.

heretics, apostates and bad Catholics)[77]. The proposed remedy was cooperation between the state and the Catholic Church, which was supposed to regain the dominant position[78]. The state's task was to defend the true religion, and it could only do this by countering non-Catholics. Their equality of rights was tantamount to the downfall of the state, and so the Commonwealth had to either re-Catholicise or perish, as Skarga wrote in 1610, citing the example of Kraków, where non-Catholic churches had to be destroyed, "bo z nimi spokojne miasto nigdy być nie mogło" (for with them the city could never be peaceful)[79].

This does not mean that Skarga took no account of reality: "Znosić heretyki i ścierpieć, gdy się bez wojen i rozruchów domowych i wszystkiego Królestwa karać nie mogą, to każdy rozum przypuścić musi. Boby wiele dobrych poginęło, boby szkodę wielką niewinni podjęli. Uchowaj tego Boże" (Every reason must allow that heretics should be endured when they cannot be punished without causing wars or riots. For many good men would die and the innocent would come to great harm. God forbid that this should happen).[80] In his writings on dissenters, Skarga thus wavers between pragmatism and the orthodoxy of a doctrinaire[81]. His political realism and awareness that projects that are politically possible have an advantage over those that may be correct in terms of doctrine but unrealistic brought him close to the views of Justus Lipsius. There is, however, no need to seek ties between them, although it would be peculiar if a Polish Jesuit were unaware of the views of the most eminent Catholic convert of the day[82]. Skarga's principal source of inspiration was the official doctrine of the Catholic Church, which was reverting from the nominalist *via moderna* to the Thomist *via antiqua* in the works of Roberto Bellarmino, Francisco Suárez, Juan de Marian, or Giovanni Botero[83]. They considered the Catholic confessional state the only legitimate one, but they refrained from prescribing the optimal system of power or determining rigid rules for treating dissenters.

Bellarmino, who corresponded with Sigismund III and taught, among others, the bishops Bernard Maciejowski, Maciej Pstrokoński, Jerzy Radziwiłł, Marcin

77 P. Skarga, *Kazania na niedziele i święta całego roku*, vol.1, Lwów 1898, p. 337.

78 S. Obirek, *Wizja*, p. 173–178.

79 Quoted from ibidem, p. 197; J. Tazbir, *Piotr Skarga. Szermierz kontrreformacji*, Warszawa 1978, p. 120–128, 226–227.

80 Quoted from J. Tazbir, *Piotr Skarga*, p. 188.

81 S. Obirek, *Jezuici w Rzeczypospolitej*, p. 244.

82 R. Żurkowa, "Znajomość dzieł Justusa Lipsiusa w Krakowie w XVII wieku", [in:] *Studia o książce*, vol.2, Wrocław 1971, p. 147–161.

83 S. Obirek, *Ideologiczne przygody jezuitów*, KH 94, 2007, 4, s. 88.

Szyszkowski, and Benedykt Woyna, referred to concepts put forward by Stanislaus Hosius and viewed secular authorities as in need of correction; he therefore believed the best system of government to be the *monarchia mixta*, where the monarch is controlled by "the people" (naturally of the Catholic persuasion)[84]. Of greatest significance to the clergy was his emphasis on the importance of institutional Church structures and on the popes' role as earthly substitutes of Christ[85]. In the Commonwealth's multidenominational society, what mattered more in church practice were regulations concerning, among other things, the rights and powers of the Catholic Church. Bellarmino maintained that Evangelicals and Orthodox Christians should be subject to the jurisdiction of the Catholic Church. The implementation of this proposal depended on the state, and bishops continued to demand the restoration of state enforcement of ecclesiastical sentences.

The aim of Catholic reform was to transform the Commonwealth into a confessional state, but – according to the thought of Bellarmino and Suárez – Catholics were free to choose the best way of achieving this. The doctrine of strong monarchy, advocated by – among others – Skarga, clashed in the years of the Sandomierz *rokosz* (semi-legal rebellion) with the ideology of the nobles' democracy; some began to argue that liberty was under threat from supporters of the Counter-Reformation, which is reflected in the discourse of the *rokosz* pamphleteers as "Jesuit tyranny"[86]. As a result, ideologues of the Catholic state turned to arguments which highlighted pragmatism, even recommending tolerance of non-Catholics if opposing them meant jeopardising peace. In 1627, the Lithuanian branch of the Society of Jesus even published a textbook of positive-controversial theology by Martin Becanus, entitled *Compendium manualis controversiarum huius temporis de fide ac religione*, which took a similar stance[87]. This replacement of the monarchist idea with the Polish variety of *monarchia mixta* was fully consistent with theories put forward by Bellarmino and Suárez, who

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84 S. Obirek, *Jezuici w Rzeczypospolitej,* p. 52–55, 129; A. Jobert, *Od Lutra do Mohyły*, p. 48–49; this was the spirit of the treatise Vasas *De officio principis christiani libri tres* by Bellarmino, dedicated to Prince Władysław and with a foreword praising the Polish, Cz. Lechicki, op. cit., p. 287–288.

85 W. Łydka, "Bellarminowska definicja Kościoła i jej wpływ na późniejszą teologię katolicką", *Roczniki Teologiczno-Kanoniczne* 13, 1966, 2, p. 57–75.

86 S. Brzeziński, "Tyran i tyrania w staropolskim języku politycznym (XVI–XVII w.)", [in:] *Społeczeństwo staropolskie,* seria nowa, vol.1, ed. A. Karpiński et al., Warszawa 2008, p. 358–361.

87 Editio princeps Würzburg 1623; S. Obirek, *Jezuici w Rzeczypospolitej*, p. 233.

postulated supervision of authorities by "the people", which in this case meant the nobility. As Jesuits abandoned the campaign to strengthen monarchy in Poland after 1608, their fellow members of the Society of Jesus were attacked over the publication in 1599 of Juan de Marian's treatise *De rege et regis institutione*[88]. Accusations that Jesuits were advocating regicide even led Claudio Acquaviva, General of the order, to issue a ban on their taking a stand on political matters[89].

None of the following went unopposed by Protestants: The policy of the royal court that ran contrary to the spirit of the Warsaw Confederation, the Jesuits' intensifying missionary activity, the retaking of churches taken over in the mid-sixteenth century by Evangelical congregations, and the removal of Protestant churches from royal towns. Already at the 1579 Sejm, they demanded detailed regulations in denominational matters involving, among other things, the legalisation of the status of the acquired Catholic churches, the right to build new Evangelical temples, and further restrictions on the jurisdiction of ecclesiastical courts, which did not acknowledge mixed marriages[90]. They also made greater efforts to ensure that executive provisions were issued for the Warsaw Confederation[91]. In this they could depend on the understanding of many Catholics usually identified with the "politique" faction led by Chancellor Jan Zamoyski. But even activists connected with the royal court, regarded as Catholic "zealots", did not conceal their reservations for the strongly Counter-Reformation course of politics. In 1584, Bellarmino's disciple, bishop of Vilnius Jerzy Radziwiłł, ordered that Chapter III of the Lithuanian Statute, which contained legal guarantees of religious worship for all Christian denominations, be entered into the books of the Lithuanian Metrica. In 1590, Lew Sapieha, Lithuanian Chancellor and advisor to Sigismund III, wrote the following to Voivode of Vilnius Krzysztof

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88   J. Turnowski, "Obrona prawdy listów z miasta Torunia na sejmiki szrzedzki i proszows-ki", [in:] *Literatura antyjezuicka w Polsce 1578–1625. Antologia*, ed. J. Tazbir, Warszawa 1963, p. 163–171.

89   S. Obirek, *Jezuici w Rzeczypospolitej*, p. 126–128, 286–287; R. Skowron, "Spory o rację stanu. Antymakiawelizm w Polsce i w Hiszpanii w XVI i XVII wieku", [in:] *Spory o państwo w dobie nowożytnej. Między racja stanu a partykularyzmem*, ed. Z. Anusik, Łódź 2007, p. 339–355.

90   M. Korolko, *Spory i polemiki wokół konfederacji warszawskiej*, OiRwP 19, 1974, p. 79–102.

91   K. Lepszy, *Walka sejmowa o konfederację warszawską w roku 1587*, OiRwP 4, 1959, p. 113–135; see idem, *Walka stronnictw w pierwszych latach panowania Zygmunta III,* Kraków 1929; H. Wisner, *Walka o realizację konfederacji warszawskiej za panowania Zygmunta III Wazy*, OiRwP 19, 1974, p. 129–150; J. Bidlo, *Udział Jednoty Brackiej w walce o proces i egzekucję konfederacji warszawskiej,* OiRwP 22, 1977, p. 159–175.

Mikołaj Radziwiłł "the Thunder", a leader of Evangelicals: "jam katolik, ale nie życzę tego ojczyźnie, aby tu u nas miało być jako we Francji, a mniemam że wielu tych jest katolików, co tego nie tylko nie życzą, ale gdyby do czego przyjść miało i oponować się temu będą, bo by to już ostatnia zguba była ojczyzny naszej" (I am a Catholic, but I do not wish upon my homeland what happened in France, and I believe there are many Catholics who not only feel the same, but if it should come to pass, they would oppose it, for this would be the ultimate destruction of our homeland)[92].

Nonetheless, the beginning of 1590s brought an intensification of religious unrest: in May 1591 another riot took place in Kraków; in June, a Reformed church was burned in Vilnius, and a church of the Czech brethren in Poznań was attacked[93]. The outrage caused by these events strengthened the opposition faction of "politiques" led by Zamoyski, who accused Sigismund III of seeking to introduce absolutism and simultaneously intending to cede the throne to the Habsburgs. Oppositionists and Protestants, among whom the former Voivode of Sandomierz Stanisław Szafraniec and his son Andrew played a prominent role, organised a series of meetings – in Chmielnik (25 July 1591); in Radom, twice (23 September 1591 and 2 February 1592); in Lublin (9 April 1592) and in Jędrzejów (1 June 1592)[94]. The demands formulated at those conventions, which mostly concerned political rather than religious matters, were presented to the king. But he refused to consider proposals formulated at "private" (and thus, in his view, illegal) meetings, and referred to the parliament those who were displeased[95]. Most of the Crown Sejmiks demanded that the Warsaw Confederation be strengthened and that those inciting riots be punished, but some Sejmiks, dominated by Catholic nobles, stipulated that the "preeminence" of the Catholic

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92 Quoted from T. Wasilewski, *Tolerancja religijna w Wielkim Księstwie Litewskim w XVI – XVII w.,* OiRwP 19, 1974, p. 120.

93 H. Wisner, *Rozróżnieni w wierze*, p. 82–109; T. Kempa, *Wobec kontrreformacji*, p. 52–53.

94 *Dyaryusze i akta sejmowe r. 1591–1592*, published by E. Barwiński, Kraków 1911, Scriptores rerum Polonicarum, vol. XXI, p. 1–11 – information concerning the meeting in Chmielnik, p. 12–16 – the first Radom meeting, p. 17–22 – the second Radom meeting, p. 22–64 – Lublin, p. 64–86 – Jędrzejów; cf. *Diariusz zjazdu protestantów w Radomiu 1591 r.*, published by W. Zakrzewski, Kraków 1902, Archiwum Komisji Historycznej AU, vol. IX.

95 Odpowiedź podkanclerzego kor. ks. Jana Tarnowskiego dana 8 X 1591 r. w Wiślicy posłom ze zjazdu radomskiego w imieniu króla, *Dyaryusze i akta sejmowe r. 1591–1592*, p. 15–16; see D. Kupisz, "Protestanci i kwestia tolerancji wyznaniowej na zjeździe radomskim w 1591 roku", [in:] *Ewangelicy w Radomiu i regionie (XVI–XX w.). Studia i materiały*, ed. J. Kłaczkow, Radom 2007, p. 33.

Church be secured at the same time[96]. This indicated an intention to restore Catholicism to its position of the dominant confession, and thus a shift from equal rights to toleration.

At the 1592 Sejm, the opposition attempted to conduct an investigation concerning the charges levelled against the king, and Zamoyski even imputed to the king a tendency to precisely the absolutism that Lipsius recommended: "Jesteś WKMć summus, a my członkami, nie possesyą WKMci jesteśmy, nie tak jako Lipsius pisze, który chce aby wszystka authoritas przy Królu zostawała" (Your Majesty are *summus*, and we are members, not a possession of Your Majesty's, not as Lipsius writes, who wants all *authoritas* to remain with the King),[97] which pushed religious problems to the background. It was only before the 1593 Sejm that some Sejmiks called for punishment of those who instigated riots, who were generally held to be Jesuits[98]. Since Sigismund III needed the consent of the parliament to depart for Sweden, a compromise was reached. During the monarch's absence, a new *konstytucja* (law) "O tumulciech" (On riots) would be in force in royal towns outside of Royal Prussia. The law stipulated that town courts and starosta courts would jointly punish those who initiated and participated in religious riots; if blood was shed, those responsible could be sentenced to death[99].

Some Protestant politicians in the Crown were no longer under any illusions when forming a political alliance of the opposition in defence of the rights of non-Catholics. But respect for the monarch and a lack of determination dominated over the will to put up resistance. In 1594, a Protestant general synod was to be held in Radom, but the project was abandoned owing to the absence of Sigismund III. At the 1595 Sejm, speeches of Protestant deputies, who demanded that the scope of the law against riots be broadened, brought no effect[100], and the idea of calling a general synod returned; this was to begin in Toruń on 21 August[101]. It would be the largest and the best prepared meeting of Protestants in the history of the Commonwealth, with around 140 representatives of the Reformed

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96   *Dyaryusze i akta sejmowe r. 1591 – 1592*, p. 121 – the Łęczyca instruction, p. 138 – the Czersk instruction, p. 150 – the Warsaw instruction.

97   Diariusz sejmu inkwizycyjnego 1592 r., *Dyaryusze i akta sejmowe r. 1591 – 1592*, p. 241.

98   J. Tazbir, *Państwo*, p. 126nn.; T. Wojak, *Szkice z dziejów Reformacji w Polsce XVI i XVII w.,* Warszawa 1977, p. 37–46.

99   Konstytucja sejmu 1593 „O tumulciech", VC, vol. II 1550–1609, vol. 2 1587–1609, ed. S. Grodziski, Warszawa 2008, p. 198; L. Jarmiński, op. cit., p. 41–52.

100 L. Jarmiński, op. cit., p. 57–66; T. Kempa, *Wobec kontrreformacji*, p. 74.

101 L. Jarmiński, op. cit., p. 57–66 i 106–126.

Evangelical Church, Czech Brethren and Lutherans in attendance. The official delegations of Gdańsk, Toruń, and Elbląg also participated in the synod, as did – in light of plans to create an inter-denominational alliance of the opposition – an envoy of Konstanty Ostrogski, the political leader of Eastern Orthodox Christians in the Commonwealth[102].

Organisers of the synod sought to strengthen the Sandomierz Agreement, prepare a defence of equal rights, and demonstrate political unity. However, the beginning of the synod was dominated by a dispute between the Sandomierz Confession and Gnesiolutherans, in particular pastor Paul Gericke of Poznań[103]. Already in 1581, the acceptance by the Lutheran senior, Father Erazm Gliczner[104], of the Lutheran *Formula concordiae*, was considered by Reformed Evangelicals a breach of the 1570 agreement. The stance of orthodox Lutherans would have far-reaching results; by, in practice, turning the Sandomierz Agreement into a dead letter, it enabled Protestants of both groups to engage in confessionalization[105].

After this controversy subsided, the synod was able to agree on a plan to strengthen the Warsaw Confederation at the 1596 Sejm. However, the most important outcome of the synod was the fact that Protestants were able to form a political alliance, which was also joined by Orthodox Christians[106]. After the synod, letters calling for the defence of equal religious rights were sent to over 30 Sejmiks, but the political designs of its organisers fell through. Sigismund III considered the Toruń synod illegal and – despite the efforts of one of the most respected politicians among the nobility, Stanisław Szafraniec[107] – the king

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102 T. Kempa, *Prawosławni a synod protestancki w Toruniu w 1595 roku. U początków współpracy dyzunitów z dysydentami,* „Zapiski Historyczne" 62, 1997, 1, p. 39–52.

103 H. Kleinwächter, "Paulus Gericius, deutscher Prediger Augsburgischer Confession in Posen. Ein Beitrag zur Geschichte des Protestantismus in Posen", *Zeitschrift der Historischen Gesellschaft für die Provinz Posen* 5, 1890, p. 219–244; J. Byliński, *Marcin Broniewski – trybun szlachty wielkopolskiej w czasach Zygmunta III*, Wrocław 1994, p. 26.

104 K. E. Jordt Jørgensen, *Ökumenische Bestrebungen unter den polnischen Protestanten bis zum Jahre 1645*, København 1942, p. 291nn.; H. Barycz, *Gliczner Erazm,* PSB, vol. VIII, Wrocław 1956–60, p. 50–52.

105 W. Sławiński, *Toruński synod generalny 1595 roku. Z dziejów polskiego protestantyzmu w drugiej połowie XVI wieku,* Warszawa 2002, p. 300.

106 W. Sławiński, op. cit., p. 294–301.

107 H. Kowalska, *Stanisław Szafraniec z Pieskowej Skały*, OiRwP 3, 1958, p. 99–132.

refused to acknowledge its resolutions. At the 1596 Sejm, the 1593 "constitution on riots" was prolonged only with great difficulty[108].

Constant attacks by Catholic writers on the Warsaw Confederation increased tensions; particularly dangerous was their questioning of the loyalty of Protestants, who were accused of disrespecting state institutions and sedition. What is worse, similar tones were now appearing in statements made by the king, who was refusing to acknowledge decisions made by the nobility at their conventions. The Protestants of Lesser Poland must have considered these charges to be serious, because in 1599, presumably on the initiative of the Szafraniec family, an anonymous translation of a key passage of *Institutio Christianae religionis* was published. This passage addresses the duty to obey authorities and defines the conditions in which the right to resist authority may be invoked. The Polish version of this fragment of Calvin's *opus magnum* was produced not only to fend off the accusation of Protestant hostility towards the state, but also to reiterate that state authorities also had duties towards their subjects, and negligence on their part might justify resistance[109].

While the Catholic renewal accelerated, another great Christian community in the Commonwealth was in a very different situation. Eastern Orthodox Christianity found itself in a deep crisis owing to the low standards of its clergy, which was in part a consequence of the policy of the rulers, who rewarded political service with church offices[110]. This resulted in a sense that the rights and identity of Orthodox Christianity was under threat; some believe that this, in turn, led to

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108   L. Jarmiński, op. cit., p. 129–152.

109   J. Kalwin, *O zwierzchności świeckiej, porządne według sznuru Pisma świętego opisanie. Zaraz o pożytkach i powinnościach urzędu jej. Z łacińskiego na polskie wiernie przetłumaczone. Anonimowy przekład polski dwudziestego rozdziału czwartej księgi Institutio Christianae religionis nunc uere demum suo titulo respondens Jana Kalwina wydany w 1599 r.*, ed. and introduction by W. Kriegseisen, Warszawa 2009; J. Tazbir, "Społeczno-polityczna propaganda kontrreformacji", [in:] idem, *Szlachta i teologowie. Studia z dziejów polskiej kontrreformacji*, Warszawa 1987, p. 89; W. Kriegseisen, *Polski przekład XX rozdziału czwartej księgi Institutio Christianae religionis Jana Kalwina*, OiRwP 50, 2006, p. 101–113.

110   L. Bieńkowski, "Organizacja Kościoła wschodniego w Polsce", [in:] *Kościół w Polsce*, vol. II: *Wieki XVI–XVIII*, ed. J. Kłoczowski, Kraków 1969, p. 788–837, sprawa nominacji p. 797nn., as early as 1592 Sigismund III appointed Commander Bogusz Siedlicki Archbishop of Połock for military service during the reigns of Sigismund Augustus and Báthory, *Witebskaja starina*, vol. V, part 1, Witebsk 1888, no. 54, p. 86–87.

a reform tendency as early as the 1560s[111]. This is, however, a contentious claim; after all, a drive toward institutional reform need not always stem from a sense of threat. For instance, Volhynia deputies to the Vilnius Sejm of 1565–66 did request that Orthodox bishops be elected by the nobility, given that they believed individuals of little education held these offices. But, although they noted the weaknesses of the Orthodox Church, they did not feel threatened in their rights as nobles[112]. Moreover, there is no way of knowing whether the authors of this motion had an interest not so much in the intellectual level of the Orthodox episcopate as in the tangible assets at the disposal of this episcopate[113].

It seems doubtful, too, that the inclusion in the 1569 Act of the Polish-Lithuanian Union of the guarantee that the *indygenat* (acknowledgment of the status of a foreign noble) principle would be preserved in the appointment policy was proof positive that the Orthodox nobility felt threatened in terms of their confessional freedoms. The monarch made an *expressis verbis* promise "dostojeństw i dygnitarstw i urzędów ziemie naszej wołyńskiej, duchownych i świeckich, wielkich i małych, tak rzymskiego jako i greckiego zakonu będących, nie umniejszać ani zatłumić, i owszem w cale zachować" (titles, distinctions and offices of the Volhynia land, both spiritual and secular, great and small, of Roman and of Greek rite, not to diminish or stifle, but preserve in their entirety)[114]. Unlike Karol Mazur, who interprets this passage from the perspective of the post-1596 polemics[115], we notice no sense of threat to the freedom of confession here. The nobility of Volhynia ensured exclusive access to an undiminished reserve of titles and offices, including those of the *władyka* (Metropolitan) and Archimandrite, which came with their own estates.

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111 W. K. Medlin, "Cultural Crisis in Orthodox Rus' in the late 16th and Early 17th Centuries as a Problem of Socio-cultural Change", [in:] *The Religious World of Russian Culture. Essays in Honour of George Florovsky*, ed. A. Blane, Den Haag – Paris 1975, p. 173–188.

112 K. Mazur, *W stronę integracji z Koroną. Sejmiki Wołynia i Ukrainy w latach 1569–1648*, Warszawa 2006, p. 30.

113 H. Litwin, "Dobra ziemskie Cerkwi Prawosławnej i Kościoła katolickiego obu obrządków na Kijowszczyźnie w świetle akt skarbowych i sądowych 1569–1648", *Rocznik Teologiczny* 32, 1990, 2, p. 187–208.

114 *Akta unii Polski z Litwą 1385 – 1791*, published by T. Kutrzeba, W. Semkowicz, Kraków 1932, p. 306, 316–317.

115 K. Mazur, op. cit., p. 392.

The lack of a sense of political threat is also evident in Orthodox polemical writing[116]. In the second half of the sixteenth century, its authors defend primarily liturgy and dogma rather than political rights. In Orthodox writing, confessional relations are almost exclusively considered at the theological level, which stems from the increasingly evident influence of Catholicism in the sixteenth century; from the arrival in the Grand Duchy of Lithuania of the so-called "Judaizers" from Russia[117]; and from the development of Evangelical structures, which quickly reached Ruthenian and Ukrainian lands[118]. Anti-Trinitarians, who published texts in the Ruthenian language – it is enough to recall Szymon Budny and Wasyl Ciapiński[119] – also conducted missionary activities in Orthodox areas.

The defence of religious doctrine was the focus of defectors from Moscow – Artemy, the former Archimandrite of the Trinity Lavra of St. Sergei, who entered into a dispute with Budny[120], and Andrey Kurbsky[121], who sought to counter Evangelical influence. It was theological doctrine and not confessional rights which was defended by Ivan Vyshenskyi[122] of the Przemyśl Land, and by the anonymous authors of *Protiv povesti nynešnich bezbonych eretikov*, *Spisanie protiv ljutorov*, *Poslanije do latin iz ichże knig*, and other writings[123]. Here we have in

116 I. Bortnik, *Problem tolerancji w prawosławnej myśli teologicznej i społeczno-politycznej w Rzeczypospolitej drugiej połowy XVI i pierwszej połowy XVII wieku*, OiRwP 51, 2007, p. 151–175.

117 M. Dmitriev, *Pravoslavie i reformacija. Reformacionnyje dviženija v vostočnoslavjanskich zemljach Reči Pospolitoj vo vtoroj polovine XVI v.,* Moskva 1990, p. 71–72; cf. W. Zema, "Reformacja w Europie Środkowej i Wschodniej i herezja Feodosija Kosoja", *Rocznik Instytutu Europy Środkowo-Wschodniej* 3, 2005, p. 222–238.

118 G. H. Williams, "Protestants in the Ukraine during the period of the Polish-Lithuanian Commonwealth", *Harvard Ukrainian Studies* 2, 1978, 1, p. 41–72; L. Ivanova, "Refarmacyjny ruch na Belarusi (drugaja palova XVI – peršaja palova XVII stst.)", *Belaruski gistaryčny časopis* 18, 1997, 2, p. 54–72. On the influence of dissenters in Orthodox education in the Commonwealth see M. Korzo, *Ukrainskaja i biełoruskaja katecheticzeskaja tradicija konca XVI – XVIII ww.: stanowlenije, ewolucija i problema zaimstwowanija*, Moskwa 2007.

119 J. Kamieniecki, *Szymon Budny – zapomniana postać polskiej reformacji*, Wrocław 2002, p. 25–37, 64–65; T. Kempa, *Protestanci i prawosławni w obronie swobód wyznaniowych w Rzeczypospolitej w końcu XVI i w pierwszej połowie XVII wieku*, Toruń 2007, p. 36–38.

120 J. Kamieniecki, op. cit., p. 66–67; T. Kempa, *Wobec kontrreformacji*, p. 41–42.

121 M. Dmitriev, op. cit., p. 106–107.

122 Ibidem, p. 101.

123 I. Mic'ko, *Ostroz'ka slovjano-greko-latin'ska Akademija (1576–1636)*, Kiïv 1994; cf. J. Isajewicz, "Cywilizacja postbizantyjska i łacińska w Europie środkowowschodniej.

mind the work of the later Rector of the Ostroh Academy, Hierasym Smotrycki, *Ključ carstva nebesnogo*, as well as the introduction to a translation of the Bible and the book *O edinoj istinnoj pravoslavnoj vere* by Wasyl Suraski (Maluszycki). The texts by Suraski and Smotrycki, along with the text *Poslanije do latin*, were already a response to the union propaganda.

These Orthodox writers considered all other Churches "heretical". For Suraski, the idea of equal rights was unacceptable, because all confessions apart from the Orthodox one were false[124]; he condemned Protestants along with adherents of Judaism and Islam[125]. Artemy in turn considered the activity of heretics in general to be "the work of the devil", and Protestants in particular to be possessed by the demon of lies[126]. Kurbski called Catholics "schismatics", and Protestants "sons of the devil", "venomous dragons", "fiends" as well as "vipers"[127]. This polemical style is hardly out of the ordinary for the era, but it is worth noting that rhetoric of this sort is not only evidence of the intellectual level, but also of the sense of security of its authors, who were unafraid of the reaction of the dissenters they insulted.

This sense of security diverted the attention of Orthodox writers away from political matters; before 1596 the relation of the state to the different confession did not tend to occupy their minds. Only two statements on this subject are known; interestingly, both condemn denominational coercion: Artemy, despite his hostility to those who were not Orthodox Christians, followed the precept to love one's neighbour and recommended persuasion and prayer as tools of conversion[128]; similarly, the author of *Poslanije do latin iz ichże knig* rejected coercion of dissenters[129]. The characteristics of the Orthodox polemical writing before 1596 – insults and a lack of interest in the state's relation to dissenters – indicate that Orthodox elites did not feel threatened. It appears that the Warsaw

Strefy współistnienia i wzajemnych wpływów", [in:] *Europa Środkowowschodnia od X do XVIII wieku – jedność czy różnorodność*, ed. K. Baczkowski, J. Smołucha, Kraków 2005, p. 117–134.

124   "O edinoj vere. Sočinenie Ostrožskogo svjaščennika Vasilija 1588 g.", [in:] ibidem, vol.7, pt. 2, S.-Peterburg 1882, p. 633–938.

125   Ibidem, p. 935.

126   *Poslanija starca Artemija*, p. 1294–1295.

127   *Skazanija knjazja Kurbskago*, izd. N. Ustrjalov, S.-Peterburg 1868, p. 227, 245–249.

128   *Poslanija starca Artemija*, p. 1213.

129   "Poslanie do latin iz ichże knig 1582 goda", [in:] *Russkaja istoriczeskaja biblioteka*, vol. 19: *Pamiatniki polemiczeskoj literatury w Zapadnoj Rusi*, part 3, S.-Peterburg 1903, p. 1135.

Confederation was effective regarding the relations between the Commonwealth and the Eastern Orthodox Church[130].

Orthodox writers and pamphleteers proposed that the level of education and morality of the clergy be elevated, and suggested that the oral and written propaganda of this denomination be strengthened[131]. Initially, the bulk of their disapproval was reserved for Protestants – the text *Protiv povesti nynešnich bezbožnych eretikov* emphasises the proximity of Catholic and Orthodox doctrine and practice[132] – which perhaps stemmed from the belief that Protestants, who in the 1570s were expanding their influence in the Grand Duchy of Lithuania, were more of a threat than Catholics. But already in the next decade Catholics became the main target of Orthodox attacks, which was likely due to tensions surrounding the calendar reform (introduced between 1583 and 1585) and calls for church union, which many Orthodox Christians viewed as a threat to their identity[133].

The Catholic pro-union propaganda was no new phenomenon; it is enough to remember that calls for an agreement with the Orthodox Church were made as far back as Orzechowski. Particularly expressive is the pro-union propaganda in the writings of Jesuits – Benedykt Herbest, Antonio Possevino, and above all Skarga, who in 1577 published *O jedności Kościoła Bożego*. In this text, he argued that a union with Rome would allow Orthodox Christianity to overcome its crisis, to deflect the danger of Protestant heresy, and to protect its identity by preserving a "Greek" liturgy[134]. In the 1580s, in the face of an intensifying crisis (the depth of which was evidenced by the removal in 1589 of the Kiev

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130   M. V. Dmitriev, "Harakter pervyh kontaktov pravoslavnogo i katoličeskogo obšestva v èpohu Kontrreformacii", [in:] *Brestskaâ uniâ 1596 g. i obšestvenno-političeskaâ bor'ba na Ukraine i v Belorussi v konce XVI – načale XVII v.*, ed. N. B. Florâ, Moskva 1996, p. 62.

131   "Predislovie k. Biblii, izdannoj v Ostroge 1581 g.", [in:] *Archiv Jugozapadnoj Rossii*, part 1, vol. 8, Kiev 1914, p. 51.

132   "Protiv povesti nynešnich bezbožnych eretikov", [in:] ibidem, p. 18.

133   The level of tension is evidenced even by the Catholic argumentation – S. Grodzicki, *O poprawie kalendarza kazanie dwoie x. Stanisława Grodzickiego*, Wilno 1587; T. Kempa, *Konstanty Wasyl Ostrogski (ok. 1524/25–1608), wojewoda kijowski i marszałek ziemi wołyńskiej*, Toruń 1997, p. 123nn.

134   P. Skarga, *O jedności Kościoła Bożego pod jednym pasterzem*, Kraków 1885; see J. Kracik, "Pisarze polityczni a geneza Unii Brzeskiej", [in:] *Unia brzeska. Przeszłość i teraźniejszość 1596–1996. Materiały międzynarodowego sympozjum, Kraków, 19–20 listopada 1996*, ed. P. Natanek, R. M. Zawadzki, Kraków 1998, p. 113–129, Textus et Studia, Pontificia Academia Theologica Cracoviensis, Facultas Historica, vol. 6.

metropolitan Onisifor Devochka by Patriarch of Constantinople Jeremias II), Orthodox elites were indeed swayed by pro-union tendencies[135].

The circumstances in which the union between the Catholic Church and parts of the Polish-Lithuanian Orthodox Church was formed in 1596 have been exhaustively described and analysed in many works, and so they will not be repeated here[136]. It bears mentioning, however, that quite apart from the Catholic initiative, encouraging signals were also sent by the other side. Although in 1590 four Orthodox bishops expressed their wish to declare allegiance to the pope[137], Konstanty Ostrogski attempted to play Catholics against Protestants. In 1593, he again presented the concept of a union with the Catholic Church to Hipacy Pociej (Ipatii Potii), Metropolitan of Kiev and Galychyna. Pociej and the Luck-Ostrog bishop Cyryl Terlecki were conducting parallel talks with Catholics, and in 1590–91 the new Metropolitan of Kiev, Michał Rahoza, attempted to introduce reforms which strengthened the position of bishops in relation to secular patrons of the Orthodox Church. But Rahoza soon reached the conclusion that it would be impossible to strengthen the authority of the clergy without the help of the state, which led him to accept the formula for union developed by Pociej and Terlecki[138]. This formula involved the joining of the Polish-Lithuanian Orthodox Church with the Catholic Church, along with acceptance of Catholic

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135   On the origins of the Union of Brest see B. Gudziak, *Kryzys i reforma. Metropolia kijowska, patriarchat Konstantynopola i geneza unii brzeskiej*, transl. H. Leskiw, A. Chrin, Lublin 2008 (first published in English in 1998); M. V. Dmitriev, *Meždu Rimom a Cargradom. Genezis Brestskoj cerkovnoj unii 1595–1596 gg.*, Moskva 2003, p. 7–29 – a discussion of the state of research in the field.

136   P. Žukovič, *Sejmovaja bor'ba pravoslavnago zapadnorusskago dvorjanstva s cerkovnoj uniej (do 1609 g.)*, S.-Peterburg 1901, p. 107–108; K. Chodynicki, *Kościół prawosławny a Rzeczpospolita Polska. Zarys historyczny 1370–1632*, p. 276; T. Kempa, *Konstanty Wasyl Ostrogski wobec katolicyzmu i wyznań protestanckich,* OiRwP 40, 1996, p. 17–36; T. Hunczak, "Unia brzeska 1596: polityka i religia", transl. Z. Kotyńska, [in:] *Spotkania polsko-ukraińskie. Studia Ucrainica*, ed. S. Kozak, *Warszawskie Zeszyty Ukrainoznawcze* 4–5, 1997, p. 66–75; B. Kumor, *Episkopat łaciński wobec Unii Brzeskiej (1590–1637)*, ibidem, p. 76–91; M. V. Dmitriev, "Die Kirchenunion von Brest (1596) und die Konfessionalisierung der polnischen Ostpolitik in der Regierungszeit Sigismunds III.", [in:] *Russland, Polen und Österreich in der Frühen Neuzeit. Festschrift für Walter Leitsch zum 75. Geburtstag,* hrsg. Ch. Augustynowicz, A. Kappeler et al., Wien 2003, p. 159–177.

137   A. Mironowicz, *Kościół prawosławny w dziejach dawnej Rzeczypospolitej*, Białystok 2001, p. 57.

138   T. Kempa, "Metropolita Michał Rahoza a unia brzeska", *Klio* 2, 2002, p. 48–100.

dogma and papal superiority. Pociej believed this to be an honest price for taking Orthodox Christianity out of crisis and protecting it against Protestant influence. Skarga's argumentation was thus accepted, and the concept of simultaneous defence against Catholics and Protestants abandoned[139].

Cooperation with the Catholic Church was supported by members of the Orthodox hierarchy, who were impressed by the standing and position of Catholic bishops; Catholicism was also attractive to many laymen, who converted to it in order to weaken the political significance of Orthodoxy[140]. The designs for the union were presented to Sigismund III in 1590, but it was only the document presented to the king and nuncio Germanico Malaspina in 1595, "Umowa duchowieństwa łacińskiego i ruskiego" (The agreement between Latin and Ruthenian clergy), that met with the monarch's approval. On 2 August 1595 the king issued a guarantee that, following the union, only Ruthenians would be eligible for Uniate church offices, and the parliament would be presented with the project of the introduction of Uniate metropolitans into the Senate of the Commonwealth. On 23 December 1595, with his bull *Magnus Dominus*, Pope Clement VIII confirmed the project of the union brought to Rome by Pociej and Terlecki[141].

The aspirations of the Orthodox clergy, who sought to raise their standing and liberate themselves from the domination of lay patrons, were at odds with plans put forward by Konstanty Ostrogski. As early as June 1595, when the Catholic archbishop of Lviv Jan Dymitr Solikowski accepted the conditions presented by the Orthodox bishops, the Voivode of Kiev along with a group of Ruthenian nobility and clergy objected to the union[142]. Immediately after this, they announced

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139 "Unija grekov s kostelom Rimskim 1595 goda", [in:] *Russkaja istoriczeskaja biblioteka*, vol. 7, S.-Peterburg 1882, p. 114–118, 147–166.

140 E. Dubas-Urwanowicz, "Dylematy wyznaniowe magnaterii litewsko-ruskiej w XVI–XVII w.", [in:] *Rzeczpospolita wielu wyznań. Materiały z międzynarodowej konferencji Kraków, 18–20 listopada 2002*, ed. A. Kaźmierczyk et al., Kraków 2004, p. 79–87. Establishing the reasons for a decision to convert is one of the most difficult research problems. For more on this, see M. Liedke, *Od prawosławia do katolicyzmu. Ruscy możni i szlachta Wielkiego Księstwa Litewskiego wobec wyznań reformacyjnych*, Białystok 2004, p. 15–20.

141 H. Wisner, *Zygmunt III Waza*, Wrocław 1991, p. 121–124. The historiography of the Union of Brest is extensive, though it is largely dominated by confessional assessments. See the following overviews: O. Halecki, *Od unii florenckiej do unii brzeskiej*, vol. 2, transl. A. Niklewicz, Lublin 1997; H. Dylągowa, *Dzieje Unii Brzeskiej 1596–1918*, Warszawa 1996.

142 T. Kempa, *Wobec kontrreformacji*, p. 69–70.

their readiness to cooperate with Protestants. This was a popular idea among the nobility, for whom a union with the Catholic Church meant not only the rejection of Orthodox doctrine, but also the loss of decisive influence on ecclesiastical matters; a rapprochement with Protestants, in contrast, ensured they would retain control over ecclesiastical estates of the Orthodox Church. This tendency was proclaimed in instructions given to the Protestant Kacper Łuszkowski, the envoy sent by Konstanty Ostrogski to the abovementioned synod in Toruń[143]. The Kiev Voivode invoked arguments used earlier by supporters of the union with Rome, even asserting the dogmatic proximity of Orthodox Christianity and Protestantism. Ostrogski also stated that Orthodox Christians would be more efficient in thwarting the Counter-Reformation when allied with Evangelicals – just as he had previously claimed that a union with Catholics would prevent Protestantization[144].

In his message to the Protestant synod, the leader of the Orthodox faction defined his attitude toward state authorities. He wrote respectfully of Sigismund III, but he implied that the king was dependent on his advisors, a veiled reference to the role Jesuits were playing at the royal court. The most dangerous statement came when he invoked the right of resistance. When the monarch breaks his oath, "przypłaca to zdrowiem albo straceniem królestwa" (he pays for it with his health or his kingdom), the Voivode wrote. This meant that, if Sigismund III were tempted to introduce religious coercion, this would be reason enough to renounce obedience. Ostrogski promised Protestants armed reinforcements in such an eventuality. This promise may well have pleased the Protestant leaders gathered in Toruń; and although it should not be assumed that they were gearing up for war, they knew the declaration of the Orthodox leader weakened the position of supporters of the Counter-Reformation[145].

The political rapprochement between Orthodox Christians and Protestants brought results as early as the 1596 Sejm: the Protestant Krzysztof Dorohostajski was made Marshal of the Chamber of Deputies, and on 3 April his fellow Protestants submitted a motion confirming the Warsaw Confederation, which they repeated along with Orthodox Christian deputies on 3 May, while also demanding executory provisions for the Confederation.

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143 W. Sławiński, op. cit., p. 213.

144 *Akta synodów różnowierczych w Polsce*, vol. III: *Małopolska 1571–1632*, edit. M. Sipayłło, Warszawa 1983, p. 596–597; T. Kempa, *Wobec kontrreformacji*, p. 84–89.

145 L. Jarmiński, op. cit., p. 116, T. Kempa, *Wobec kontrreformacji*, p. 86nn.

Court deputies and the episcopate found themselves outnumbered by the alliance of dissenters supported by some Catholic "politiques". There was a vehement debate between Lutheran Świętosław Orzelski, who defended the Warsaw Confederation and the resolutions of the Toruń synod, and primate Stanisław Karnkowski, who denied the legitimacy of both these acts. Sigismund III initially refused not only to accept the executory provisions for the Confederation, but even to prolong the 1593 law on riots, and agreed to the latter only when faced with the threat of a broken parliament, but by then it was too late. Orthodox deputies were the first to lodge a protest, which was notably their first official statement in the Sejm in defence of confessional rights[146]; then, non-Catholic deputies filed a joint protest with Lithuanian Catholics, and the parliament dissolved with no resolutions[147].

The union was proclaimed with due ceremony on 9 October 1596 at the synod in Brześć Litewski (Brest). Opponents of the union between Orthodox Christianity and Catholicism, or "disuniates", who held a parallel synod in the same town, expressed their objections, and their arguments were collected and presented by Protestant activist Marcin Broniewski, who signed his name as Krzysztof Filalet (Christophor Philalethes)[148]. This was interesting also because "o rzeczach kościelnych pisze autor świecki, prawosławia broni kalwin, za sprawę ruską ujmuje się Polak, za grecką łacinnik…" (here is a secular author writing about Church matters, a Calvinist defending Orthodoxy, a Pole advocating the Ruthenian cause, a Latin the Greek cause…)[149]. Broniewski's authorship confirms that at least some Evangelical leaders were resolved to defend Orthodox Christianity; it also shows that, despite many efforts in Orthodox education, there still were few skilled political polemicists in the field[150].

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146   T. Kempa, *Wobec kontrreformacji*, p. 106.

147   P. Žukovič, op. cit., p. 201nn.; L. Jarmiński, op. cit., p. 145nn.; T. Kempa, *Wobec kontrreformacji*, p. 102–107.

148   J. Woliński, *Polska i Kościół Prawosławny*, p. 60–62; M. Broniewski, *Apokrisis abo odpowiedź na książki o synodzie brzeskim 1596, imieniem ludzi starożytnej religiej greckiej przez Chrystophora Philaletha*, published by J. Długosz, J. Byliński, Wrocław 1994; see J. Byliński, *Marcin Broniewski*, Wrocław 1994, p. 47–60.

149   A. Brückner, *Spory o unię w dawnej literaturze*, KH 10, 1896, p. 579.

150   I. Z. Myc'ko, *Ostroz'ka slov'jano-greko-latyn'ska akademija (1576–1636)*, Kiiv 1990; A. Mironowicz, "Szkolnictwo prawosławne na ziemiach białoruskich w XVI – XVII wieku", *Białoruskie Zeszyty Historyczne* 2, 1994, p. 20–34; T. Kempa, "Akademia Ostrogska", [in:] *Szkolnictwo prawosławne w Rzeczypospolitej*, ed. A. Mironowicz, U. Pawluczuk, P. Chomik, Białystok 2002, p. 40–54.

After 1596, the political atmosphere became palpably tense, and participants in the anti-union synod in Brest, along with opponents of the union in general, faced accusations of disloyalty to the state, and even suspicions of having contact with the Commonwealth's enemies. Representatives of the Patriarchs of Constantinople and Alexandria, Nicefor Parasios and Cyril Lukaris, were in attendance in Brest. The former, the leader of the "disuniates" synod, was accused of being "a spy from Białogród [Akkerman]" (a Tatar spy) and then arrested. State authorities decided to use him to show their support for the union. The case of Parasios was widely publicised; in 1597 he stood trial at the Sejm court and, though nothing was proven, died in the Malbork fortress in 1602[151].

The synods of 1577, 1595 and 1596 significantly altered the dynamics of relations between the Nobles' Democracy and various Churches established in the early 1570s. The fact that Sigismund III acknowledged the Brest union meant *de iure* that the Eastern Orthodox Church had lost its legal status in the Commonwealth and was formally replaced by the Uniate Greek Catholic Church[152]. This was a clear departure from Church-state relations in the spirit of the Warsaw Confederation. The Brest union, which initially appeared a great success for Skarga, the Jesuits, Rome, and Sigismund III, would in the long term raise tensions to dangerous levels in the Commonwealth's internal relations. Soon, Eastern Orthodox Christians would look to Russia for help, and the defence of the faith would be a slogan on the banners of Cossack rebellions in the Ukraine[153].

The union and the trial of Parasios were also a clear enough signal for Evangelicals. Vilnius city clerk Szczęsny Bohumatka wrote to Krzysztof Radziwiłł "the Thunderbolt" that Catholics were moving "do złamania konfederacyjej, pierwej Ruś [prawosławnych] potrwożyć, ku sobie zniewolić, a potym snadź i do ewanielików i sasów [luteranów] ponieść się" (to break the Confederation, first to scare Ruthenia [Orthodox Christians] and bring them under control, and then go for Evangelicals and Saxons [Lutherans])[154]. The Catholic episcopate's intentions

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151 Idem, "Proces Nicefora na sejmie w Warszawie w 1597 roku", [in:] *Europa Orientalis. Polska i jej wschodni sąsiedzi od średniowiecza po współczesność. Studia i materiały ofiarowane Profesorowi Stanisławowi Alexandrowiczowi w 65 rocznice urodzin*, ed. Z. Karpus, T. Kempa, D. Michaluk, Toruń 1996, p. 145–168.

152 L. Bieńkowski, *Organizacja Kościoła wschodniego*, p. 838–1049; H. Litwin, "Status prawny Cerkwi prawosławnej i grekokatolickiej w Rzeczypospolitej XVII wieku", *Barok* 3, 1996, 2(6), p. 11–22.

153 S. Obirek, *Jezuici w Rzeczypospolitej*, p. 254–255; J. Tazbir, *Piotr Skarga*, p. 130–131.

154 Sz. Bohumatka do K. Radziwiłła, Wilno 12 XII 1597, quoted from T. Kempa, *Wobec kontrreformacji*, p. 136.

were thus evident, and in the face of peril, the shared political interest prevailed over theological differences, resulting in an alliance of Evangelicals and Protestants. The official goal of "dissidents and disuniates" in the parliament would now be the defence of the Warsaw Confederation and the renewed acknowledgment of an Orthodox Church independent from Rome; in reality, the goal was to rescue equal rights.

In response to the Union of Brest, dissenters reiterated their demand for executionary provisions for the Warsaw Confederation, and confessional issues were one of the most important problems discussed at Sejmiks ahead of the 1597 Sejm. Many non-Catholic senators arrived in Warsaw for the Sejm with Voivode of Kiev, Konstanty Ostrogski; his son, Voivode of Volhynia Aleksander; and Protestant leaders: Voivode of Vilnius, Krzysztof Radziwiłł "the Thunderbolt"; Voivode of Brześć Kujawski, Andrzej Leszczyński; and the Castellan of Radom, Andrzej Firlej[155]. During the debates, Orthodox Christians raised demands which ranged from requesting that the Union of Brest be abolished to demanding assurances they would not forced to accept it; Protestants even proposed that the Warsaw Confederation be extended to plebeians. The aim was to stop the union from being accepted on royal and church lands, though this would also mean abrogating confessional coercion on the estates of Protestant nobles and magnates[156].

Pressed by the deputies, who conditioned their support of royal proposals on the fulfilment of their denominational demands, Sigismund III declared that he would respect the Warsaw Confederation and that he had no objections to passing executionary provisions. The one condition was "merely" to get the Catholics to agree to the project, which – given the episcopate's stance – was not feasible. Before ratifying "the process of the Confederation", another matter was to be settled, namely *compositio inter status*, which was the regulation of relations, financial relations in particular, between the nobility and the clergy. The atmosphere of the debate was tense; Konstanty Ostrogski described the Sejm as "bieszony abo wściekły" (angry or rabid)[157], and both sides found that by blocking legislation they were capable of destroying their opponents' initiatives but not of forcing through their own projects. It was clear that the court wished to procrastinate on the matter and the Sejm dissolved with no resolutions[158]. The

155   T. Romaniuk, "Rola i znaczenie szlachty różnowierczej na sejmiku lubelskim w latach 1575–1648", [in:] *Studia z dziejów epoki Renesansu*, ed. H. Zins, Warszawa 1979, p. 267–284.

156   T. Kempa, *Wobec kontrreformacji*, p. 122.

157   P. Žukovič, op. cit., p. 313.

158   L. Jarmiński, op. cit., p. 188–192.

next Sejm met in 1598 and debate was dominated by the departure of Sigismund III for Sweden. Non-Catholic deputies and senators repeated their demands for "the process of Confederation" and the legalisation of the "disuniate" (Orthodox) Church, but all that was obtained was the prolongation of the 1593 law on riots and a promise to tackle denominational issues at the next Sejm. From the point of view of state-churches relation, the most important decision taken at this Sejm was to organise a meeting between representatives of the Protestant and Eastern Orthodox communities.

The meeting, scheduled for 9 May 1599, was prepared under the auspices of Konstanty Ostrogski, Krzysztof Radziwiłł "the Thunderbolt", and Andrzej Leszczyński. To deflect suspicions that it was a political convention of the opposition, the declared aim of the gathering was to forge a religious consensus between Protestant and Orthodox Christians[159]. In mid-May 1599, taking advantage of the session of the Lithuanian Tribunal in Vilnius, numerous representatives of Protestant magnates and the nobility as well as theologians from Lithuania and the Crown met the less representative group of Orthodox clients and friends of Konstanty Ostrogski, who, along with Radziwiłł, hosted the meeting. The political results of the convention are debatable, but it did demonstrate the political unity of non-Catholics[160]. However, given the restraint of Orthodox clergy, little was achieved in terms of religious agreement[161].

The 1600 Sejm turned out to be a success for the court and the episcopate. Non-Catholics did not manage to pass a single demand, despite the fact that Sigismund III needed the deputies' consent for his taxes, and notwithstanding the support given to dissenters by Jan Zamoyski[162]. Possibly for that reason Protestants arrived at the next Sejm, scheduled for the end of January 1601, equipped with a written list of demands and a register of "urazy" (injuries) that their communities had suffered. This list included attacks on cemeteries and churches and the barriers they had faced in building new churches. Particularly inconvenient for the nobility was the discrimination they faced regarding appointments to land and senatorial offices, and for the burghers, regarding the grants of "town

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159 "De colloquio Vilnensi cum Graecis", ms of Biblioteka Raczyńskich w Poznaniu nr 46, k. 28–33.

160 L. Jarmiński, op. cit., p. 235–237; T. Kempa, *Wobec kontrreformacji*, p. 149–166.

161 U. Augustyniak, "Stosunek ewangelików reformowanych (kalwinistów) do innych wyznań w świetle akt synodów Jednoty Litewskiej z lat 1611–1686", [in:] *Stosunki międzywyznaniowe w Europie Środkowej i Wschodniej w XIV – XVII w.*, ed. M. Dygo, S. Gawlas, H. Grala, Warszawa 2002, p. 81–93.

162 T. Kempa, *Wobec kontrreformacji*, p. 10–184.

citizenship" necessary to enjoy town privileges, as inscribed into the *album civile*. They also complained about courts questioning the legality of their marriages, and about actions taken by Jesuits against Protestant clergy and printers[163].

Similar complaints were made by Orthodox Christians, and these complaints had some effect, in light of the fact that the Lower Chamber asked Sigismund III to ratify executory provisions for the Warsaw Confederation. This development spurred Piotr Skarga into action; the priest took to the pulpit and attacked supporters of the Confederation in a sermon that caused outrage among the deputies[164]. Marshal Zbigniew Ossoliński proposed the appointment of a multi-denominational committee to prepare "the process of Confederation" and the suspension of trials and sentences in confessional matters. The most important concession requested from the royal court was the declaration that Orthodox Church benefices would be bestowed on persons of "the Greek religion", which could be interpreted as a return to the legal acknowledgment of the Eastern Orthodox Church. But this compromise was rejected by Catholic senators led by primate Karnowski, who realised that, after passing the tax regulations at the beginning of the parliament, the chamber of deputies had deprived itself of a way of exerting pressure. Indeed, the Sejm closed on 13 March with the announcement of a solemn protestation of Evangelical and Orthodox deputies in defence of equal rights, which made no impression on the Catholics[165].

The 1603 Sejm in Kraków was dominated by the conflict between Sigismund III and Zamoyski and by the debate on matters of confession. Dissenters, who had learnt their lesson from 1601, announced at the beginning of the session that they would agree to no resolutions until their religious demands were fulfilled. In this they were supported by the Catholic "politiques", who were publicly denounced by bishop of Płock, Wojciech Baranowski, as "wyrodki" ("black sheep", "not ours")[166]. Ultimately, the Sejm consented to taxes to fund the war in Livonia, and Sigismund III made some concessions: he revoked the penalty of banishment for some opponents of the union and confirmed the privilege concerning the election of the Archimandrite of the Pechersk Lavra in Kiev, which meant

163 "Sposób pokoju pospolitego między rozróżnionymi w wierze", "Warunek pokoju między rozróżnionymi w nabożeństwie", „Urazy polskie i ruskie" – a detailed discussion in P. Žukovič, op. cit., p. 400–405; cf. K. Chodynicki, *Kościół prawosławny*, p. 376; T. Kempa, *Wobec kontrreformacji*, p. 186–187.

164 B. Janiszewska-Mincer, *Rzeczpospolita Polska w latach 1600–1603 (Narastanie konfliktu między Zygmuntem III Wazą a stanami)*, Bydgoszcz 1984, p. 69.

165 P. Žukovič, op. cit., p. 403–407; T. Kempa, *Wobec kontrreformacji*, p. 186–189.

166 T. Kempa, *Wobec kontrreformacji*, p. 195.

that this monastery would be led by a disuniate. Tomasz Kempa interprets this as an attempt to break the alliance between Protestant and Orthodox Christians[167], but what is also relevant in terms of relations between the state and its citizens who were "dissenting in religion" is Bishop Baranowski's statement. The public labelling of supporters of equal confessional rights as "not ours", or all but traitors, indicated that the phraseology applied in the public discourse by Piotr Skarga and his followers (which bishops – Senators of the Commonwealth – had so far avoided) had now been accepted. This barrier had been now broken, and from that point forward, the practice of discursive exclusion of opponents of the Commonwealth's Catholic confessionalization would grow increasingly more evident.

The following Sejm, summoned to meet in 1605, sat in an atmosphere of tension between the nobility and the court, which was exploited by Chancellor Zamoyski. The political programme of the opposition, of which he was in charge, stipulated severe punishments for confessional riots and a confession-blind policy of appointing individuals to offices and honours, but it also prohibited the use of denominational coercion by any party[168]. The inclusion of dissenters' postulates in the programme, prepared ahead of the Sejm, resulted in cooperation between Zamoyski and non-Catholics. When the opposition – who had a clear majority in the lower chamber – put forward their programme of state reform, dissenters completed it with a proposal of a law (*konstytucja*) on securing religious peace, which would cover not only the nobility, but also burghers and peasants from royal estates[169]. The last day of the session, 3 March, was critical, because the opposition demanded that its postulates, including those concerning confession, be accepted, but – with the king resisting – not even fiscal regulations were passed[170]. However, Sigismund III did endorse Jelisej Pletenicki as Archimandrite of the Pechersk Lavra[171], a success for the Orthodox faction.

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167 Ibidem, p. 197.

168 A. Sokołowski, "Przed rokoszem. Studyjum historyczne z czasów Zygmunta III", [in:] *Rozprawy i Sprawozdania z Posiedzeń Wydziału Historyczno-Filozoficznego AU*, vol.15, Kraków 1882, p. 201–227.

169 E. Opaliński, "Dwa nieznane projekty 'procesu' konfederacji warszawskiej z 1605 i 1607 roku", [in:] *Z dziejów stosunków wyznaniowych w Rzeczypospolitej XVI – XVII wieku*, Lublin 2000, Res Historica, vol. X, p. 165–177.

170 A. Strzelecki, *Sejm z r. 1605*, Kraków 1921, p. 173–175.

171 T. Kempa, "Rywalizacja o Ławrę Peczerską w Kijowie między prawosłаwnymi a unitami w końcu XVI i na początku XVII wieku", *Przegląd Wschodni* 8, 2003, 4 (32), p. 831–870.

The struggle to maintain equal rights would be resolved at the "pamiętny" (memorable) 1606 Sejm. After the death of Jan Zamoyski, some of his allies, including Voivode of Kraków Mikołaj Zebrzydowski, lost all hope of reforming the state through the parliament and decided to turn to the nobility. Protestants were unsettled by events in Poznań, where in 1605 a Catholic mob had made several attempts to burn Lutheran and Czech Brethren churches. Political and confessional motivations for the opposition's disapproval of Sigismund III (who was accused of wishing to strengthen royal authority, to introduce hereditary monarchy, and to re-Catholicise the state) amplified each other, creating an explosive mix.

The king summoned the Sejm to meet on 7 March, but during the pre-parliamentary Sejmik campaign, Zebrzydowski called an alternative convention to meet on 9 April near Stężyca[172]. After the session opened in Warsaw, Protestant deputies negotiated with Catholic oppositionists the list of issues they would demand to see resolved in parliament; at the same time, they consulted with the *rokoszanie* arriving at Stężyca. The work on formulating confessional demands precipitated the arrival in Warsaw of the Royal Cupbearer of Lithuania Janusz Radziwiłł, who heightened tensions by ordering public Protestant services to be held at a palace in Krakowskie Przedmieście[173]. On 20 March, deputies joined the Senate, and Protestant Piotr Gorajski read a register of the opposition's political and confessional grievances. In response to the latter points, Sigismund III stated that he was abiding by the Warsaw Confederation and would not object to ratifying its "process" and the *composition inter status* as long as the rights agreed to would be acceptable to Catholics[174]. It was now clear that the king would not change his course: a renewed acknowledgment of Eastern Orthodox Christianity or the confirmation of equal rights for Protestants were out of the question; now, all the Commonwealth could offer its dissenting citizens was toleration.

News from Stężyca allowed oppositionists to continue to hope that, as in 1593 and 1598, the king would agree to concessions in the last days of the parliament. Protestant deputies highlighted the destruction of the Protestant churches in Poznań, which took place during the Sejm session, on 23 March 1606[175]. Piotr Gorajski invoked the example of "konfederacya francuska" (the French

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172 A. Strzelecki, *Udział i rola różnowierstwa w rokoszu Zebrzydowskiego (1606–1607)*, RwP 7–8, 1935–36, p. 101–184; W. Sobieski, *Pamiętny sejm*, Warszawa 1913, p. 51–52.

173 W. Sobieski, *Pamiętny sejm*, p. 106.

174 Ibidem, p. 134–140.

175 W. Sobieski, *Nienawiść*, p. 115.

confederation), that is the Edict of Nantes[176]. Its regulations were now to be an example for the Commonwealth, just as years before the Warsaw Confederation had been a model for the French. It is difficult to establish whether Gorajski understood that the Edict did not give equal rights to Huguenots, but merely a broadly defined toleration under the protection of law. If he did, this could indicate that the leaders of Polish Protestants were prepared for a shift in the formula of confessional relations away from equal rights without a legal description and towards toleration regulated with detailed provisions.

For now, however, the struggle was over the Warsaw Confederation and its "process", which – in its draft version prepared by Marcin Broniewski and Piotr Gorajski – included capital punishment for perpetrators (including those from the clergy) of religious riots, violations of churches and crimes against clergy. Appeals would be heard by tribunals whose judges would swear a special oath of impartiality. Mixed marriages were to be acknowledged as legal; the prohibition on non-Catholic nobility being appointed to land and senatorial offices was to be lifted; Protestant burghers would not be impeded in acquiring full rights as town dwellers; and religious coercion was not to be applied to plebeians. Authors of the draft version also demanded the abrogation of the Union of Brest and the invalidation of penal and administrative sentences in matters of religion[177].

In response, Catholic bishops prepared a disquisition in which they yet again rejected the demands of dissenters and the Confederation of Warsaw. The ultimate offence, in the episcopate's view, was the proposed injunction to persecute instigators of attacks on nonconformist churches and clergy, and the inclusion of Catholic clergy (who would be tried in secular courts) in the scope of this injunction[178]. On 14 April, Father Andrzej Lipski presented the bishops' position, which was supported by most lay senators; a discussion followed, in which Stanisław Stadnicki and Piotr Gorajski spoke in defence of equal religious rights. Finally, cardinal Bernard Maciejowski officially stated yet again that the episcopate did not acknowledge the Warsaw Confederation; his statement was interrupted by Stadnicki's shouts. A witness noted that a scuffle almost broke out between the clergy and the laymen[179].

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176   W. Sobieski, *Pamiętny sejm*, p. 171.

177   W. Sobieski, op. cit., p. 172–173; J. Byliński, *Marcin Broniewski*, p. 108–109.

178   It is possible that the episcopate's stance is reflected by "Respons od Duchowieństwa, na piśmie podany z strony konfederacyi", [in:] *Pisma polityczne z czasów rokoszu Zebrzydowskiego 1606–1608*, vol. II: *Proza*, published by J. Czubek, Kraków 1918, p. 232–239.

179   W. Sobieski, *Pamiętny sejm*, p. 190.

Ultimately, all that was done was to appoint a committee to prepare the blueprint for "the process of Confederation", but Gorajski, on behalf of the chamber of deputies, accused Sigismund III of breaking his coronation oath, and on 16 April the king agreed to resume discussions on the 1593 riot law. On the penultimate day of the session, deputies were able to alter its proposed provisions to include the injunction to persecute perpetrators (including clergymen) of religious riots. This laboriously negotiated draft was accepted by bishops, and only the regulations concerning appeals were yet to be discussed. It now seemed that the Sejm would reach a compromise, and those gathered near Stężyca would have no reason to raise arms against the king[180]. Yet on the night of 17 April, Sigismund III decided to consult with his confessors, fearing he would be committing a sin if he allowed the project to pass. Fryderyk Bartsch and Piotr Skarga, considered by some in the general public to be the moral instigators of religious riots, decided that the injunction to persecute those who perpetrated riots was unacceptable: a Catholic judge could not be expected to both maintain peace with heretics and actively defend them[181].

From the early morning of 18 April the deputy chamber debated the final form of the riot law, which – once agreed upon – the deputies took to the Senate. To general astonishment, cardinal Maciejowski on behalf of the episcopate refused to accept the earlier approved law, which was overnight deemed inconsistent with Catholic doctrine. Voivode of Podlasie, Zbigniew Ossoliński, attempted to salvage the compromise, convincing deputies to agree to some concessions in the name of the raison d'état, but the episcopate was intransigent. Vilnius deputy Janusz Radziwiłł then lodged a protest against fiscal regulations; this was backed by the Kraków deputy Andrzej Męciński, and so the Sejm closed with no resolutions passed[182]. Members of the opposition found that they were unable to overcome the king's resistance against the majority stance in the lower chamber. To some, this justified invoking the right to resist and participation in the *rokosz* organised by Voivode Zebrzydowski.

In 1577, Polish Bishops condemned the Warsaw Confederation, thus refusing to acknowledge the equality of confessional rights. But this was merely a demonstration, and over the course of subsequent decades, backed by rulers, they slowly gained advantage. The 1596 Union of Brest appeared to be a decisive success, a victory in the competition with Protestants over the legacy of

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180   Ibidem, p. 202–210.
181   W. Sobieski, "Czy Skarga był 'turbatorem' ojczyzny?", [in:] idem, *Studya historyczne*, Lwów 1912, p. 191–225.
182   W. Sobieski, *Pamiętny sejm*, p. 213–226.

Eastern Orthodox Christianity. The episcopate's 1606 refusal to acknowledge the Warsaw Confederation, on the initiative of the king, was something much more serious than the demonstration of 1577; it was a victory of confessional fundamentalism in political thought and a watershed moment that marked the end of the age of equal religious rights[183]. The king, in the parliament, aligned himself with the Catholic Church, which believed it could accept toleration but not equal rights; it thus rejected the Warsaw Confederation and proposed in its stead a religious peace based not on legal guarantees, but on declarations of good will[184]. "Politiques" criticised what they saw as the subordination of the Commonwealth's raison d'état to Catholic doctrine, which they believed damaged the state; to these charges Skarga replied by claiming that if political and religious matters were in conflict, the latter must be chosen, for salvation was more important that earthly life. He put it this way: "A jeśli zginie [ojczyzna – WK] doczesna, przy wiecznej się ostoim…" (And if the earthly [homeland – WK] should perish, we shall endure in the heavenly one…).[185]

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183 H.-J. Bömelburg, "Konfessionspolitische Deutungsmuster und konfessionsfundamentalistische Kriegsmotive in Polen-Litauen um 1600. Durchsetzung und Grenzen in einer multikonfessionellen Gesellschaft", [in:] *Konfessioneller Fundamentalismus. Religion als politischer Faktor im europäischen Mächtesystem um 1600,* hrsg. H. Schilling, München 2007, p. 285–309, Schriften des Historischen Kollegs, Kolloquien 70.

184 H. Wisner, *Zygmunt III Waza*, Wrocław 1991, p. 87–88; S. Obirek*, Kościół i państwo w kazaniach ks. Piotra Skargi SJ*, Kraków 1994, p. 166–169.

185 P. Skarga, "Dyskurs na konfederacyją", [in:] M. Korolko, *Klejnot swobodnego sumienia. Polemika wokół konfederacji warszawskiej w latach 1573–1658,* Warszawa 1974, p. 368.

Chapter 6: Toleration of non-Catholic Minorities (1606–1658)

The Brest union of 1596 and the subsequent assertion by Sigismund III that there were no more Eastern Orthodox Christians in the Commonwealth, along with the rejection ten years later of demands to strengthen the Warsaw Confederation, did not introduce legal changes into relations between those "dissenting in religion" and the state. Formally, the Warsaw Confederation remained in force, and non-Catholics had not abandoned hopes of restoring real equal rights[1]. And although the Catholic advantage was growing, the cause of dissenters was not lost. They found hope in the increasing tension between the king's supporters and an opposition that was rooted in the Executionist tradition. It was all the more natural for the opposition, made up of magnates and nobles, to include religious issues in their programme, since projects aimed at supporting Catholic confessionalization and designed to strengthen royal power were advocated by the same people; the Counter-Reformation and absolutism thus appeared to be two sides of the same coin.

What also deteriorated was the Commonwealth's international position. In terms of foreign policy, it had – in the seventeenth century – as many as three dangerous neighbours, in light of the fact that Lutheran Sweden, which was growing in strength, had joined Muslim Turkey and Orthodox Russia. The monarch, who was responsible for foreign policy, had to take into account its confessional aspect: the pressure on non-Catholic minorities could be exploited by the enemies of the Commonwealth. Turkey, which controlled the Constantinople Patriarchate, could take advantage of dissatisfaction in the ranks of the Commonwealth's Orthodox subjects. As it would turn out, Russia was the more immediate source of peril, though it was as yet widely underestimated as a result of the crisis in the tsarist state in the early seventeenth century. Nonetheless, the founding in 1589 of the Patriarchate of "Moscow and All Russia" confirmed pretensions, formulated there since the end of the fifteenth century, to the position of "the third Rome", and as such superordinate to the Orthodox Church in the Commonwealth. An agreement between Polish Calvinists and orthodox Swedish Lutherans was not likely, but when in the first years of the Thirty Years' War Gustav Adolph Vasa became the hope of European Protestantism, it could not be

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1   H. Wisner, *Walka o realizację uchwał konfederacji warszawskiej za panowania Zygmunta III*, OiRwP 19, 1974, p. 129–149.

entirely discounted. These considerations hindered efforts, made by the Catholic Church in cooperation with the royal court, to confessionalize the Commonwealth.

The change in terminology symbolically reflected the shift from equal rights to an unequal relation of toleration extended by the Catholic majority to dissidents[2]. In the first half of the seventeenth century, Catholics increasingly frequently used the term *dissidentes de religione* instead of *dissidentes in religione*; the preposition *de* now referred not to all Christians (as it did in the text of the Warsaw Confederation), but to those "dissenting from" – implicitly – the true religion, that is Catholicism. Thus, those "dissenting in faith" turned into those who "dissent from (the true) faith". The term "dissident" denoted Evangelicals, while a "disuniate" (*dyzunita*), or one not acknowledging the Union of Brest, was used to refer to Orthodox Christians. These characteristic discursive devices – which were sometimes offensive, such as the phrases "Nalewajko's horde" or "the cursed schism" used by Hipacy Pociej (the Greek Catholic Metropolitan of Kiev since 1599) to describe his brothers in faith[3], and sometimes apparently innocent, such as Jesuit Wojciech Cieciszewski's pseudo-etymological musings concerning dissidents[4] – had a shared and very dangerous objective. Their aim was to etch in the minds of listeners and readers the exclusion of non-Catholics from the community of rightful citizens. *De iure*, however, the Commonwealth remained a state where equal rights were enjoyed by nobles of all confessions: the Polish Brethren, Evangelicals of various denominations, Catholics, Eastern Orthodox Christians.

When in 1606 Sigismund III confirmed his objection to confessional equal rights, the response of the Evangelicals was their activity in the chamber of deputies and at the Stężyca convention. The participation of dissenters in the

2 E. Bursche, *Z dziejów nazwy "dyssydenci"*, PH 26, 1926/27, p. 22–41; J. Siemieński, *Dysydenci w ustawodawstwie*, RwP 5, 1928, p. 81–89; E. Opaliński, *Sejmiki szlacheckie wobec kwestii tolerancji religijnej w latach 1587–1684,* OiRwP 34, 1998, p. 21–40.

3 T. Kempa, *Wobec kontrreformacji. Protestanci i prawosławni w obronie swobód wyznaniowych w Rzeczypospolitej w końcu XVI i w pierwszej połowie XVII wieku*, Toruń 2007, p. 174.

4 U. Augustyniak, "Księdza Wojciecha Cieciszewskiego walka z innowiercami. Przyczynek do badania propagandy kontrreformacyjnej w pierwszej połowie XVII wieku", [in:] *Kultūrų sankirtos. Skiriama doc. dr. Ingės Lukšaitės 60-mečiui*, Vilnius 2000, p. 252–265; eadem, "Jezuickie poczucie humoru. Koncepty antyheretyckie księdza Wojciecha Cieciszewskiego", [in:] *Śmiech i łzy w kulturze staropolskiej*, ed. A. Karpiński, E. Lasocińska, M. Hanusiewicz, Warszawa 2003, p. 72 – 81, Studia staropolskie. Nova Series, vol. VII (LXIII).

Zebrzydowski *rokosz*, long overestimated, has since been reassessed[5], but these findings confirm the significance of the dispute over a new concept for relations between the state and Churches, which is documented by writings related to the *rokosz*, in which religious issues are applied as an argument strengthening political criticism of the royal court[6]. Jesuits were the target of particularly strong attacks, in texts produced both by Protestant and Catholic writers. Much of this criticism was anticlerical demagoguery, but even responsible politicians viewed Jesuits not only as opponents of equal confessional rights, but also as supporters of *absolutum dominium*[7].

This explains the harsh criticism meted out to Jesuits at the 1606 meeting in Lublin by the Lviv Standard-bearer Jan Herburt[8], who is often confused with his Catholic relative, Jan Szczęsny Herburt. The latter is considered the author of the anonymous work *Consilium de recuperanda et in posterum stabilienda pace Regni Poloniae*, the most renowned anti-Jesuit text of the time, which is often compared to the famous *Monita privata Societatis Iesu* by Father Hieronim Zahorowski[9]. This was also the reason why the Lithuanian nobility, gathered at the Sejmik in Upita before the meeting in Sandomierz called for 6 August 1606,

5 A. Strzelecki, *Udział i rola różnowierstwa w rokoszu Zebrzydowskiego (1606–1607)*, RwP 7–8, 1935/36, p. 101–184; to this day, the case remains debatable; see the corrections to Strzelecki by J. Maciszewski, *Wojna domowa w Polsce (1606–1609). Studium z dziejów walki przeciw kontrreformacji.* Pt. I: *Od Stężycy do Janowca*, Wrocław 1960, p. 279.

6 *Pisma polityczne z czasów rokoszu Zebrzydowskiego 1606–1608*, vol. II: *Proza*, publisher: J. Czubek, Kraków 1918: "Na pismo potwarzające ludzie cnotliwe…", p. 40–51; "Rozmowa o rokoszu", p. 102–136; "Dyskurs około rokoszu…", p. 421–434; "Dyskurs szlachcica polskiego", p. 443–449; see W. Stec, "Retoryka antyjezuickiej literatury rokoszu Zebrzydowskiego", [in:] *Przełom wieków XVI i XVII w literaturze i kulturze polskiej*, ed. B. Otwinowska, J. Pelc, Wrocław 1984, p. 311–327, Studia Staropolskie, vol. LII.

7 J. Tazbir, *Staropolski antyklerykalizm*, KH 109, 2002, 3, p. 13–21.

8 J. Małecki, *Herburt Jan*, PSB, vol. IX, Wrocław 1960–61, p. 442–443. For the anti-Jesuit texts allegedly written by the Herburts, see L. Szczerbicka, *Jan Szczęsny Herburt. Zarys monografii*, Wrocław 1957, Studia staropolskie, vol. 5, p. 205–291, who credited Jerzy Zbarski with authoring *Consilium*, cf. W. Dobrowolska, *Młodość Krzysztofa i Jerzego Zbaraskich*, Przemyśl 1926, p. 252–256.

9 *Literatura antyjezuicka w Polsce (1578–1625). Antologia*, ed. J. Tazbir, Warszawa 1963, containing among others "Votum katolika jednego o jezuitach" and its continuation "Consilium de recuperanda et in posterum stabilienda pace Regni Poloniae", p. 99–109; for its authorship, see the publisher's introduction, p. 26–27; J. Tazbir, "Hieronim Zahorowski i jego Monita private", [in:] idem, *Arianie i katolicy*, Warszawa 1971, p. 172–202; idem, Literatura antyjezicka w Polsce, [in:] *Jezuici a kultura polska,* ed. L. Grzebień, S. Obirek, Kraków 1993, p. 311–333.

demanded the removal of "horned Fathers" from the borders of the Common-wealth, and the author of "Votum katolika jednego o Jezuitach" invoked the English, French and Venetian precedent in this matter[10]. The fact that the activity of Jesuit Piotr Skarga was detrimental to public security was also pointed out in Upita[11].

The next meeting of the opposition, which began in August 1606 in Koprzy-wnica near Sandomierz, was attended by non-Catholic nobility in large numbers; among the almost 20 senators, seven were Evangelicals. On the initiative of Pol-ish Brother Jakub Sienieński, the Calvinist Janusz Radziwiłł, Royal Cupbearer of Lithuania, was elected Marshal of the convention; he had also been in charge of the earlier meeting near Lublin. Strong criticism was levelled at Sigismund III's Jesuit advisors, but when the political programme of the *rokosz*, the so-called *Artykuły sandomierskie* (Sandomierz Articles), was to be agreed, Catholic oppo-sitionists turned out to be unwilling to accept the strengthening of the Warsaw Confederation. Not wishing to discourage them, and seeking to avoid the charge that actions taken by the opposition were subordinate to the vested interests of dissenters[12], the Protestants attempted to tone down the programme's confes-sional elements. This effort was to little avail, given that Catholic polemicists still argued that the *rokosz* was a religious war stirred up by Evangelicals, who were rebels by nature[13].

Ultimately, though the programme of the *rokosz* did include denominational demands, they were stripped of theological-confessional elements, which attests to the high political culture of its authors. This was the victory of a stance ex-pressed in one polemical text, whose author postulated the separation of church affairs from state affairs and called on politicians to act "wiedząc, że Królestwo Polskie nie jest *regnum sacerdotale*, ale *regnum politicum*, wiedząc, że królest-wa, państwa tego świata *hospitia* są a nie *hereditas* Kościoła Bożego, wiedząc, co

10 *Pisma polityczne z czasów rokoszu Zebrzydowskiego*, vol. II, p. 452–459; J. Tazbir, *Rze-komy edykt Zygmunta III wyganiający jezuitów*, KH 96, 1989, 1–2, p. 79–92.

11 W. Sobieski, *Nienawiść wyznaniowa tłumów za rządów Zygmunta III*, Kraków 1882, p. 125; H. Wisner, *Litwa wobec rokoszu (1606–1607)*, KH 79, 1972, 2, p. 278–299.

12 J. Byliński, *Marcin Broniewski – trybun szlachty wielkopolskiej w czasach Zygmunta III,* Wrocław 1994, p. 115.

13 J. Związek, *Katolickie poglądy polityczno-społeczne w Polsce na przełomie XVI i XVII wieku w świetle kazań*, [in:] *Studia Kościelnohistoryczne*, vol. 2, Lublin 1977, p. 50–53. See among others *Lament na sektę rokoszańską i wspólną zdradę rozmaitych spros-nych heretyków* (1606), [in:] *Pisma polityczne z czasów rokoszu*, vol. 1, Kraków 1916, p. 203–222.

P. Bogu, a co ojczyźnie powinni, to sprawiedliwie, jako na wadze, na obie odd-awali stronie, religijej ś. z policyją nie mięszali…" (knowing that the Kingdom of Poland is not a *regnum sacerdotale*, but a *regnum politicum*, knowing that king-doms, countries of this world are *hospitia* and not *hereditas* of the Church of God, knowing what they are due to the Lord God, and what to their homeland, did both justly, as though on a scales, not to mix holy religion with politics)[14]. A similar approach dominated in practice. When, in a personal dispute among participants in the *rokosz*, one person admitted to supporting a Catholic out of denominational solidarity, those present protested, stating that the denomina-tion was irrelevant and what mattered were civic qualifications: "Nic tu do religii. Cnota tu płaci" (Religion matters not. Virtue is valid here)[15].

The programme of the *rokosz* thus came to include the article "O uspokoje-niu w rozróżnionym nabożeństwie" (On tranquillity in diverse worship), which envisaged not only the equal treatment of Catholic and non-Catholic Christians, but also a strengthened Warsaw Confederation and a ban on denominational coercion. The rebels also demanded that land and offices be bestowed by the king on individuals without regard to their confession, and that Catholics should acknowledge the legality of marriages made by non-Catholic clergy. The pro-gramme also contained a proposal to limit the influence of the Catholic clergy on the judiciary by limiting the number of ecclesiastical judges in tribunals and suspending trials concerning tithes until regulation of the relations between the nobility and the Catholic clergy was implemented. There was also no shortage of projects limiting the influence of the Society of Jesus[16].

On 6 September, a parallel meeting near Wiślica, attended by the king and a majority of senators, formulated the so-called *Artykuły wiślickie* (Wiślica Arti-cles), intended as evidence of the court's readiness for compromise. Three days later envoys of the *rokosz* presented the Sandomierz Articles to Sigismund III[17]; the king rejected them and referred the envoys to the Wiślica Articles instead. Interestingly, these articles offered benefits for Orthodox Christians, given that the court continued to strive to break their alliance with Protestants, for whom in turn the court had nothing to offer but to yet again prolong the 1593 riots laws[18]. In this situation, *rokosz* participants, especially those who were Protestant, considered plans to involve the Prussian cities, even to look for help in Ducal

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14 "Rozmowa o rokoszu", *Pisma polityczne z czasów rokoszu*, vol. II, p. 125.

15 J. Maciszewski, op. cit., p. 267.

16 Ibidem, p. 301–316.

17 A. Strzelecki, op. cit., p. 158–160.

18 T. Kempa, *Wobec kontrreformacji*, p. 231.

Prussia, Sweden, or possibly Transylvania. A religious war was now looming on the horizon[19].

Another reason the king favoured Eastern Orthodox Christians might have been the fact that the only substantial group among the nobility to support the court were landowners from the Ruthenian voivodeship, some of whom were disuniates; Sigismund III might well have wished to reward them[20]. Bad relations between the Eastern Orthodox and Catholic Churches, especially of the Greek rite, had an intensely personal dimension, especially in Ruthenian lands. Confirming the Union of Brest on 15 December 1596, the king deemed those Orthodox Church officials who had not accepted the union to have forfeited their offices. This concerned in particular two Metropolitans, of Lviv, Hedeon Balaban (Gedeon Bałaban), and of Przemyśl, Michał Kopysteński[21]. Because of the support they enjoyed in the Ukraine for their stance, both disuniate bishops were left in peace, and only after their deaths were uniates appointed to these offices. The new bishops attempted to gain control over Orthodox monasteries and lavras, which led to resistance on the part of the faithful, a spectacular example of which was the contest over the Pechersk Lavra in Kiev, lost by Hipacy Pociej[22].

This peculiar situation in relations between the state and disuniates persisted. Officially, Sigismund III acknowledged only Uniate hierarchs, but Orthodox Christians believed they were entitled to benefit from the prerogatives they had acquired prior to 1596; the community was led by the bishop of Lviv, Hedeon Balaban; Cyryl Lukaris, later the Constantinople Patriarch; and Prince Konstanty Ostrogski. The position of the state authorities, who favoured the union, was – at its most consistent – evident in the policy of the court and the Catholic magnates

19 H.-J. Bömelburg, "Partia kalwińska? Stosunki między kalwinistami polskimi a niemieckimi w latach 1590–1632", [in:] *Stosunki polsko-niemieckie w XVI–XVIII wieku*, ed. J. Wijaczka, Kielce 2002, p. 103–120.

20 J. Byliński, *Marcin Broniewski*, p. 116. The reserved attitude toward the ideas of rokosz on the part of the Ruthenian nobility might have stemmed from their skepticism of the Executionist movement, which deprived many of local families of their assets, W. Sobieski, "Upadek rodziny Starzechowskich", [in:] idem, *Trybun ludu szlacheckiego. Pisma historyczne*, ed. W. Grzybowski, Warszawa 1978, p. 210–211.

21 M. Bendza, *Prawosławna diecezja przemyska w latach 1596–1681. Studium historyczno-kanoniczne*, Warszawa 1982, p. 108–119.

22 T. Kempa, "Rywalizacja o Ławrę Pieczerską w Kijowie między prawosławnymi a unitami w końcu XVI i na początku XVII wieku", *Przegląd Wschodni* 8, 2003, 4(32), p. 831–870.

close to it, such as Mikołaj Krzysztof Radziwiłł "the Orphan" or Lew Sapieha[23]. But the lower that one looked in the hierarchy of the Commonwealth authorities, the more indifferent attitudes toward the union became; and in the Ukraine, officials themselves were usually Orthodox Christians. In practice, disuniates thus maintained freedom of confession and limited freedom of worship. Under the protection of the Ostrogski, Olelkowicz, Czartoryski families and the Evangelical branch of the Radziwiłłs, Orthodox structures functioned in parallel with those of the Uniate Church[24]. But after the death of Konstanty Ostrogski in 1608, the magnates' protection began to wane, and Cossacks and town fraternities began to assume this role[25]. In the Wiślica Articles, Sigismund III therefore promised that Orthodox benefices would be bestowed on Ruthenian nobility "of the Greek religion"; disuniate burghers would be able to benefit from town privileges and join guilds; and denominational coercion would not be applied. The court also committed to invalidating all sentences against Eastern Orthodox clergy and to withdrawing any pending suits against them[26].

On 20 September 1606, *rokosz* participants gathered in the Sandomierz collegiate church to hear what the envoys who had returned from Wiślica had to report; having rejected the king's proposals, they decided that the struggle against Sigismund III's "tyranny" ought to be continued "until the end". They thus agreed to hold another convention on 12 October, which could indicate an intention to renounce allegiance to the king. Such a possibility had only rarely been mentioned before, although it does figure in the final instruction of the Henrician Articles; nonetheless, awareness of the right to resist was widespread: „Co się dotyczę króla […] skoroby mi w czemkolwiek, choć nie we wszystkiem, przysięgi swej naruszył, powinienem mu zaraz posłuszeństwo wypowiedzieć." (As for the king […] if he should break a vow to me in anything, though not in everything,

23 T. Kempa, "Mikołaj Krzysztof Radziwiłł 'Sierotka' a unia brzeska", *Czasy Nowożytne* 2, 1997, p. 47–63; idem, "Poparcie magnaterii litewskiej i ruskiej dla unii brzeskiej w pierwszych latach po jej wprowadzeniu", *Rocznik Bialskopodlaski* 5, 1997, p. 7–22.

24 H. Litwin, *Status prawny Cerkwi prawosławnej i grekokatolickiej w Rzeczypospolitej w XVII wieku*, „Barok" 3, 1996, 2(6), p. 11–22; L. Ćwikła, *Polityka władz państwowych wobec Kościoła prawosławnego i ludności prawosławnej w Królestwie Polskim oraz Rzeczypospolitej Obojga Narodów w latach 1344–1795*, Lublin 2006, p. 145–187.

25 S. Plokhy, *The Cossacks and Religion in Early Modern Ukraine*, Oxford-N. York 2001, p. 129; see J. D. Isaevyč, *Bratstva ta jich roľ v rozvytku ukrajins'koji kuľtury XVI – XVII st.*, Kiiv 1966.

26 *Rokosz Zebrzydowskiego. Materiały historyczne*, publisher: A. Rembowski, Warszawa 1893, p. 313–314.

I should immediately renounce obedience to him), stated a writer tied to the *rokosz*[27]. During the Lublin meeting, the right to resist was invoked mainly by Protestants – Piotr Stabrowski, Stanisław Stadnicki and Jan Sienieński[28] – and Marcin Broniewski spoke and wrote of it[29]. At the Sandomierz convention, the idea was called up by the Lelów starosta Andrzej Szafraniec, to whom the 1599 Polish translation of chapter XX, Book Four of John Calvin's *Institutio Christianae religionis* had been dedicated[30].

On 25 September, Sigismund III set off with his army to battle the *rokosz*, whose participants had left Sandomierz and were heading north. On 3 October, royal forces caught up with them at Janowiec near Kazimierz on the Vistula. But there was no battle; Mikołaj Zebrzydowski apologised to the king, who in turn pledged to present the Sandomierz Articles to the next Sejm. At that next sitting of parliament, in May and June 1607, the demands of the *rokosz* were debated, though no compromise was reached; the Senate yet again rejected the proposal to strengthen the Warsaw Confederation[31]. Finally, a royal declaration concerning procedures to invoke the right to resist was ratified. It began with a condemnation of the *rokosz* conventions. The document then elaborated on the 1573 clause *de non praestanda oboedientia*, in practice supplementing it with executory provisions. From now on, if it could be proven that the king had deliberately broken the law, each noble could inform a chosen senator of his land regarding the infringement, and he, in turn, could inform the archbishop of Gniezno, who – himself in the company of senators – was to admonish the king. If there was no improvement, the primate along with senators would admonish the king again, and if this intervention turned out unsuccessful, the Sejm could renounce obedience to the king[32].

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27 "Pokazanie niewinności rokoszan", *Pisma polityczne z czasów rokoszu*, vol. III, p. 377; J. Maciszewski, op. cit., p. 252–258.

28 J. Maciszewski, op. cit., p. 186–192.

29 J. Byliński, *Marcin Broniewski*, p. 114, 119.

30 J. Maciszewski, op. cit., p. 211.

31 J. Maciszewski, "Sejm 1607 r. a załamanie się planów reformy państwa", [in:] *O naprawę Rzeczypospolitej XVII–XVIII w. Prace ofiarowane Władysławowi Czaplińskiemu w 60. rocznicę urodzin*, Warszawa 1965, p. 37–47; J. Byliński, *Marcin Broniewski,* p. 123; E. Opaliński, "Dwa nieznane projekty „procesu" konfederacji warszawskiej z 1605 i 1607 roku", [in:] *Z dziejów stosunków wyznaniowych w Rzeczypospolitej XVI – XVII wieku*, Res Historica, vol. X, Lublin 2000, p. 165–177.

32 Constitution of the 1607 Sejm, "Konkluzye sejmu", VC, vol. II 1550–1609, vol. 2 1587–1609, ed. S. Grodziski, Warszawa 2008, p. 365–366; J. Szujski, "Artykuł o wypowiedzeniu posłuszeństwa. Przyczynek do dziejów konstytucyi polskiej", [in:] idem, *Dzieła.*

This declaration can be viewed in two contexts: the struggle against the opposition and the court's long-term plans. In the short term, its aim was obviously to make it impossible for those participating in the *rokosz* to legally renounce obedience to the king. The procedures established in June 1607 required time and the initiative of members of the Senate, who for the most part were faithful to Sigismund III, and of the primate. At the time, the office of the primate was held by Cardinal Bernard Maciejowski, one of the most active promoters of the Trent reform in Poland. He, along with the entire episcopate, took the side of the king in this dispute, and the likelihood of it defending the interest of the opposition was non-existent[33].

In a longer perspective, this document could have been intended to restrict the legislative initiative of the nobility, which was usually seen as critical of royal policy; such restrictions had been included in proposals made by the court prior to the 1606 Sejm[34]. First and foremost, however, the 1607 version of the right *de non praestanda oboedientia* would have been an insult to non-Catholics; to assign the key role in the procedures to the archbishops of Gniezno meant that dissenters were practically deprived of a possibility to resort to the document. Many politicians hostile to the king and the episcopate may have viewed this law as a provocation.

If provocation was the intention, it seems to have worked. A week after the Sejm session closed, the *rokosz* participants who had gathered in a camp at Jeziorna near Piaseczno near Warsaw renounced obedience to King Sigismund III[35], who yet again set off to meet the oppositionists, who retreated south toward Warka and Radom. On 5 July, in a battle between Orońsk and Guzow, the fate of state reform was decided. Designs to limit the authority of the king and to return to real equality in confessional rights, which harkened back to the views of the Huguenot monarchomachs[36], were defeated. But the royal court was also forced to abandon plans to strengthen executive power. Two victors emerged

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Wydanie zbiorowe, ser. II, vol. VII: *Opowiadania i roztrząsania*, vol. 3, Kraków 1888, p. 339–360.

33 P. Guzowski, "Postawa prymasa Bernarda Maciejowskiego w dobie rokoszu sandomierskiego", *Studia Podlaskie* 11, 2001, p. 35–50.

34 J. Maciszewski, *Wojna domowa*, p. 105.

35 "Przyczyny wypowiedzenia posłuszeństwa Zygmuntowi, królowi szwedzkiemu, anno 1607 die nativitatis Ioannis Baptistae", *Pisma polityczne z czasów rokoszu Zebrzydowskiego*, vol. III, p. 349–357.

36 C. Chowaniec, *Poglądy polityczne rokoszan 1606 – 1607 wobec doktryn monarchomachów francuskich*, RwP 3, 1924, p. 256–266.

from the rivalry between the monarchy and the nobility: the episcopate and magnates, who solidified their role as "the mediating Estate", which was increasingly decisive in Commonwealth politics.

The story of the Sandomierz *rokosz* can also be analysed within a broader European context. Here, the Sandomierz *rokosz* would be just one element in the struggle between the opposition (as an estate) with a monarchy based on cooperation with the Catholic Church and with a tendency toward absolutism. Gottfried Schramm sees the following links in the chain of Eastern-European conflicts of the era: the anti-Habsburg rising of the Hungarian estates between 1604 and 1606; the Sandomierz *rokosz*; the action of the Estates of Hungary, Moravia, Bohemia and Austria, which – exploiting the rivalry between Matthias and Rudolf of the House of Habsburg – obtained some concessions; and finally, the Bohemian estates revolt after 1618[37].

In the Commonwealth, the subsequent update of the law *de non praestanda oboedientia*, ratified by the parliament as early as February 1609, was probably the result of a compromise between the court and the opposition. It stated that, if the ruler violated the law, senators and nobility had recourse to the Sejmiks, and deputies had recourse to the Sejm. Any noble could turn to the primate or a senator in such a matter, and he in turn could admonish the ruler. Should the monarch persist in his error, or the senator refuse to act, the matter could be raised at the pre-Sejm Sejmik so that it could be raised in the parliament. Finally, should the monarch persist further, the estates were allowed to renounce their obedience. Bypassing this procedure was forbidden, and those guilty of taking direct action would be tried in the Sejm court[38]. Unlike the 1607 version, limitations on the legislative initiative of nobles were absent, which was a signal that plans to strengthen royal power were being abandoned. What was also relinquished was the primate's key role, which was a gesture of good will toward non-Catholics, who thus had restored to them the (rather illusory) possibility of the right of resistance.

This is all the more likely since the 1607 Sejm ratified, in the face of resistance from bishops, the law "O religiej greckiej" (On Greek religion), formulated in the spirit of the Wiślica Articles: "Uspokajając religią grecką, ktora zdawna ma swoje

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37 G. Schramm, "Faza zbrojnych starć w Europie wschodniej. Protestancka opozycja szlachecka i katolickie stronnictwo królewskie 1604–1620", [in:] idem, *Polska w dziejach Europy Środkowej. Studia,* trans. E. Płomińska-Krawiec, Poznań 2010, p. 157–174, first edition in German, Leipzig 1996.

38 Constitution of the 1609 Sejm, "Deklaracya artykułu *de non praestanda oboedientia*", VC, vol. II 1550–1609, vol. 2 1587–1609, ed. S. Grodziski, Warszawa 2008, p. 380.

prawa, warujemy, iż dostojeństw i dobr duchownych inakszym prawem nie mamy rozdawać, jedno wedle ich fundacyi i dawnego zwyczaju przodkow Naszych im nadanych, to jest ludziom szlacheckim narodu ruskiego i *mere* religij greckiej, nie czyniąc im *praeiudicium* w sumnieniu i prawie ich, ani wolnego odprawowania nabożeństw według dawnych obrzędów ich zabraniając i przeszkadzając…" (To reassure the Greek religion, which has long had its rights, we will ensure that spiritual offices and benefices are not distributed otherwise than according to their foundation and ancient customs of our ancestors, that is to noble persons of the Ruthenian nation and *mere* Greek religion, not doing them *praeiudicium* in their conscience and their right, nor forbid or interfere with their free worship according to ancient rites…)[39]. Thus, the Sejm guaranteed that disuniates would maintain freedom of worship and retain access to church offices and benefices, and it confirmed the privileges of Orthodox fraternities – the mainstay of Eastern Orthodox Christianity in towns[40]. This meant renewed acknowledgment of the Eastern Orthodox Church, albeit only *de facto* and not altogether unequivocal: the phrase "persons […] of the Greek religion" may be interpreted as referring to Eastern Orthodox or Greek Catholic Christians, and the power of interpretation was reserved for state authorities. But, in 1607, Eastern Orthodox Christians felt their demands satisfied[41]. In 1609, these rights were confirmed, and in 1618, faced with the threat from Moscow, the Sejm acknowledged their right to public worship.

These concessions turned out to be insufficient for the Cossacks and the Orthodox clergy under its protection; they were even taken to be signs of the state's weakness. In 1620, without the consent of state authorities, the hierarchy of the Orthodox church was reconstructed. On his return journey from Moscow, the Patriarch of Jerusalem, Theophanes III, ordained Hiob Borecki (Job Boretsky), the hegumen of St. Michael's monastery, as Metropolitan; Izajasz Kopiński (Isaiah Kopinsky), the hegumen of the Mezhyhirya monastery, as the bishop of Przemyśl, and Melecjusz Smotrycki (Meletius Smotrytsky) as Orthodox archbishop of Polotsk. Subsequently, Józef Kurcewicz was ordained as bishop of Włodzimierz (Vladimir), Izaak Boryskowicz as bishop of Łuck (Lutsk), Paizjusz

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39 Constitution of the 1607 Sejm. "O religiej greckiej", VC, vol. II 1550–1609, vol. 2 1587–1609, ed. S. Grodziski, Warszawa 2008, p. 346–347.

40 K. Chodynicki, *Kościół prawosławny a Rzeczpospolita Polska. Zarys historyczny 1370–1632*, Warszawa 1934, p. 293–294.

41 T. Kempa, *Wobec kontrreformacji*, p. 244.

Hipolitowicz as bishop of Chełm, and the bishop of Stachona, a Greek named Abraham, was appointed bishop of Pińsk (Pinsk)[42].

Sigismund III refused to acknowledge these hierarchs and even declared them rebels, but from this moment on, two episcopates of the Eastern Church were functioning in the Commonwealth: one Uniate (legal and supported by the state) and one Orthodox (illegal, but enjoying the support of a substantial part of the faithful)[43]. Typically, no decisive action was taken against the new bishops, and in May 1621 the king even received Cossack envoys accompanied by one of them[44]. Cossack protection was so efficient that – although the disuniate metropolitan of Przemyśl allegedly declared in 1623 his readiness to submit to Moscow – the Sejm appointed a commission to agree on the terms; the commission included the metropolitan Borecki, who was thus indirectly acknowledged by the state[45].

Conflicts with Moscow and Turkey affected the efficiency of efforts to legalise the Orthodox Church. Decisive measures would push disuniates into the arms of Moscow, and Cossacks were now emerging as a substantial force and an irreplaceable ally in the wars against Russia and Turkey. Their leader, Petro Konaszewicz-Sahajdaczny (Konashevych-Sahaidachny), sought to build an alliance between the Cossacks and the Orthodox nobility and clergy, and for those clergy not acknowledged by the Commonwealth, the Cossacks were the only guarantee of security[46]. Another factor working to the advantage of disuniates was the political support they enjoyed from other denominational minorities. As early as 1599, there was an attempt to forge a political alliance between Evangelicals and disuniates[47]. In the seventeenth century, their cooperation stabilised in the Grand Duchy of Lithuania, an example of which was the patronage of the

42 L. Bieńkowski, "Organizacja Kościoła wschodniego w Polsce", [in:] *Kościół w Polsce,* vol. II *Wieki XVI – XVIII*, ed. J. Kłoczowski, Kraków 1969, p. 844.

43 J. Woliński, *Polska i Kościół Prawosławny. Zarys historyczny*, Lwów 1936, p. 72–76; W. A. Serczyk, *Na dalekiej Ukrainie. Dzieje Kozaczyzny do 1648 r.*, Kraków 1986, p. 175–182; B. N. Floria, "Konflikt między zwolennikami unii i prawosławia w Rzeczypospolitej. (W świetle źródeł rosyjskich)", *Barok* 6, 1996, 2, p. 23–52; A. Mironowicz, *Kościół prawosławny w dziejach dawnej Rzeczypospolitej*, Białystok 2001, p. 80–81.

44 H. Wisner, *Zygmunt III Waza*, p. 169–70.

45 J. Woliński, op. cit., p. 76–77; S. Płochij, *Naliwajkowa wira. Kozactwo ta religija w rannomodernij Ukraini*, Kijiw 2005, p. 121–122, 150–165.

46 M. Franz, *Idea państwa kozackiego na ziemiach ukrainnych w XVI – XVII wieku*, Toruń 2006, p. 146–151.

47 L. Jarmiński, op. cit., p. 233–242.

Evangelical Radziwiłłs over the Eastern Orthodox Church in their Belarussian estates, with the centre in Słuck (Slutsk)[48].

Despite concessions on the part of state authorities, relations between the Orthodox Church and Greek Catholics were hostile. In the east of the Grand Duchy of Lithuania, in Volhynia, Podolia and Crown (Red) Ruthenia, acts of violence took place, most frequently during conflicts over churches and monasteries. In 1618, residents of Mogilev did not allow the uniate archbishop of Polotsk, Jozafat Kuncewicz (Josaphat Kuntsevych), who was forcibly taking control of Orthodox institutions in Belarus, to enter their town[49]. Even in 1622, one of the promoters of the union, the Grand Chancellor of Lithuania Lew Sapieha, attempted to discipline the archbishop, reminding him of the duty of loyalty to the Commonwealth. The intervention proved ineffective, and letters exchanged between the Chancellor and the archbishop illustrate how argumentation invoking the Commonwealth's raison d'état and religious rhetoric based on wishful thinking were so at odds[50]. On 12 November 1623, a riot took place in Vitebsk, in which Kuncewicz was murdered by burghers outraged by their churches being taken away from them and by their clergy being imprisoned. Repressive measures were applied against the town, and the affair cast a long shadow over relations between the two Eastern Churches of the Commonwealth[51].

In the second half of 1620s, state authorities continued their efforts to dismantle church structures they considered illegal. The royal court knew of the contacts between the Orthodox clergy and Moscow and of complaints raised there, but for the abovementioned reasons it chose to turn a blind eye to these developments[52]. The court of Sigismund III and the Catholic magnates cooperating with him, such as Lew Sapieha and Mikołaj Krzysztof Radziwiłł "the Orphan", supported uniates, but they had to contend with not only the hostility of local residents and the Cossacks' stance, but also the Protestants of the Crown

48 R. Degiel, *Protestanci i prawosławni. Patronat wyznaniowy Radziwiłłów birżańskich nad Cerkwią prawosławną w księstwie słuckim w XVII wieku*, Warszawa 2000.

49 P. Žukovič, *Sejmovaja bor'ba pravoslavnago zapadnorusskago dvorjanstva s cerkovnoj uniej*, pt. II *(1615–1619)*, S.-Peterburg 1904, p. 111–113.,

50 Wyciąg z listu J. Kuncewicza do L. Sapiehy z Połocka, 22 I 1622; L. Sapieha do J. Kuncewicza z Warszawy, 12 III 1622; odpowiedź J. Kuncewicza z Połocka, 22 IV 1622, T. Żychiewicz, *Jozafat Kuncewicz*, Kalwaria Zebrzydowska 1986, p. 156–184.

51 S. Płochij, op. cit., p. 125–128; T. Kempa, *Wobec* kontrreformacji, p. 334–36, 345–48; A. Mironowicz, *Kościół prawosławny*, Białystok 2001, p. 85.

52 T. Kempa, *Wobec kontrreformacji*, p. 351–352.

and Lithuania, along with parliamentary opposition to Sigismund III's policies, within which dissenters cooperated with Catholics[53].

The most efficient tool of the court's re-Catholicising drive was its policy of appointments. While supporters of the union were appointed to higher offices in the Eastern Church, Protestants and Orthodox Christians were discriminated against in senatorial appointments. As a result, during the final years of the reign of the first Vasa king, there were only 6 dissenters in the Senate of the Commonwealth. There were only 2 Evangelicals left among the Voivodes – Zygmunt Grudziński of Kalisz and Rafał Leszczyński of Bełż, the latter being the political leader of the dissenters in the Crown; among the Castellans, there was Fabian Czema (of Chełmno), Roman Hoyski (of Kijów), Mikołaj Latalski (of Nakło), and Gedeon Rajecki (of Parnawa), the last non-Catholic senator of the Grand Duchy of Lithuania, where non-Catholics had so recently had a substantial advantage[54]. Protestants, especially magnates, found such an appointments policy unbearable and blatantly unjust.

These relations were further aggravated by propaganda: Jesuit Mateusz Bembus, who assumed the post of royal preacher after the death of Piotr Skarga in 1612, claimed that an agreement with Evangelicals was not necessary; provisional toleration, treated as a *malum necessarium*, was enough[55]. In his work *Kometa to jest pogróżka z nieba*, published in Kraków in 1619, he attacked not only dissenters, but also "politiques", whom he considered godless: "Zaczyna się w naszej Koronie niektórych ludzi taka profesyja, która uczy o Boga i zbawienie duszne mało co dbać, o piekle mało co dzierżyć i to, co się o mękach dusz po śmierci czyta za postrach tylo na prostaki wymyślony mieć […] w kościele mało co bywać, chyba dla respektu ludzkiego, kazania się chronić jako rzeczy niepotrzebne skrupuły czyniącej, spowiedzi abo zgoła nie czynić, abo się nie wszystkiego i to nierozsądnemu spowiednikowi spowiadać; o religiją się nie ujmować, ale tak katoliki jak i heretyki za dobre chrześcijany mieć, by jeno tylo

53 T. Kempa, *Mikołaj Krzysztof Radziwiłł Sierotka*, Warszawa 2000, p. 47.

54 W. Dworzaczek, *"Oblicze wyznaniowe senatu Rzeczypospolitej Polskiej w dobie kontrreformacji"*, [in:] *Munera litteraria. Księga ku czci prof. Romana Pollaka*, ed. W. Dworzaczek et al., Poznań 1962, p. 41–56.

55 M. Bembus, "Pax non pax seu rationes aliquot, quibus confoederationis evangelicorum cum catholicis pacem, nullo modo veram esse pacem, breviter ostenditur", Kraków 1615; fragm. trans. Z. Piszczek, [in:] *Filozofia i myśl społeczna XVII wieku*, pt. 1, ed. Z. Ogonowski, Warszawa 1979, p. 459–472, translated from the Polish; S. Obirek, *Jezuici w Rzeczypospolitej Obojga Narodów w latach 1564 – 1668. Działalność religijna, społeczno-kulturalna i polityczna*, Kraków 1996, p. 244–247.

politice dobrzy byli…" (There begins in our Crown such disposition of some people which teaches to care little for God or the salvation of the soul, believe little of hell, and to take what one reads about the torment of the souls after death as little more than the fright of simpletons […] to go to church infrequently, only for the opinion of people, to avoid sermons as causing unnecessary scruples, to avoid confession altogether or not to confess everything, and to an unreasonable confessor; to not defend religion, but consider both Catholics and heretics to be good Christians, as long as they are good *politiques*…)[56]. What had very recently been extreme Catholic fanaticism was now a mainstream view among Catholic clergy.

Views like these were not formulated only by Jesuits; we find them also in Dominican friar Fabian Birkowski, who was tasked with preaching the sermon at Skarga's funeral. In his printed texts, Birkowski invoked the views of Saint Thomas, which stressed the importance of confessional uniformity to the strength of the state, and which condemned rulers-tyrants who broke God's law. He also knew Jesuit doctrine, having likely borrowed Bellarmino's condemnation for agreements with "heretics" and his conviction of the superiority of the Catholic Church over state authorities[57]. But more important than the message, which in itself was not particularly original, is the form of these statements. Birkowski used forceful phrasings, with "religia wasza wszeteczeństwa uczy" (your religion teaches licentiousness) and "Ministrowie waszy, którzy wam panowie dysydenci tę wiarę uklecili, z czartem pobraterstwo mają" (your ministers, who, master dissidents, cobbled together this religion of yours, consort with the devil) being two examples of statements he directed at Evangelicals at the 1632 Convocational Sejm[58]. Baroque homiletics reduced argumentation

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56 M. Bembus, *Kometa to jest pogróżka z nieba na postrach, przestrogę i upomnienie ludzkie,* ed. and intr. S. Baczewski, A. Nowicka-Struska, Lublin 2009, p. 82–83, Lubelska Biblioteka Staropolska, vol. VI; see R. Darowski, *Mateusz Bembus SJ (1567–1645), profesor filozofii w Poznaniu*, "Archiwum Historii Filozofii i Myśli Społecznej" 31, 1985, p. 213–228.

57 M. Petzówna, *Państwo i prawo w kazaniach ks. Fabiana Birkowskiego*, Warszawa 1938, p. 108–127.

58 F. Birkowski, "O exorbitancyach kazania dwoje przeciwko niewiernym, heretykom, odszczepieńcom i nowym politykom wierze ś. katolickiej rzymskiej, i duchowieństwu nieprzyjaciołom", [in:] idem, *Kazania przygodne i pogrzebowe*, publisher: K. J. Turowski, Kraków 1859, p. 7, 9, 17; cf. fragmenty [in:] *Filozofia i myśl społeczna*, pt. 1, p. 492–509.

to a bare minimum, with the main role given to spectacular form, though here aggressive and full of insults[59].

Evidence of the rejection of the Warsaw Confederation and equal confessional rights can be found in the views of Catholic scholars of the time. Szymon Starowolski, a priest, started his lectures at the Kraków Academy in 1618 from a commentary by Lipsius. Knowing his later statements, one can assume that his interpretations were along the lines of confrontation with dissenters. In the later *Reformacya obyczajów polskich*, Starowolski states that the reason for the crisis in the Commonwealth was its multi-denominational character and the lack of repressive measures: "Kiedyśmy praw ojcowskich i pobożności odstąpiwszy, różnych sobie wiarek nawymyślali […] A to wszystko dla grzechów i rozpusty naszej, której nie karzemy, ale owszem jeszcze ludzi swawolnych wynosimy i na urzędy Rzeczypospolitej heretyki i odszczepieńce wsadzamy. Nie usłyszysz teraz, kogo by o bluźnierstwo i niewiarę na ogień skazano, kogo by o czary publice spalono […] A zaś bojaźni bożej prawdziwej żaden mieć nie może, kto nie jest w Kościele jego św. katolickim, gdyż nic sobie takowy za grzech nie poczyta, który za grzech nic ma sobie żyć w herezyjej jakiej abo w odszczepieństwie uporczywym, bluźniąc Pana Boga i sakramenta jego święte" (When we abandoned the laws and piety of our fathers, we invented different little faiths […] And all this for our sins and debauchery, which we do not punish, but even elevate mischievous people and appoint heretics and apostates to offices of the Commonwealth. You do not hear that anyone was punished with fire for blasphemy and unbelief, that anyone was publicly burned for witchcraft […] And he who is not in the holy Catholic Church cannot truly fear God, for sin is nothing to him who thinks nothing of living in heresy or persistent dissent, blaspheming against God and his holy sacraments)[60].

Catholic polemicists born in the late sixteenth and early seventeenth centuries consistently (and in line with the Trent doctrine) developed theses put forward by Skarga, Bartsch, and Bembus. Starowolski regretted that blasphemers, atheists and witches were not burnt at the stake in the Commonwealth; the two first categories, however, appear to refer to those he had earlier labelled "heretics" and

59   S. Radoń, "Inwektywa w polemice religijnej przełomu XVI/XVII wieku", [in:] idem, *Z dziejów polemiki antyariańskiej w Polsce XVI–XVII wieku*, Kraków 1993, p. 91–118.

60   S. Starowolski, "Reformacyja obyczajów polskich", [in:] idem, *Wybór pism*, publisher: I. Lewandowski, Wrocław 1991, p. 194–296; see also S. Starowolski, "Braterskie napomnienie ad dissidentes in religione, aby się skromnie i w pokoju zachowali", 1646, fragmenty [in:] *Filozofia i myśl społeczna*, pt. 1, p. 516–526; L. Chmaj, *Samuel Przypkowski na tle prądów religijnych XVII wieku*, Kraków 1927, p. 42–43.

"dissenters" – that is, Evangelicals and Orthodox Christians. No matter how repulsive these terms appear today, it has to be borne in mind that, even in the seventeenth century, this was a radically tendentious interpretation of Lipsius's points, and one that was particularly dangerous in the Commonwealth, where the cure could prove worse than the state's disease. And it should be reiterated that, in the twentieth century, some historians gave this argumentation consideration and speculated on whether implementation of Skarga's and Bembus's proposals would have, in fact, strengthened the state and avoided later dramatic events[61].

Catholics did not limit themselves to propaganda; where possible, especially in the royal domain, Nonconformists were deprived of public rights, for instance in Poznań in 1619 and 1627 and in Kraków in 1624. On the other hand, the municipal authorities of the great Prussian cities restricted the rights of Catholics and the freedom of Catholic ministry, which led to conflicts and trials[62]. Characteristically, anti-dissenter activity in the second half of Sigismund III's reign was implemented chiefly by lower-level clergy and secular Catholics. Bishops – senators of the Commonwealth – returned to the stance of official restraint after their experiences from the times of the *rokosz* and, with few exceptions, focused on defending the interests of the Catholic Church in the Sejm and stalling efforts to secure the "process" of the Warsaw Confederation; in this, they were quietly guided and inspired by the papal nuncios[63].

Various elements combined to create an atmosphere of hostility: The proliferation of legal restrictions, the repossession of Catholic churches converted to Evangelical churches in times of Reformation, lawsuits to return foundational

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61 W. Czapliński, "Parę uwag o tolerancji w Polsce w okresie kontrreformacji", [in:] idem, *O Polsce siedemnastowiecznej. Problemy i sprawy*, Warszawa 1966, p. 101–129.

62 T. Glemma, "Stosunki kościelne w Toruniu w stuleciu XVI i XVII na tle dziejów kościelnych Prus Królewskich", *Roczniki TNT* 42, Toruń 1934, p. 108nn.; E. Paprocka, *Tolerowani, nielubiani. Katolicy w Elblągu w drugiej połowie XVII i w XVIII wieku. Studium z dziejów codziennego współistnienia wyznań*, Warszawa 2009, p. 22–28; R. Walczak, "Konfederacja Gdańska, Torunia i Elbląga w obronie zagrożonych przywilejów", *Rocznik Gdański* 43, 1983, 1, p. 83–115.

63 J. Dzięgielewski, "Biskupi rzymskokatoliccy końca XVI – pierwszej połowy XVII w. i ich udział w kształtowaniu stosunków wyznaniowych w Rzeczypospolitej", [in:] *Między monarchą a demokracją. Studia z dziejów Polski XV–XVIII wieku*, ed. A. Sucheni-Grabowska, M. Żaryn, Warszawa 1994, p. 202–203; T. Fitych, "Obecność nuncjusza Giovanniego Battisty Lancelottiego na sejmach polskich", *Saeculum Christianum* 5, 1998, 2, p. 145–194; G. Platania, "Rzeczpospolita i Święta Kongregacja Szerzenia Wiary w czasach Wazów", [in:] *Rzeczpospolita wielu wyznań*, ed. A. Kaźmierczyk, Kraków 2004, p. 213–251.

assets, payment of overdue (sometimes by decades) tithes and church dues (jura stolae) that Catholic parsons demanded also of dissenters[64]. Riots thus did not cease after the Sandomierz *rokosz*. Particularly memorable would be the year 1611, which Janusz Tazbir considered the apogee of the struggle against "heresy" during Sigismund III's reign[65]. There was unrest in Vilnius, where – several days after the Corpus Christi procession was interrupted by Italian Protestant Franco de Franco (who was later sentenced to death for it), a Catholic crowd destroyed the Reformed community's church and school[66]. In the same year, Iwan Tyszkowic, an Anti-Trinitarian from Bielsk Podlaski who refused to swear an oath, was burned at the stake. Franco de Franco and Tyszkowic were both formally considered blasphemers, though there is no doubt that theirs were trials "of faith": the judges assumed that spreading views inconsistent with Catholic doctrine was an act of blasphemy, and as such deserved the most severe punishment[67]. Today, only Polish historians remember the 1611 victims; their names are absent from, for instance, the work of Brad S. Gregory[68].

In 1620, a crowd destroyed the temple of the Polish Brethren in Lublin, and in Giałów in Samogitia, a newly built Evangelical church was burnt. The latter case was particularly scandalous, because the church stood on the private land of Krystyna Kęsztortowa, the wife of a Samogitia judge, and because the perpetrator of the destruction was a senator, bishop of Samogitia Stanisław Kiszka. No wonder public outrage broke out, especially at the Sejmiks of the Grand Duchy of Lithuania, where Evangelicals and Catholics alike objected. On this occasion, Sigismund III decided the bishop had gone too far; he appointed a three-person committee, with two Evangelicals and one Catholic, which forced Kiszka to apologise and pay damages[69].

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64 J. Dworzaczkowa, "W sprawie sytuacji prawnej protestantów w Polsce", *Czasopismo Prawno-Historyczne* 28, 1976, 1, p. 117–122.

65 J. Tazbir, *Państwo bez stosów. Szkice z dziejów tolerancji w Polsce XVI i XVII w.*, Warszawa 1967, p. 145.

66 J. Tazbir, "Męczennik za wiarę – Franco de Franco", [in:] idem, *Reformacja w Polsce. Szkice o ludziach i doktrynie*, Warszawa 1993, p. 90–105; H. Wisner, *Stracenie Franca de Franco*, OiRwP 34, 1989, p. 41–48.

67 S. Kot., *Relacja o Iwanie Tyszkowicu*, RwP 9–10, 1937–39, p. 464–469; J. Tazbir, *Sprawa Iwana Tyszkowica*, [in:] idem, *Rzeczpospolita i świat. Studia z dziejów kultury XVII wieku*, Wrocław 1971, p. 147–169.

68 B. S. Gregory, *Salvation at Stake. Christian Martyrdom in Early Modern Europe*, Cambridge Mass. 1999.

69 K. Chodynicki, *Sprawa o spalenie zboru ewangelickiego w Giałowie na Żmudzi*, RwP 5, 1928, p. 146–151; H. Wisner, *Sejmiki litewskie i kwestia wyznaniowa 1611–1648*, OiRwP 23, 1978, p. 123–150; T. Kempa, *Wobec kontrreformacji*, p. 315–317.

At the Sejms of 1611, 1613, 1615 and 1627, non-Catholics continued their efforts to strengthen the Warsaw Confederation[70]. But given the alignment of the opponents of religious equality (the court and the people gravitating towards it; the Catholic episcopate; the increasingly number of politicians from the ranks of the nobility raised and educated in the spirit of Counter-Reformation), their efforts were futile. What remained was writing, and so it is worth recalling texts that attest to the dilemmas faced by non-conformists in the last decades of Sigismund III's reign. One anonymous treatise published in 1615 takes issue with the views of Bembus. The author demands confessional freedom and equal rights, justifying this not only in the context of the Warsaw Confederation, but also the good of the state. He seems to imply that denominational freedom not only does not lead to misunderstandings and riots; on the contrary, it prevents them[71]. Similar views were propagated in the same year by Jan Tyniecki, who wrote in defence of the Evangelical church in Poznań: "Bronienie tedy nabożeństwa (ewangelickiego – WK) czyni rozruchy, a pozwolenie przynosi pokój" (Thus, prohibiting (Evangelical – WK) worship brings unrest, and allowing it brings peace)[72].

Two other polemical texts from the first half of the seventeenth century have been discussed more frequently; initially ascribed to Piotr Kochlewski, they were later deemed to be by Marcin Broniewski[73]. Their authorship aside, what is more relevant here is their message, which reflects the mood of the more active part of the Evangelicals during the reign of Sigismund III. Particularly interesting appears to be "Pobożnego ewangelika ku braciej tegoż

70 U. Augustyniak, *Non de fide, sed de securitate pacis. Wiara i polityka w poglądach ewangelików w Rzeczypospolitej w latach 1631–1631*, OiRwP 44, 2000, p. 72. See J. Tichy, *Walka protestantów na sejmie 1611 r.,* OiRwP 12, 1967, p. 99–116; S. Ochmann, *Sejmy z lat 1615–1616*, Wrocław 1970; J. Seredyka, *Sejm zawiedzionych nadziei*, Opole 1981.

71 *Vindiciae pacis seu confederationis inter dissidentes de religione in Regno Poloniae iura breviter asserta…*, Raków 1615; fragm. trans. Z. Piszczek [in:] *Filozofia i myśl* społeczna, pt. 1, p. 473–491; Z. Ogonowski, *Z zagadnień tolerancji w Polsce XVII wieku*, Warszawa 1958, p. 79–80.

72 J. Tyniecki, "Respons na trzydzieści przyczyn, którymi jezuici budowania zborów w Poznaniu bronić […] usiłują", [in:] *Literatura antyjezuicka w Polsce 1578–1625. Antologia*, ed. J. Tazbir, Warszawa 1963, p. 176.

73 J. Tichý, *Dwa pisemka ulotne o sytuacji polskiego protestantyzmu w dwudziestych latach XVII wieku*, trans. M. Basaj, OiRwP 5, 1960, p. 172–184; Z. Trawicka, *Działalność polityczna i reformacyjna Piotra Kochlewskiego*, OiRwP 8, 1963, p. 125–148; J. Byliński, *Marcin Broniewski*, p. 128–134. Cf. U. Augustyniak, *Non de fide*, p. 72; M. Jarczykowa, *"Papirowe materie" Piotra Kochlewskiego. O działalności pisarskiej sekretarza Radziwiłłów birżańskich w pierwszej połowie XVII wieku*, Katowice 2006, p. 165–193.

wyznania narodu polskiego i litewskiego przestroga i napomnienie,"[74] presumably written at the time of the 1595 synod in Toruń. The author presents the most pressing dangers, and the message is a call to action, given that time was working against non-Catholics. The formula applied in this text became a canon for works of this kind, a canon that was relevant even in the first half of the eighteenth century.

The second work is a mysterious treatise beginning with the phrase "Co się tycze zdania mego *in causa libertatis religionis*…" (As concerns my opinion *in causa libertatis religionis*…)[75]. The author refers to the abovementioned text, "Pobożnego […] napomnienia", which was written "more than a dozen years ago", though he denies being its author. The text is interesting as a rare example of political writing that called upon Evangelicals to resist and did not discount armed struggle. The author, impressed by the situation in the Holy Roman Empire at the beginning of the Thirty Years' War, suggests to his fellow dissenters that, not waiting for the interregnum, they should assert their rights: "Nie trzeba nam tylko radzić *de securitate nostra*, a […] przesilając się do tego, co i natura sama *vim vi repellere* ucząca *dictat*. I do czego konfederacyja generalna przez pobudki nasze najwarowniejszemi na świecie obowiązkami utwierdzona, zastawiania się takowym postępkom i *consurrecti contra violatores* pozwalająca drogę podać." (We must not only deliberate *de securitate nostra*, but […] embrace what nature itself, teaching *vim vi repellere*, *dictat*. And what the general confederation, in our beliefs concerning the most important obligations in the world, suggests to such deeds, allowing the way to *consurrecti contra violatores*)[76]. The author also confirms the uselessness of the 1609 law *de non praestanda oboedientia*, arguing that an attempt to invoke it would only provide a warning to the king and weaken the Evangelicals' chances[77]. Despite its radical contents, this text is weaker than "Pobożnego […] napomnienia"; its argumentation is drowned in waves of phraseology, and in any case, no Evangelical leader at the time was particularly eager to engage in armed resistance. Even the *rokosz* Marshal Janusz Radziwiłł, who nursed his grievances the longest, reconciled with the king, accepting in 1619 the office of the Castellan of Vilnius[78].

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74 Ms Biblioteka Kórnicka [Kórnik Library] 22, no. 3.

75 Ibidem.

76 Ibidem, p. 12; cf. overview by J. Byliński, *Marcin Broniewski*, p. 133–134.

77 Ibidem, p. 15.

78 J. Byliński, *Marcin Broniewski*, p. 134.

It appears that in the second part of Sigismund III's reign, the Evangelical milieu knew that, without a profound change in court policy, it would be impossible to restore equal confessional rights through the parliament. They thus waited for the interregnum, and engaged in more energetic defensive actions only when faced with excesses[79]. Non-Catholic elites steered clear of desperate ideas and focused on "work at the foundations" – that is, on strengthening ecclesiastical structures and increasing the confessional awareness of the faithful. As mentioned above, this was substantially facilitated by the fact that the Sandomierz Agreement was relaxed between 1595 and 1607. Of course, there could be no Lutheran or Reformed confessionalization, given that this would have required the assistance of state authorities, but some elements of the confessionalization process can be observed also in the Commonwealth, as evidenced by, among other things, the development of popular catechistic writing, not only Catholic, but also Orthodox and Protestant[80].

In the large cities of Royal Prussia, there was an ongoing process of reconstructing the Lutheran influence, which at the end of the sixteenth century was dominated (in Royal Prussia) by the Reformed confession of the so-called "second Reformation". The situation in Prussian cities was analysed and presented in a well-researched book by Michael G. Müller[81]. Similar tendencies are confirmed by Evangelical church sources from the Grand Duchy of Lithuania. The authorities of the Reformed Church of the Duchy strove to ensure that the faithful were familiar with the doctrine, as attested by not only the reorganisation of the education system and the foundation of Evangelical gymnasiums in Kiejdany and Słuck, but also by work on the translation of Calvin's *Institutio Christianae religionis*[82]. Missionary activity was conducted wherever possible,

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79 H. Wisner, "Religijność i tolerancja Krzysztofa Radziwiłła hetmana wielkiego litewskiego, wojewody wileńskiego (1585–1640)", *Zapiski Historyczne* 40, 1995, 1, p. 30–31.

80 M. Korzo, "Die Union von Brest und die katechetische Literatur", *Ostkirchliche Studien* 56, 2007, 2, p. 343–360; eadem, *Ukrainskaja i biełoruskaja katecheticzeskaja tradicja konca XVI – XVIII ww. Stanowlenije, ewolucija u problema zaimstwowanija*, Moskwa 2007, p. 104–404.

81 M. G. Müller, *Zweite Reformation und städtische Autonomie im Königlichen Preußen. Danzig, Elbing und Thorn in der Epoche der Konfessionalisierung*, Berlin 1997.

82 C. Lechicki, *Mecenat Zygmunta III i życie umysłowe na jego dworze*, Warszawa 1932, p. 272; W. Kriegseisen, "Wstęp", [in:] J. Kalwin, *O zwierzchności świeckiej, porządne, według sznuru Pisma świętego opisanie. Zaraz o pożytkach i powinnościach urzędu jej. Z łacińskiego na polskie wiernie przetłumaczone. Anonimowy przekład polski dwudziestego rozdziału czwartej ksiegi Institutio Christianae religionis nunc uere demum suo titulo responens Jana Kalwina wydany w 1599 r.*, Warszawa 2009, p. 27–28.

mainly among the plebeians living on the estates owned by Evangelical nobility and magnates. Cooperation with other non-Catholic denominations was strictly political in character; there are no traces of irenic activity or syncretism.[83]

The process of strengthening the organisational foundations of the Evangelical ministry and the confessional identity in the Kingdom of Poland and the Grand Duchy of Lithuania was a conscious activity, as corroborated by the marked participation of the laity, which was not limited only to funding activities of the magnate patrons of Calvinism – the Firlej, Rej and Leszczyński families in the Crown and, most predominantly, the Radziwiłł family in Lithuania.[84] These activities were wider in scope, given that the middle nobility followed in the magnates' footsteps.[85] Examples included the abovementioned associate of Krzysztof Radziwiłł, judge of the Brest-Litovsk Voivodeship – Piotr Kochlewski. In 1631, this moderately wealthy landowner funded a model Evangelical parish complex in the hereditary village of Nurzec in Podlachia that included "a church or an Evangelical congregation building erected for the glory of God, with an accompanying parish house, school and a hospital". He subsequently secured its future by establishing an endowment in the amount of 6,500 Polish zloty (zł), the profit from which (550 zł) was allocated annually to cover the running costs of maintaining the institutions of the congregation.[86]

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83 U. Augustyniak, "Stosunek ewangelików reformowanych (kalwinistów) do innych wyznań w świetle akt synodów Jednoty Litewskiej z lat 1611–1686", [in:] *Stosunki międzywyznaniowe w Europie Środkowej i Wschodniej w XIV – XVII wieku*, ed. M. Dygo, S. Gawlas, H. Grala, Warszawa 2002, p. 81–93; H. Wisner, *Wyznanie w życiu politycznym i społecznym szlachty litewskiej. Czasy Zygmunta III,* OiRwP 50, 2006, p. 131–140.

84 H. Wisner, *Religijnośc i tolerancja Krzysztofa Radziwiłła*, p. 25–38.

85 U. Augustyniak, "'Druga reformacja' w Wielkim Księstwie Litewskim w 1 połowie XVII wieku. W poszukiwaniu tożsamości wyznaniowej", [in:] *Sztuka i dialog wyznań w XVI i XVII wieku. Materiały sesji SHS, Wrocław, listopad 1999,* ed. J. Harasimowicz, Warszawa 2000, p. 223–233.

86 Zapis funduszowy na rzecz zboru w Nurcu, Brześć Litewski 10 X 1638, *Akty izdawajemyje Wilenskoju Archieograficzeskoju* Kommissijeju, vol. XII: *Akty gławnogo litowskogo tribunała*, Wilna 1883, p. 447–452; Z. Trawicka, *Działalność polityczna i reformacyjna Piotra Kochlewskiego*, OiRwP 8, 1963, p. 125–148; W. Kriegseisen, "Miłosierdzie czy opieka społeczna? Działalność opiekuńcza w Jednocie Ewangelicko-Reformowanej Wielkiego Księstwa Litewskiego w XVIII wieku", [in:] *Charitas. Miłosierdzie i opieka społeczna w ideologii, normach postępowania i praktyce społeczności wyznaniowych w Rzeczypospolitej XVI – XVIII wieku*, ed. U. Augustyniak and A. Karpiński, Warszawa 1999, p. 114–129.

Activities of a similar sort, with the special emphasis on educational matters, were undertaken at that time by the Lesser Poland Brethren (Jednota Małopolska), where – on the strength of the 1595 General Synod in Toruń – a school system reform was initiated. In the first half of the seventeenth century, major work in this field was carried out by one of its most outstanding patrons, Zbigniew Gorajski.[87] In the last decade of the sixteenth century, Father Krzysztof Kraiński, a representative of the Evangelical clergy in Lesser Poland, commenced his activities as a writer. Alongside the Hungarian Brethren, he undoubtedly helped lay the foundation for the development of denominational consciousness among Evangelicals in the region.[88] Characteristically, Kraiński first published his catechism (1596), then worked with a view toward unifying the liturgy of congregational services. Then he culminated his career by publishing three volumes of *Postylla* (1608, 1611, 1617), which to this day provides an engaging and rich body of source material on the religiousness and mentality of the Calvinists at that time.[89]

The condition of Polish Protestantism in the seventeenth century was also seriously affected by the cultivation of an aspect of international relations that dated back to the sixteenth century, namely the tradition by which the sons of wealthy nobles and magnates were provided a chance to study at universities abroad. Among Evangelicals, the tradition of studying, and not just visiting or sightseeing, continued a bit longer in light of the fact that there was no Protestant university in the Crown; furthermore, the schools that existed in Prussia at that time did not provide education that lived up to the standards expected of future clergymen.[90] For that reason, studying at Evangelical universities was an indispensable part of the process by which the confession was strengthened domestically, which was aided by the system of scholarship known as *alumnat*.

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87 S. Tworek, *Działalność oświatowo kulturalna kalwinizmu małopolskiego (połowa XVI–połowa XVIII w.),* Lublin 1970, p. 165nn.; D. Kupisz, *Zbigniew Gorajski (1596–1655). Studium z dziejów szlachty protestanckiej w Małopolsce w pierwszej połowie XVII wieku*, Warszawa 2000, p. 79–81, 130–159.

88 S. Tworek, *Starania o ujednolicenie obrządku kalwińskiego w Polsce XVII w.*, OiRwP 16, 1971, p. 117–139; W. Urban, "Rola braci Węgierskich w podtrzymywaniu protestantyzmu polskiego", [in:] *Religie – edukacja – kultura. Księga pamiątkowa dedykowana Profesorowi Stanisławowi Litakowi*, ed. M. Surdacki, Lublin 2002, p. 47–51.

89 K. Szkadłubowicz, "Kilka szczegółów z życia Krzysztofa Kraińskiego", [in:] *Studia z dziejów kultury polskiej. Książka zbiorowa*, ed. H. Barycz, J. Hulewicz, Warszawa 1948, p. 333–348; J. Tazbir, *"Kopalnia najciekawszych szczegółów…" (Postylla Krzysztofa Kraińskiego)*, OiRwP 28, 1983, p. 195–231.

90 S. Tworek, *Działalność oświatowo-kulturalna*, p. 146–153.

Graduates returning from Germany (Frankfurt/Oder, Königsberg, Marburg), the Netherlands (Leiden, Franeker, Groningen), Switzerland (Basel, Geneva), or even Scotland (St. Andrews, Edinburgh) were instrumental in disseminating Western European cultural paradigms in the Commonwealth that extended far beyond religion.[91]

Such international relations, along with the popularisation of European models of culture in Poland, caused some concern about how loyal Evangelicals were to their country of the origin, especially since Poland at that time was undergoing the process of "Sarmatianization", i.e., conservative Polish nobility were rising in prominence through their expression of hostility toward "foreign" influence and culture – which in turn resulted in the gradual marriage of politics and religion. Just as important, it was not until after the Thirty Years' War (with its confessional/denominational dimension[92]) that the secularisation of politics in Western Europe started to take root. Hence, the rivalry between the Catholic Vasa Dynasty in Poland and the Protestant Swedish line was not only political but also religious and, in a way, "national". Allegations and even accusations of disloyalty formulated against dissenters could not have been entirely uncommon, given that as early as 1613 the former rebel (*rokosz* participant) Janusz Radziwiłł, who openly opposed the politics of Sigismund III in the Sejm, found it necessary to address and deny them publicly: "when during a campaign Livonia the unity of the fatherland was a stake, my Protestant father [Krzysztof Radziwiłł 'Piorun' – WK] and myself – also a Protestant, commanded Polish armies, regardless of our religion […] and although Carolus [Charles IX of Sweden – WK] commanded Protestant armies […] we never attempted to negotiate with him for our own sake but always remained staunch and loyal supporters of the Commonwealth."[93]

Generally, the reign of Sigismund III did not fare well with non-Catholics. Hopes of preserving religious equality by strengthening the Warsaw Confederation at the 1606 Sejm were dashed beyond repair despite the fact that the nobility

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91 J. Tazbir, "Protestantyzm w Polsce XVII wieku", [in:] idem, *Reformacja w Polsce. Szkice o ludziach i doktrynie*, Warszawa 1993, p. 242–243.

92 B. Vogler, "La dimension religieuse dans les relations internationales en Europe au XVIIe siècle (1618–1721)", *Histoire, économie et société* 10, 1991, 3, p. 379–398.

93 Quoted from Z. Kiereś, *Szlachta i magnateria Rzeczypospolitej wobec Francji w latach 1573–1660*, Wrocław 1985, p. 201–202; cf. *Sermo Illustriss. Principis Dn. Dn. Radziwili duci in Birze, Dubinki, Slucko et Kopyl etc. etc, M. D. L. supremi pocillat. sub conclusionem general. comitiorum ad Sacr. Reg. Majestatem in frequenti senatu, Warszawiae* [sic] *habitus, anno MDCXIII*, b. m.

still – at least for some time – supported the idea of religious peace and expressed a sense of estate (class) solidarity with dissenters. In the 1620s, more frequently than not, local Sejmiks failed to consider complaints lodged by Protestant nobles, and even if they took a stand against injustices meted out to "religiously estranged" brothers, it happened only in areas where the influence of Evangelical magnates was still considerable.[94] For instance, in the mid-1620s, Krzysztof Radziwiłł was supported by the Sejmiks in his conflict with Sigismund III, though this act of support ought to be rather interpreted as an act of solidarity with a magnate harmed by the king than with the leader of the Lithuanian Evangelicals.[95] Since the early seventeenth century, the Sejmiks of Mazowsze (Mazovia) constituted a bastion of Catholic orthodoxy, defying ever more often the Warsaw Confederation and dissenters. With time, this tendency grew in strength, culminating in the mid-seventeenth century in the activities of such local politicians as Walerian Petrykowski, who was notorious for his obsessive hostility.[96]

While a similar fate befell the Eastern Orthodox Church, a much worse scenario affected the most vulnerable of all "noble" denominations – the Polish Brethren. After the Rokosz of Sandomierz, Catholic propagandists focused open attacks against them. The most bellicose among them, the Jesuit Marcin Śmiglecki, argued in favour of excluding the Brethren from Christendom on the basis of their disregard for the dogma of the Holy Trinity and Christ's divinity.[97] Subject to intense pressure on the part of Catholic zealots, leaders of the Antitirnitarian movement were aware of the increasing alienation felt by the community of nobles. For that reason, from 1611 to 1619, they initiated a series of negotiations with the Calvinists in the hope of securing a treaty of union that would enable them to dodge the main barrage of ideological shots directed at them by proponents of the re-Catholicisation of the Commonwealth. But over the course of negotiations it transpired that the dogmatic differences between

94 H. Wisner, *Sejmiki litewskie i kwestia wyznaniowa 1611–1648*, OiRwP 23, 1978, p. 123–150; E. Opaliński, *Sejmiki szlacheckie wobec tolerancji religijnej*, OiRwP 34, 1989, p. 21–40.

95 A. Filipczak-Kocur, "Próba pojednania Krzysztofa Radziwiłła z Zygmuntem III na sejmie zwyczajnym w 1629 roku", [in:] *Zeszyty Naukowe WSP w Opolu*, ser. A, Historia XV, 1978, p. 61–73.

96 J. Choińska-Mika, *Sejmiki mazowieckie w dobie Wazów*, Warszawa 1998, p. 134nn.

97 M. Śmiglecki, *Nova monstra novi arianismi seu absurdae haereses a novis arianis in Poloniam importate…*, Nissae 1612, fragm. trans. M. Wiśniowolski, [in:] *Filozofia i myśl społeczna XVII wieku*, pt. 1, p. 621–626.

the Reformed Church and the Unitarian congregations of the Polish Brethren were unbridgeable, in effect rendering the projected agreement untenable. In the end, it was easier to be engaged in provisional, ad hoc political cooperation, which did not clash with the kind of confessionalist tendencies that typified the Evangelical milieu.[98]

This does not mean, however, that those who supported the idea of the re-Catholicisation of the Commonwealth enjoyed an overwhelming victory. There is a great deal of evidence that supports the claim that their hopes in the late sixteenth and early seventeenth century revolved around the marginalisation of non-Catholics and the subsequent Catholic homogenisation of the Crown and the Grand Duchy of Lithuania.[99] The last years of the reign of the first Polish Vasa were by no means marked by this kind of Catholic coercion, but some of the laws (*konstytucje*) approved by the Sejm in the late 1620s signalled an imminent crisis, which began with the "case of Bolestraszycki" and the 1627 riots (*tumult*) in Lublin. At this juncture, it is worth noting that these events took place in the shadow of yet another conflict with Sweden. Begun in 1625, these military campaigns took a heavy toll on Polish-Lithuanian forces and in 1627 – according to Kraków Voivode Jerzy Zbaraski – the state had been "mauled by a bear". As a consequence, the royal court levied new taxes to cover the rising cost of war.[100]

In 1624, a Protestant noble of the Przemyśl Land, Samuel Światopełk Bolestraszycki, published a translation of a book by Pierre Du Moulin, Professor at the Huguenot Academy of Sedan. Originally entitled *Héraclite, ou de la Vanité et misère de la vie humaine* (1609), the treatise was rendered into Polish as *Heraklit albo de vanitate mundi* and dedicated to Princess Anna Maria Vasa. The Bishop of Przemyśl, Achacy Grochowski, found the book offensive and took Bolestraszycki to court. In 1627, the Tribunal of Lublin sentenced the translator to six months in prison, imposed on him a fine, and ordered the entire edition to be burnt. Given that not a single copy survived, it is difficult to ascertain whether the publication contained objectionable and offensive passages or whether it was simply considered blasphemous by the judge because it violated Catholic orthodoxy, as claimed

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98   J. Tazbir, *Bracia polscy na wygnaniu. Studia z dziejów emigracji ariańskiej*, Warszawa 1977, p. 16; S. Radoń, "Pogląd na sytuację Zboru braci polskich w 1. połowie XVII wieku", [in:] idem, *Z dziejów polemiki antyariańskiej w Polsce XVI – XVII wieku*, Kraków 1993, p. 13–36.

99   M. G. Müller, "Unionstadt und Region in der Konfessionalisierung. Polen-Litauen und die grossen Städte des Königliches Preussens", [in:] *Konfessionalisierung in Ostmitteleuropa*, p. 123–137.

100   J. Seredyka, *Sejm*, p. 9.

by the bishop, who stated that Bolestraszycki "was brazen enough to publish *in publicum* a book abounding in blasphemy and offence that encroached upon the majesty of God – the Father of Saint Pope, all the clergy and the Catholic faith." Grochowski went on to state that "it was not allowed to publish anything […] without *consensu loci ordinarii sui*"[101], which in practice meant that he bestowed upon himself the right to preemptively censor all publications in his diocese. The judge sided with the bishop, and thus it is no wonder that the verdict caused controversy within Protestant circles and the nobility perceived it as an abject violation of the Warsaw Confederation. Bolestraszycki, who was related to the Gorajski, Krasicki and Orzechowski families, attracted numerous defenders, of whom the most prominent was the Radziwiłł family.[102]

In Lublin, in August of 1627, the soldiers of the Voivode of Belz (Bełz), the Protestant Rafał Leszczyński, were involved in a scuffle with some students of the Jesuit College. A number of people were killed and, as a consequence, the crowd decided to seek revenge on dissenters. Public riots lasted two days, in which two more were shot dead, this time by defenders of the Lublin estate of Andrzej Firlej, on whose premises Reformed Protestant services were performed and members of the Evangelical clergy had taken refuge. The case was heard by the court which, clearly under the influence of the Catholic clergy, resorted to a bizarre legal interpretation, which resulted in the owner of the building that had been under siege being fined. Polish Brethren and Reformed Protestant services were prohibited in Lublin[103], but because the judges could reach no unanimous decision, the trial was sent to the Sejm.

Such verdicts constituted a blatant infringement of the Warsaw Confederation and were an insult to justice. Beyond that, by interpreting the law, the Crown Tribunal violated the principle according to which the Sejm was the source of state legislation. As expected, the nobility's reaction at Sejmiks was unanimous and unequivocal – though deputies from Mazowsze and Sieradz refrained from taking a stand, the rest opposed the Tribunal. Most active of them all were the Polish

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101 Quoted from L. Chmaj, op. cit., p. 15.

102 A. Kraushar, "Sprawa Bolestraszyckiego", [in:] idem, *Drobiazgi historyczne*, vol. 1, Petersburg-Kraków 1891, p. 45–62; H. Merczyng, *Druga w Polsce egzekucja literacka*, PH 17, 1913, 1, p. 67–74; A. Kossowski, *Protestantyzm w Lublinie i Lubelskiem w XVI – XVII w.,* Lublin 1933, p. 133–150, J. W. Opatrny, "Piotr du Moulin i polski przekład jego 'Heralita'", [in:] *Sprawozdania Wrocławskiego Towarzystwa Naukowego*, 1948, vol. 2, p. 47–58; C. Lechicki, op. cit., p. 284–286.

103 W. Czapliński, *Firlej Andrzej, wojewoda sandomierski*, PSB, vol. VI, Kraków 1948, p. 476. See D. Kupisz, *Zbigniew Gorajski*, p. 77.

Brethren; on 31 August 1627, at the Sejmik in Kraków, Samuel Przypkowski gave a speech in defence of freedom of expression and religion, thereby calling his fellow nobles to defend their privileges.[104] At the Sejmik in Sandomierz, Andrzej Moskorzowski linked this case with the royal court's absolutist plans, countering accusations that the Polish Brethren in Lublin were allegedly praying to the (majesty of the) king of Sweden.[105]

At the 1627 Sejm, the Bolestraszycki and Firlej cases generated heated debate; from the beginning, dissenters demanded that both verdicts be annulled. They were supported by numerous Catholics, who protested against the censorship of noble publications and the ban on non-Catholic religious services. A similar position was taken by Eastern Orthodox deputies, who used this opportunity to protest unjust burdens imposed on fellow Christians. In contrast, representatives of the Lublin Tribunal attempted to enforce the ban on non-Catholic Churches in royal towns. Eventually, as a result of pressure applied by dissenters and the support of many deputies, the Catholic constitution "O dekretach Trybunalskich" ("On Tribunal Decrees") pronounced the ban null and void and prohibited the Crown Tribunal from ruling on the basis of an arbitrary interpretation of the law. Evangelicals considered this a triumph.[106]

Catholic advocates of restricting the scope of toleration were also acting behind the scenes. In 1627 certain tones emerged that would characterise their activities in years to come. Castellan of Sandomierz Mikołaj Ligęza related that he had been accosted by clergymen who tried to persuade him that, being a Catholic, he was not allowed to defend the dissenters. They also asked him to remonstrate with the Polish Brethren because, though one could tolerate the Evangelicals up to a point, the Anti-Trinitarians offended God and brought punishment upon the state. For that reason, they ought to be immediately prohibited from disseminating their "blasphemy" (i.e., "religious services"). Apart from the attacks against the Polish Brethren, the loyalty of non-Catholics at large was questioned as if the Polish-Lithuanian Commonwealth constituted a Catholic fortress under siege by inimical dissenters. Starost of Żmudź Jarosz Wołłowicz even stated that each Protestant, and any member of the Minor Reformed Church in particular,

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104 L. Chmaj, op. cit., p. 17–19.

105 H. Gmiterek, "Problemy różnowierstwa na forum sejmiku lubelskiego do połowy XVII w.", [in:] Acta Universitatis Wratislaviensis, Historia, LXV, 1988, p. 165; J. Seredyka, *Sejm*, p. 26–27, 42–44.

106 VL, III, Petersburg 1859, 1627, f. 548, p. 263; J. Seredyka, *Sejm*, p. 54–66; P. Żukowicz, "Warszawskij sejm 1627 goda i jego znaczenije w istorii borby prawosławnych s unijej", *Christianskoje Cztenija* 233, 1910, p. 173–192, 334–388.

was – during the war against Sweden – by definition suspected of espionage.[107] Characteristically, faced with the immediate protest of an Evangelical officer, the starost renounced this thesis, which in 1627 was unlikely to gain any public support. It seems that it is not worth considering the logical value of declarations of that kind, but nevertheless such statements resonated with the public during the Polish-Swedish war.

Finally, in 1631, the Sejm enacted "Zatrzymanie pokoiu pospolitego" ("Maintaining Public Peace"), a law that facilitated the prosecution of perpetrators of religious riots; it did so "under the pretext of Catholicism" ("pod pretextem religii katolickiey") and as a partial response to demands issued with regard to the "trial" of the Warsaw Confederation. Constitutions such as "Religia Grecka" ("Greek Catholicism") and "O dobrach Władyckich y cerkiewnych" ("On Good Vladykas")[108] were proof positive of the politics of concession toward the Eastern Orthodox Church.[109] To a degree, these resolutions were the product of the work of Evangelical and Eastern Orthodox politicians, but at the same time Sigismund III of Vasa showed flexibility as he attempted to secure the throne for his son. Evangelicals were in fact looking for a candidate who would guarantee them policies conducive to their needs and aspirations; such was the aim of negotiations between the King of Poland and the King of Sweden, Gustav Adolf.[110] Ultimately, in the spring of 1632, at the last Sejm during the reign of Sigismund III, an agreement was reached between the court and the opposition, as the result of which Prince Władysław Vasa, who maintained good relations with non-Catholic leaders, was accepted as the future candidate. Also, the agreement was symbolically sealed by reconciliation between Sigismund III Vasa and Krzysztof Radziwiłł, the latter of whom not long before had been accused by the court of plotting to put the brother of the king of France, Prince Gaston of Orléans, on the Polish throne.[111]

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107   J. Seredyka, *Sejm*, p. 55–56.

108   VL, 1631, vol. III, Petersburg 1859, f. 669, p. 320f. 682, p. 326.

109   H. Wisner, *Zygmunt III Waza,* Wrocław 1991, p. 211; T. Kempa, *Wobec kontrreformacji*, p. 373–375.

110   A. Szelągowski, *Układy królewicza Władysława i dysydentów z Gustawem Adolfem w roku 1632*, KH 13, 1899, p. 683–732.

111   H. Wisner, "Król i książę. Konflikt między Zygmuntem III Wazą i Krzysztofem Radziwiłłem", *Rocznik Białostocki* 11, 1972, p. 53–100; „*Spisek orleański*" *w latach 1626–1628*, ed. and intr. U. Augustyniak, W. Sokołowski, Warszawa 1990; T. Kempa, *Wobec kontrreformacji*, p. 379–380.

Sigismund III died on the night of 29 April 1632, leaving behind the Polish-Lithuanian Commonwealth fraught with tension. In international relations, the prospect of waging wars again with Russia and Sweden posed the greatest threat. The truce with Russia ended in 1633 and Tsar Mikhail Fyodorovich struck a deal with the Swedes, the Polish armistice with whom ran its course in 1635.[112] Turkey's position remained unclear, and even Poland's relations with Vienna did not fare well. Understandably, what was required of the Commonwealth was an immediate decision.[113] The interregnum was also to provide the opportunity to regulate internal affairs, including relations between the state and Evangelicals led by the conciliatory Krzysztof Radziwiłł.[114] Not dissimilar was the situation of the Eastern Orthodox Church. Reinstated after 1620, but acknowledged by the state only *de facto*, the Church felt threatened by the victories of Józef Welamin Rutski, the reformer of the Basilian monks and, as of 1613, the Greek Catholic Metropolitan of Kiev.[115] Encouraged by the conversion to Catholicism in 1627 of one of the most prominent Eastern Orthodox bishops, Meletius Smotrytsky (Melecjusz Smotrycki)[116], Rutski suggested that the former union be renewed at a joint synod in 1629. Eventually, due to the absence of the Eastern Orthodox clergy and the resistance of the Uniate bishops, "the continuation of the union" never materialised, though the Greek Catholic offensive became a reality. This led even to the division of the Eastern Orthodox Church; while the hardliners, who even openly opted for cooperation with Moscow, were represented by the Eastern Orthodox Metropolitan of Kiev Isaiah Kopinsky (Izajasz Kopiński), exponents of reconciliation were led by Piotr Mohyła and Adam Kisiel.[117]

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112 W. Czapliński, *Władysław IV i jego czasy*, Warszawa 1972, p. 94.

113 K. Kaczorowski, *Sejmy konwokacyjny i elekcyjny w okresie bezkrólewia 1632 r.*, Opole 1986, p. 26–30.

114 J. Seredyka, *Rzeczpospolita w ostatnich latach panowania Zygmunta III (1629–1632). Zarys wewnętrznych dziejów politycznych*, Opole 1978, p. 154nn.; H. Wisner, *Walka o realizację uchwał konfederacji warszawskiej za panowania Zygmunta* III, OiRwP 19, 1974, p. 129–149; idem, "Litwa po zgonie Zygmunta III. Od zjazdu wileńskiego do konwokacji warszawskiej", *Rocznik Białostocki* 15, 1981, p. 43–73.

115 M. Szegda, *Działalność prawno-organizacyjna metropolity Józefa IV Welamina Rutskiego 1613–1637*, Warszawa 1967.

116 Skomplikowane okoliczności konwersji Smotryckiego analizował ostatnio D. Frick, *Meletij Smotryc'kij*, Cambridge Mass. 1995.

117 T. Długosz, "Niedoszły synod unicko-prawosławny we Lwowie 1629 roku", *Collectanea Theologica* 19, 1938, 4, p. 479–506; F. Sysyn, *Between Poland and Ukraine. The dilemma of Adam Kysil, 1600–1653*, Cambridge Mass. 1985, p. 90nn. See A. Jobert, *Od Lutra do Mohyły. Polska wobec kryzysu chrześcijaństwa 1517–1648*, trans. E. Sękowska,

The aim of the non-Catholics was to strengthen the Warsaw Confederation and, to this end, they mobilised all their forces[118], especially in the Lithuanian, Ruthenian and Ukrainian Sejmiks.[119] In effect, thorny issues related to denominations became one of the leitmotifs on the eve of the convocation of 22 June 1632. It appeared that the "hard line" that typified the reign of Sigismund III was not to be upheld in light of the fact that Catholics – in a number of ways – signalled their readiness to offer significant concessions. On 9 June, just before the Convocation Sejm (*Sejm konwokacyjny*), the Rector of the Academy of Vilnius Filip Frisius conceded that state authorities should punish students committing serious crimes, including violation of non-Catholic holidays. The Provincial Superior of Lithuanian Jesuits Mikołaj Łęczycki expelled two students accused of assaulting an Evangelical minister, which in practice meant that Łęczycki consented to their being handed over to secular authorities for processing and punishment.[120]

The Convocation Sejm in Warsaw was attended by numerous dissident and disuniate deputies. They took a hard stance from the beginning, which was facilitated by the election of a Protestant, Krzysztof Radziwiłł, as Marshal of the chamber of deputies (the first such instance since 1600); his secretary as of 1631 was one of the preeminent minds within dissident circles, Samuel Przypkowski[121]. In the Senate, non-Catholic interests were represented by Rafał Leszczyński. The "Sejm proposal" issued by primate Wężyk contained a statement which can be considered an olive branch for nonconformists: "*dissidentes in religione* miłujemy jako bracia i najmniej do dobra Rzeczypospolitej pomniejszenia różność religii okazji dawać nie ma" (we love *dissidentes in religione* like brothers and, the difference in religions should not be an opportunity to diminish the good of the Commonwealth)[122]. It appeared that Catholics were ready to concede the priority

Warszawa 1994, p. 260–264; A. Mironowicz, *Kościół prawosławny w dziejach dawnej Rzeczypospolitej*, Białystok 2001, p. 90–97.

118   T. Kempa, *Wobec kontrreformacji*, p. 379–392.

119   K. Kaczorowski, *Sejmy*, p. 58–60.

120   L. Chmaj, op. cit., p. 25–28; J. Tazbir, *Tradycje tolerancji religijnej w Polsce*, Warszawa 1980, p. 74; H.-J. Bömelburg, "Konfessionspolitische Deutungsmuster und konfessionsfundamentalistische Kiegsmotive in Polen-Litauen um 1600. Durchsetzung und Grenzen in einer multikonfessionellen Gesellschaft", [in:] *Konfessioneller Fundamentalismus. Religion als politischer Faktor im europäischen Mächtesystem um 1600*, hrsg. H. Schilling, München 2007, p. 307–308, Schriftem des Historischen Kollegs, Kolloquien 70.

121   H. Wisner, *Rozróżnieni w wierze*, p. 110nn.

122   Quoted from K. Kaczorowski, op. cit., p. 151.

of politics over religion in the name of the raison d'état. On 4 July, dissidents and disuniates presented their demands, stressing from the outset their will to confirm the denominational peace; their declaration stated that "tylko *ad politicam et civilem pacem et salutem in hac Respublica nostra* zmierzają" (they tended only *ad politicam et civilem pacem et salutem in hac Respublica nostra*)[123]. Two committees were appointed to consider these issues; Prince Władysław himself was involved in negotiations with Eastern Orthodox Christians[124].

The dissenters' main demand was that the Warsaw Confederation be acknowledged by Catholic bishops. They also demanded the restitution of the structure of the Eastern Orthodox Church with its assets, monasteries, printing houses, hospitals, etc.; the restitution of Evangelical churches in royal towns to the state from the beginning of Sigismund III's reign; the annulment of court decrees issued for denominational reasons; freedom of Protestant worship at the royal court and the appointment (according to the French model) of a dissident resident there; allowing Protestants to hold city offices and to access public archives; extending legal protections already available to the nobility to pastors with plebeian backgrounds; removing the right to appeal to Rome in court trials of the nobility and Catholic clergy; finally, considering persons using denominational coercion to be public enemies[125].

On 10 July, the Catholics presented their response, "Punkta responsu *dissidentibus de religione*", which was the result of consultations between the bishop, the papal nuncio Onorato Visconti and theologians[126]. All that it offered the dissidents was a general guarantee of peace and the annulment of unlawful court decrees and royal mandates. In return, it called for the exclusion of the Polish Brethren from those protected by religious peace and the acknowledgment of Catholicism as the dominant denomination[127]. These proposals were naturally rejected, and the Marshal of the Chamber of Deputies Krzysztof Radziwiłł presented the final list of conditions: the "process" of the Warsaw Confederation; the securing of existing churches and the right to build new ones; and the freedom

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123 Quoted from H. Wisner, *Rozróżnieni w wierze*, Warszawa 1982, p. 134; cf. U. Augustyniak, *Non de fide*, p. 71–99.

124 J. Dzięgielewski, *O tolerancję dla zdominowanych. Polityka wyznaniowa Rzeczypospolitej w latach panowania Władysława IV*, Warszawa 1986, p. 11nn.

125 Ibidem, p. 27.

126 Z. Sułowska, "Działalność nuncjusza Viscontiego w Polsce (1630–1635)", *Roczniki Humanistyczne* 9, 1961, 4, p. 31–99.

127 H. Wisner, „*Aby się … nowokrzczeństwo nie szerzyło". Katolicy – dysydenci – arianie w dobie bezkrólewia 1632 i 1648*, OiRwP 24, 1979, p. 101–108.

of ministry. The Chamber of Deputies consented to these, but demanded that the rights of the Catholic Church be secured; it was thus decided that the phrasing of the Warsaw Confederation needed to be modified. The new text, ratified on 16 July 1632, was no longer a mutual guarantee of peace by all "dissenting in religion", but a guarantee issued by Catholics to nonconformists: „Przytem, aby pokój pospolity, z żadnej okazjej wzruszany nie był, warujemy to *dissidentibus in religione Christiana*, że wszelaki pokój między sobą my i potomkowie nasi, *sub fide, honore, et conscientiis nostris,* zachowamy…" (With this, for common peace not to be disturbed on any occasion, we promise to *dissidentibus in religione Christiana* that all peace between each other, our descendants and ourselves, *sub fide, honore, et conscientiis nostris*, shall be preserved)[128]. In contrast to 1573 and 1578, this agreement was signed by the Catholic bishops in attendance; still, they attached to their signatures caveats stressing Catholic Church law.

Thus, in 1632, instead of the restoration of equal rights, non-Catholics obtained toleration guaranteed by the state. Detailed regulations included, among other things, the abolishing of anti-dissident decrees from the tribunals and Sigismund III's mandates, along with the recognition of non-Catholic churches in royal towns in 1632 as legal. The prohibition on building new churches was, to some degree, counterbalanced by confirmation of the right to private worship. Protestant clergy were protected from the jurisdiction of Catholic bishops. The Sejm also issued a guarantee that there would be no trials for building non-Catholic churches on private land and holding services there. The session of the committee debating Orthodox issues was more difficult; despite Prince Władysław's efforts to mediate, a compromise was not found, though the committee managed to prepare a draft agreement, which was to be discussed at the next Sejm[129].

Both sides intended to continue the debate over the form of relations between the state and the Churches in the Commonwealth at the Election Sejm, summoned to meet on 27 September 1632. Preparations were made: Catholics engaged in a propaganda drive and protested the decisions of the Convocation Sejm; dissenters acted to mobilise Protestant and Orthodox nobility. As a result, the Election Sejm was attended by several hundred non-Catholic nobles; we know the names of around 200 Evangelical participants, and Orthodox nobility

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128   "Konfederacja generalna omnium ordinum Regni et Mag. Duc. Lit. na konwokacjej głównej warszawskiej uchwalona", 16 VII 1632, punkt 5, *Akta z czasów bezkrólewia 1632 roku,* publisher: W. Sobociński, Poznań 1949, p. 19.

129   J. Kaczorowski, *Sejmy*, p. 155, 160; J. Dzięgielewski, *O tolerancję*, p. 30–31; T. Kempa, *Wobec kontrreformacji*, p. 396–398.

was represented by an even larger group. Delegates were also sent by Evangelical cities of Royal Prussia and by the Polish Brethren[130].

To underscore the rights confirmed by the Convocation Sejm, Evangelical services were held in Warsaw. They were held for the nobility from the Grand Duchy of Lithuania in the residence of Krzysztof Radziwiłł; for those from Greater Poland at Rafał Leszczyński's residence; and for those from Little Poland at the residence of Jan Bal of Hoczew. In addition, in the presence of 6 clergymen (including two superintendents), Reformed Evangelicals held a synod in Warsaw, where they set their goal as "*securitatem pacis i liberum exercitium religionis.*"[131]

The debate on denominational issues at the Election Sejm began on 9 October based on a motion to revoke Catholic protestations against the resolutions of the Convocation Sejm; the protest of bishop of Łuck (Lutsk), Achacy Grochowski, raised the greatest tension. The motion had the support of many Catholic deputies, and though seemed the issue was all but settled, every word had to be debated, given that the true heart of the matter was the formula for state-Churches relation. The Catholics' objective was to emphasise the principle of toleration for dissenters, who in turn strove to include phrasing that signified equal rights[132]. By the end of October, what was being debated was not only the revocation of the protests, but the guarantee of denominational peace in a *Pacta conventa*. On 26 October, the debate – in which the dissidents firmly defended the 1573 phrasing defining equal rights, was interrupted by news that Russia had broken the ceasefire and its army was moving towards Smolensk. The Election Sejm was to sit for two more weeks, but the most important task of King Władysław IV, elected on 8 November, and of the dissident leader Krzysztof Radziwiłł, was now preparations to repel the Russian invasion[133].

Ultimately, bishop Grochowski's protest was rejected, but Władysław IV's *Pacta conventa* provided a new formula for denominational peace: "A iż w tej zacnej Koronie narodu polskiego, litewskiego, ruskiego i państw do nich należących jest niemało *dissidentes in religione Christiana* przestrzegając *exemplo antecessorum nostrorum* napotym iakich sedycji, y tumultów z tej przyczyny rozerwania abo niezgody w religiej, warowano jest Konfederacją generalną warszawską blisko przeszłą, że w tej mierze, *in causa religionis Christianae*, ma być pokój *inter*

130 T. Kempa, *Wobec kontrreformacji*, p. 398–409.
131 Zjazd w Warszawie podczas sejmu elekcyjnego 27IX-13 XI 1632 r., *Akta synodów różnowierczych w Polsce*, vol. III: *Małopolska 1571–1632*, ed. M. Sipayłło, Warszawa 1983, p. 579–583.
132 W. Kaczorowski, *Sejmy*, p. 236–246; J. Dzięgielewski, *O tolerancję*, p. 49.
133 W. Czapliński, *Władysław IV*, p. 113.

dissidentes de religione Christiana zachowany, który My obiecujemy trzymać wcale czasy wiecznymi, *non obstantibus quibuscunque protestationibus* przeciwko tej Konfederacjej, po tejże konwokacjej uczynionych, *salvis iuribus Ecclesie Romane Catholice*, *integra* jednak we wszystkim *dissidentium de religione Christiana pace et securitate*, tak jako na konwokacjej blisko przeszłej warszawskiej w Konfederacjej generalnej opisano i warowano jest." (And since in this worthy Crown of the Polish, Lithuanian and Ruthenian nation and countries belonging to them there are many *dissidentes in religione Christiana* following the *exemplo antecessorum nostrorum* to avoid any sedition and riots for the reason of religious discord or dissent, as ensured by the recent general Warsaw Confederation, that in this measure, *in causa religionis Christianae*, there is to be peace *inter dissidentes de religione Christiana* preserved, which We promise to uphold forever, *non obstantibus quibuscunque protestationibus* against this Confederacy, made after this Convocation, *salvis iuribus Ecclesie Romane Catholice*, *integra* though in everything *dissidentium de religione Christiana pace et securitate*, just was described and enshrined at the recent Warsaw general Confederacy)[134]. The term *dissidentes in religione christiana* occurs three times here. The first, in accordance with the Catholic interpretation, refers to denominational minorities and implies tolerance rather than equal rights; the second concerns preserving the peace *inter dissidentes de religione christiana* (the phrase is thus used here in the original 1573 meaning, denoting equal rights). The third occurrence again suggests only toleration in the sense that it acquired in the seventeenth century.

Thus, efforts to restore the 1573 formula of denominational peace failed, and Evangelicals and the Polish Brethren managed to obtain only a compromise formula of toleration instead of equal rights.

Over the course of the debate at the Sejm, the Marshal of the Lower Chamber Jerzy Ossoliński, formerly a student at Leuven (Lovanium) who was likely conversant with the various interpretations of Lipsius's doctrine, formulated the precept – soon to be prevalent – that Catholicism was the dominant confession in the Commonwealth, and that dissenters could enjoy the rights that they had already been granted[135]. Instead of equal rights, they got a guarantee of toleration, its scope to be defined by practice, as is evidenced by problems faced by the Orthodox Church.

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134 "Artykuły *pactorum conventorum* stanów tej Rzeczypospolitej, Korony Polskiej i W. Ks. Lit. i państw do niej należących", 13 XI 1632, punkt 2, *Akta z czasów bezkrólewia 1632 roku*, publisher: W. Sobociński, Poznań 1949, p. 28.

135 J. Tabir, *Państwo bez stosów*, p. 223; see M. Barłowska, *Jerzy Ossoliński. Orator polskiego baroku*, Katowice 2000, p. 42nn.

Negotiations with the Eastern Orthodox Christians, in the shadow cast by the war against Russia and under pressure from the Cossack envoys, reached an impasse; in an attempt to break that impasse, a committee was appointed on 19 October. This committee, led by Władysław Vasa, quickly adopted a document, "Punkta uspokojenia obywatelów koronnych i W. Ks. Litewskiego narodu ruskiego, w religiej greckiej będących przez Najjaśniejszego KJM Szwedzkiego Władysława pierwszego" (Points to reassure citizens of the Crown and of the Ruthenian nation of the Grand Duchy of Lithuania being in the Greek religion, by His Royal Majesty Swedish King Władysław the First), which was prepared earlier by the prince and his theological advisor, the learned Capuchin Valeriano Magni[136]. This document declared equal rights for Eastern Orthodox Christians and Greek Catholics; it stated the right of the former to the Kiev archdiocese with Saint Sophia's Cathedral and the Pechersk Lavra, as well as the bishoprics of Lviv, Lutsk and Przemyśl; it provided for the creation of the Orsha-Mogilev eparchy (*władyctwo orszańsko-mogilewskie*) in place of that of Mstsistlav (Mścisław) for Eastern Orthodox Christians in the Belarussian lands of the Grand Duchy of Lithuania; and it included the right to open schools and printing shops. Eastern Orthodox burghers were allowed to benefit from town privileges, hold city offices and join guilds. Despite objections by the uniate clergy, the prince ordered that these decisions be entered into the Warsaw town books. There was no separation of the assets of the Orthodox Church and monasteries; the disuniates demanded that these be fully restored to them. A separate committee was to settle this issue, and the dispute over church assets would lead to prolonged and bitter conflict[137].

Relations between non-Catholic communities and state institutions were increasingly less dependent on the will of its elite representatives, and increasingly more dependent on the nobility, in which an important role was played by individuals shaped by the values and concepts of post-Trent Catholicism. The fact that Catholics were unwilling to abide by the compromise forged at the Convocation and Election Sejms was clear from the outset. Many Catholic deputies found themselves with a troubled conscience, given that Church teachings had led them to believe that acknowledging the rights of dissenters was a sin, as evidenced by the caveats they added to their signatures in the *Pacta conventa*. This was not just a matter of the individual *reservatio mentalis*. These caveats, which stated that consent for dissenter rights was conditional on recognition of the

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136   *Vetera Monumenta Poloniae et Lithuaniae gentimque finitimarum historiam illustrantia*, ed. A. Theiner, vol. III: *1585–1696*, Romae 1863, p. 398–399.

137   L. Bieńkowski, op. cit., p. 846–848; W. Kaczorowski, *Sejmy*, p. 250–255.

rights of the Catholic Church, could have raised the suspicion that, under certain circumstances, consent would be withdrawn under the pretext of incompatibility with Catholic canon law.

Distrust ran high, and not without reason. On 5 February, the day before the coronation, dissidents requested the removal of the words "catholicis, romanis", which were inserted into the text of the royal oath where privileges of the Churches were mentioned, signifying that these privileges were restricted to Catholic Churches rather than to all Christian Churches. Ultimately, the dissidents were promised safeguards and given assurances that representatives of dissidents would be able to attend the coronation, but Jerzy Ossoliński and other Catholic deputies continued to maintain in debates that there were only two formally acknowledged Churches in the Commonwealth – the Catholic one and the Eastern (uniate) one[138]. Orthodox Christians therefore demanded a law confirming the concessions negotiated at the Election Sejm and were supported in the Lower Chamber, but in the Senate the bishops refused their consent and cited the negative stance of the Holy See; in so doing, they backtracked from previous arrangements[139]. On 16 March 1633, Władysław IV issued a certificate in which the disuniates were guaranteed that these decisions would be implemented, and established the hierarchy of the Orthodox Church[140]. This, however, was not tantamount to acknowledging the vladykas (metropolitans) ordained illegally in 1620; instead, the king appointed new ones, chiefly from the ranks of the supporters of Mogila, who was himself made the metropolitan of Kiev instead of the intransigent Izajasz Kopiński. Despite the protestation of Pope Urban VIII, there were now two legal Eastern ecclesiastical structures and hierarchies – Orthodox and Greek Catholic[141].

Characteristic of the atmosphere in which the negotiations took place was the refusal by Vice-Chancellor of the Crown Tomasz Zamoyski and the Chancellor of Lithuania Albrycht Radziwiłł to approve the certificate for the Orthodox Christians. Zamoyski, who had earlier questioned the legality of the Warsaw Confederation, invoked freedom of conscience: "che non poteva gravare per comandamento della Maestà Sua la propria coscienza"[142]. Radziwiłł also used scruples of conscience as an excuse, and the king resorted to threatening him

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138   J. Dzięgielewski, *O tolerancję*, p. 65.

139   W. Czapliński, *Władysław IV*, p. 134, 146.

140   A. Mironowicz, *Kościół prawosławny*, p. 103.

141   L. Ćwikła, op. cit., p. 190nn.

142   Quoted from L. Jarmiński, *Tomasz Zamoyski wobec spraw publicznych i wyznaniowych*, OiRwP 25, 1980, p. 130.

that he would take the first opportunity to bestow the office of Chancellor on a non-Catholic; the Chancellor did ultimately give his seal of approval to the document, but saw it right to explain himself in a special manifesto[143]. There appeared to be many elite politicians willing to put the "heavenly homeland" before the "earthly" one. Still, political thinking continued to prevail, especially where money was involved.

One of the most important achievements of the interregnum was the ratification of *compositio inter status*, or the regulation of relations between the nobility and clergy. It was a long-debated nexus of affairs, which included among other things the legal status of ecclesiastical assets taken over by the nobility during the Reformation and the problem of overdue tithes. Suggestions for resolving this entire group of issues had long been formulated[144]; however, agreement was reached only at the Convocational, Elective and Coronation Sejms in 1632–33, which resulted in a series of legislation. The 1635 Sejm, apart from the bill confirming (with minor changes) earlier decisions concerning Orthodox Christians, accepted the final principles of *compositio inter status*, which not only regulated the matters of acquiring former church estates and of overdue tithes, but also introduced restrictions on bestowing land assets (estates) to religious orders and prohibited appeals to Rome regarding court trials involving the nobility and clergy[145].

The interregnum and the early years of Władysław IV's reign resulted in notable benefits to non-Catholics; and while Orthodox Christians benefited more than Evangelicals, the position of the Polish Brethren, due to propaganda targeting them, was not particularly enviable. Protestants had come to terms with the loss of equal rights; they now relied on the favour of Władysław IV and focused on efforts to maintain the broadest possible limits of the toleration guaranteed to them in 1632[146], which – however – was something they were finding increasingly difficult to do; another riot in Lublin broke out in February 1633, during the session of the Coronation Sejm. In the post-riot trial, Doctor Samuel Makowski, a well-known medic and an elder of the Reformed congregation in

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143 H. Wisner, *Władysław IV Waza*, Wrocław 1995, p. 131–132; T. Kempa, *Wobec kontrreformacji,* p. 416–422.

144 S. Ochmann, "Pretensje szlachty do duchowieństwa w latach 1615–1616", [in:] *Acta Universitatis Wratislaviensis*, Historia, vol. 16, 1969, p. 83–103.

145 J. Dzięgielewski, *Sprawa compositio inter status w latach 1632–1635*, KH 90, 1983, 1, p. 81–91; J. W. Wołoszyn, *Problematyka wyznaniowa w praktyce parlamentarnej Rzeczypospolitej w latach 1648–1696*, Warszawa 2003, p. 15nn, 21–25.

146 J. Dzięgielewski, *O tolerancję*, p. 99.

Lublin, was sentenced to death; what saved his life was the protection of magnates and 13,000 Polish zlotys paid to the Catholic clergy who had brought the accusations against him[147].

Hopes that state authorities would extend a lasting protection over non-Catholics turned out to be unfounded, especially after 1635, when plans for a marriage between Władysław IV and the Protestant Elisabeth of the Palatinate, daughter of Frederick V (Elector Palatine and the unfortunate "Winter King" of Bohemia), fell through, and the king sought a rapprochement with the Habsburgs following the peace treaty with Sweden at Stumsdorf[148]. Faced with changes in court policy and the increasing attacks on dissenters, the political leader of the Protestants, the Voivode of Vilnius and the Grand Hetman of Lithuania Krzysztoff Radziwiłł, moved to the opposition, the direct result being the closing (with no resolutions) of the first 1637 Sejm, after which Catholics tried to move onto the offensive. The Mazovian deputies demanded that rights of dissidents be restricted, and some Catholics from Royal Prussia pointed to anti-Catholic restrictions existing in Prussian cities and invoked the resolution of the Prussian General Sejmik that proposed that the Polish Brethren be removed from Royal Prussia. Nor were Eastern Orthodox Christians spared attacks; Smolensk Standard-bearer Marcin Karliński accused bishop Sylwester Kossow (Sylvester Kossov) of collaborating with the Russians during the taking of a uniate church at the Lithuanian-Russian border[149].

The late 1630s saw another wave of violence against dissidents[150]. What is worse, those dissidents could no longer rely on royal protection, especially after Krzysztof Radziwiłł was instrumental in thwarting the projected Order of the Immaculate Conception of the Blessed Virgin Mary[151]. Even in Vilnius, right under his own eyes, denominational relations were so bad that in 1638 the Reformed congregation, which was employing 6 armed men to guard their church located near the Jesuit Vilnius Academy, decided to employ another

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147 H. Gmiterek, *Tumult wyznaniowy w Lublinie w 1633 roku*, OiRwP 50, 2006, p. 157–167; D. Kupisz, op. cit., p. 82–85.

148 Z. Trawicka, *Projekt kalwińskiego małżeństwa Władysława IV*, OiRwP 11, 1966, p. 93–100; Z. Taźbierski, *Związki Polski z Anglią od schyłku XIV do połowy XVII wieku. Studium z dziejów polityki* dynastycznej, Olsztyn 1994, p. 87–120; H. Wisner, *Władysław IV*, p. 89–90, 94.

149 J. Dzięgielewski, *O tolerancję*, p. 104, 448–449.

150 L. Chmaj, op. cit., p. 32–36.

151 A. Tomaszek, *Projekt Orderu Niepokalanego Poczęcia Najświętszej Marii Panny*, OiRwP 32, 1987, p. 107–124; H. Wisner, *Władysław IV*, p. 127–129.

6[152]. In 1638, a crowd vandalised the Evangelical church in Polotsk, and in the Crown, a Polish Brethren hub was removed from Raków[153]. The following year, Kacper Działyński, bishop of Chełmno, demanded in the Sejm that dissidents be removed from the Commonwealth as rebels and disturbers of the peace in the country; he had been provoked by the Lutheran authorities of Toruń, who did not allow Catholic processions to enter the market square[154]. In the same year, riots took place in Vilnius; the ensuing trial resulted in a sentence removing the Reformed church outside the city walls. In 1640, an attempt was made to eject Janusz Radziwiłł from the Sejm chambers; he was accused of defending his fellow Protestants of Vilnius against Catholic attacks during the funeral of Aleksander Przypkowski[155].

The latter years of Władysław IV's reign were also characterised by a more intense wave of repossessions against nonconformist communities. These communities suffered particular harm as a result of sentences passed by courts which – not only in the Crown, but even in the Grand Duchy of Lithuania – had long disregarded the 1627 restrictions[156]. The mid-1640s brought another wave of trials against the Polish Brethren, this time targeting their centres in the Ukraine[157]. Leaders of the Catholic nobility from Mazovia prepared a motion for the 1645 Sejm in which they demanded that the anti-Protestant decree by Prince Janusz of 1525 be made legally binding again. Their aim was to remove Protestants from Warsaw, or at least to prohibit Protestant services in the capital during Sejm sessions. In the following year, a much more symptomatic event took place, as disuniates broke the cooperation with dissidents that had lasted for more than a decade. Leaders of the Orthodox nobility seemed to find that the growing ill will towards Protestants was damaging their interests, and at this

152   M. Kosman, *Protestanci i kontrreformacja. Z dziejów tolerancji w Rzeczypospolitej XVI–XVIII wieku*, Wrocław 1978, p. 54.

153   H. Wisner, *Władysław IV*, p. 139; J. Tazbir, "Zagłada ariańskiej 'stolicy'", [in:] idem, *Arianie i katolicy*, Warszawa 1971, p. 7–45; J. Dzięgielewski, *O tolerancję*, p. 116nn.

154   T. Glemma, op. cit., p. 140–142; Z. Trawicka, "Sejm z roku 1639", *Studia Historyczne* 15, 1972, 4, p. 551–598.

155   H. Wisner, *Likwidacja zboru ewangelickiego w Wilnie (1639–1646). Z dziejów walki z inaczej wierzącymi*, OiRwP 37, 1993, p. 89–102; U. Augustyniak, *Jeszcze raz w sprawie tumultu wileńskiego 1639 i jego następstw*, ibidem 50, 2006, p. 169–189.

156   T. Kempa, *Wobec kontrreformacji*, p. 492.

157   L. Chmaj, op. cit., p. 42–43.

Sejm they joined with the Catholics against the motions of Protestant deputies, whose numbers were now decreasing[158].

Despite that, the Sejmiks, particularly the Lithuanian Sejmiks, demanded the preservation of religious peace, given that they viewed conflicts as a menace to the state.[159] However, it was both the Senate and the Sejm that set the example. In 1647, the Sejm was tasked with handling two accusations: (1) Janusz Radziwiłł was charged with moving wayside crosses from their original location on his estate; and (2) Polish Brethren minister Jonasz Szlichtyng was indicted for publishing a blasphemous theological treatise. While the former case culminated in a settlement, the latter resulted in Szlichtyng's forced emigration, which was all the more disturbing because he was not only a dissenter pastor but a Polish nobleman as well.[160] In July of 1647, Władysław IV published an edict forbidding Mennonite "propaganda" (i.e., the dissemination and practice of the Mennonite faith) in Royal Prussia, which was later used against the Polish Brethren (the very term "propaganda" was applied to all non-Catholic religious services).[161]

Interestingly, these events ran almost parallel to attempts at reconciliation undertaken by authorities of the Commonwealth; these included activities to reach an agreement between the Catholic Church, the Eastern Orthodox Church and the Evangelical Churches. There was no contradiction here, however, given that in the 1640s Irenicist activities were primarily instrumental in nature. Jan Dzięgielewski stated even that the rationale behind such activities was an attempt to popularise Władysław IV in the eyes of Western Europe, particularly in Protestant circles, which would in turn facilitate his role as mediator in the last phase of the Thirty Years' War.[162] Truth be told, the once famous "Colloquium charitativum" (Toruń, 1645) failed to yield any long-lasting results. On the contrary, it gave rise to deepened mistrust and broader confusion in the Evangelical milieu. As escalation ensued, the Polish Brethren were officially marginalised: they were not allowed to join the proceedings. Furthermore, the dispute between Calvinists and Lutherans reached a critical stage, leading to an internal split among

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158   J. W. Wołoszyn, op. cit., p. 34.

159   J. Kempa, *Wobec kontrreformacji*, p. 478.

160   H. Wisner, "Krzyże Świadości", [in:] idem, *Rzeczpospolita Wazów. Czasy Zygmunta III i Władysława IV*, Warszawa 2002, p. 274–284, D. Kupisz, op. cit., p. 97–98; L. Chmaj, op. cit., p. 46–48; P. Buchwald-Pelcowa, *Cenzura w dawnej Polsce. Między prasą drukarską a stosem*, Warszawa 1997, p. 63–65.

161   J. Tazbir, *Walka z Braćmi Polskimi w dobie Kontrreformacji*, OiRwP 1, 1956, p. 165–207; J. Dzięgielewski, *O tolerancję*, p. 172.

162   J. Dzięgielewski, *O tolerancję*, p. 141–142.

the Lutherans: while exponents of orthodoxy were represented in Toruń by the Rector of the Academic Gymnasium in Gdańsk Abraham Calov, the Helmstedt theology professor Georg Calixt spoke on behalf of Irenicists. Such an outcome of the colloquium was popular only among Catholics, though one of its originators, the above-mentioned Catholic Irenicist and theologian Father Magni, had undoubtedly higher hopes.[163]

In part, such an outcome of the Toruń meeting was also the product of an inability on the part of those in Evangelical circles in the Commonwealth to offer any worthwhile solution to the problem of Church-state relations. Instead, they limited themselves to a defence of the Warsaw Confederation and the promotion of Irenicist ideas that drew on the tradition of the Sandomierz Consensus.[164] Their most prominent advocate was Bartłomiej Bythner (d. 1629), an associate of David Pareus and the author of an early seventeenth-century Western European bestseller *Fraterna et modesta ad omnes per universam Europam Ecclesias Reformatas earumque moderatores ac defensores, pro unanimi in toto religionis Evangelicae negotio consensu inter se constituendo adhortatio* (Francofurti 1618). In this work Bythner argued in favour of reconciliation among divergent Protestant confessions, and he encouraged them to rally round the mutually agreed dogmatic minimum that was "indispensable to one's salvation". At the same time, he was an advocate of the belief that only secular authorities were capable of overseeing the ratification of an agreement between theologians and Protestant Churches.[165]

By comparison, probably the most prominent neo-Scholastic Calvinist in the Kingdom of Poland, the Rector of the Academic Gymnasium in Gdańsk Bartłomiej Keckermann, was – in terms of political philosophy – dependent on

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163 E. Piszcz, *Colloquium Charitativum w Toruniu A. D. 1645. Geneza i przebieg*, Toruń 1995; H.-J. Müller, *Irenik als Kommunikationsreform. Das Colloquium Charitativum von Thorn 1645*, Göttingen 2004, which also includes an overview of the latest scholarship in the field; U. Sträter, "Przez Gdańsk do Wittenbergi. Abraham Calov (1612–1686) jako teolog luterańskiej ortodoksji", *Zapiski Historyczne* 73, 2008, 1, p. 37–58; M. J. Cygan, "Walerian Magni OFMCap. a 'Colloquium charitativum' w 1645 r. w Toruniu", *Studia Franciszkańskie* 7, 1996, p. 241–254.

164 See K. E. Jordt Jørgensen, *Ökumenische Bestrebungen unter den polnischen Protestanten bis zum Jahre 1645*, København 1942.

165 B. Bythner, "W jaki sposób można w Europie doprowadzić do zgody między ewangelikami i jak ją utwalić", [in:] *Filozofia i myśl społeczna XVII wieku*, trans. T. Włodarczyk, pt. 1, ed. Z. Ogonowski, Warszawa 1979, p. 605–620; M. Pawelec, *Bartłomiej Bythner starszy (ok. 1559–1629). Z dziejów protestanckiego irenizmu na przełomie XVI i XVII wieku*, Warszawa 2008, p. 42–43, 118–142.

(admittedly very interesting) concepts taught by his German and Dutch professors. This is corroborated by his *Systema disciplinae politicae publicis praelectionibus anno MDCVI propositum…* (Hanoviae 1607), in which he relied on the thought of, among others, Bodin and Althusius, and applied their concepts to the context of the sixteenth-century Kingdom of Poland. He considered the Kingdom an example of "polyarchy" – a political system that was slightly worse than monarchy with its own fundamental limitations.[166] In other words, with regard to their attitude toward Church-state relations, Polish Protestants did not differ from their Western European fellow practitioners, a fact that was duly noted by Zbigniew Ogonowski in his analysis of *Vindiciae pacis seu confoederationis inter dissidentes de religione in Regno Poloniae iura breviter asserta* (1615). The author of this seventeenth-century treatise argued in favour of unbridled freedom of worship and conscience, demanding that it be applicable not only to "the genuine faith" (i.e., Reformed Protestantism).[167]

Potentially far more interesting might well have been the results of the politics of reconciliation with the Eastern Orthodox Church, and of the fact that its moderate representatives, such as Piotr Mohyła, gained support. In 1643, Pope Urban VIII addressed a breve to him, appealing for a union. In response, the metropolitan prepared a memorial, taken to Rome by Father Magni, who actively endeavoured to arrange a rational agreement with the Eastern Orthodox Church that would benefit not just Catholicism but the Commonwealth as well.[168] Still, the project of a "new union" (based on the principles of the Council of Florence) found no recognition in Rome. Nor did it fare better in the Commonwealth, where it was vehemently opposed by the Greek Catholic hierarchs. Instead of a compromise on the basis of a set of newly established arrangements, Eastern Orthodox Christians were offered an option to join the Greek Catholic Church, which was unacceptable, primarily for political reasons.[169]

Moderate leaders of the Eastern Orthodox Church failed to regulate their relations with both Catholic Churches. Piotr Mohyła died in 1647, yet his secular associate and political torchbearer for the Eastern Orthodox nobility,

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166 D. Facca, *Bartłomiej Keckermann i filozofia*, Warszawa 2005, p. 227–232, 241nn.

167 Z. Ogonowski, *Z zagadnień tolerancji w Polsce XVII wieku*, Warszawa 1958, p. 121–122.

168 W. Hryniewicz, "Unia bez zniszczenia. Memoriały unijne metropolity Piotra Mohyły (1644–1645)", *Studia i Dokumenty Ekumeniczne* 9, 1993, 1 (31), p. 21–32; G. Cygan, "Walerian Magni und die Frage der Verständigung mit der orthodoxen Kirche", [in:] *Collectanea Franciscana* vol. 51, 1981, p. 333–368.

169 A. Jobert, op. cit., p. 295–299; cf. S. N. Płochij, *Papstwo i Ukraina. Politika rimskoj kurii na ukrainskich zeml'jach w XVI – XVII w.*, Kiiw 1989.

Adam Kisiel, who was also the last Eastern Orthodox senator in the Democracy of Nobles, lived long enough to witness the Khmelnytsky Uprising (Powstanie Chmielnickiego) and experience the loss of hope of ever reaching an agreement between the Eastern Orthodox Christians and the increasingly more overtly Catholic country dominated by nobles. As far as the Ukraine of the 1630s and the 1640s is concerned, the most important educational institution was Collegium Kijoviense Mohileanum (Kyivan Mohyla Academy), whose heritage was to bear fruit for years to come.[170] Far be it from the present author to resort to unjustified hyperbole, but the tendencies to defend both the Eastern Orthodox Church and separate identity[171], which were rekindled in the Ukraine in the 1620s, found its continuity in the initiatives of Mohyla and his associates, whose activities were indispensable to the laying of the foundation for the development of Ruthenian uniqueness, agency and identity in the seventeenth century. Subsequently, they were to provide a point of departure for the formation of the modern, already Ukrainian national identity. Paradoxically, however, this identity in the nine-teenth century would be founded upon not the Eastern Orthodox Church but the Greek Catholic Church.[172]

The first half of the seventeenth century in the Commonwealth was a time of consolidation of the Catholic doctrine of "political toleration", which hark-ened back to the views of Justus Lipsius. The Polish translation by Paweł Szc-zerbic of *Politicorum sive Civilis doctrinae libri sex* was published in Kraków, 6 years after the original publication in Leyden, as *Politica panskie. To iest nauka, iako pan y każdy Przełożony rządnie żyć i sprawować się ma* (Kraków 1595). This text was even used as a textbook in the Academic Gymnasium in Toruń. Initially, the stoicism such as that of the "politiques", and in particular the rules of comportment in denominational relations which it stipulated, raised doubts among Catholic polemicists. In fact, Lipsius' works were on the *Index Librorum*

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170 J. Dziegielewski, *O tolerancję*, p. 177nn., 202–204; M. Andrusiak, "Sprawa patriar-chatu kijowskiego za Władysława IV", [in:] *Prace historyczne w 30-lecie działalności profesorskiej Stanisława Zakrzewskiego*, Lwów 1934, p. 269–285; A. Żukowskij, *Petro Mogiła i pitannja jedinosti* cerkow, ed. J. Iwanczenka, Kiiw 1997, p. 111–189; S. Płochij, *Naliwajkowa wira. Kozactwo ta religija w rannomodernij Ukraini*, Kiiw 2005, p. 130–135.

171 F. Sysyn, *Stosunki ukraińsko-polskie w XVII wieku; rola świadomości narodowej i konfliktu narodowościowego w powstaniu Chmielnickiego*, OiRwP 27, 1982, p. 67–92; T. Chynczewska-Hennel, *Świadomość narodowa szlachty ukraińskiej i kozaczyzny od schyłku XVI do połowy XVII w.,* Warszawa 1985, p. 74–115.

172 J. Kłoczowski, *Dzieje chrześcijaństwa polskiego,* Warszawa 2007, p. 139.

Prohibitorum until 1596, when a corrected (according to Bellarmino's instructions) edition was published in Antwerp. Thus, in Poland, the Dutchman was initially regarded as an ideologue of monarchism, and Szczerbic, preparing a reprint of his translation in 1608, saw it fit to add to that reprint a commentary confirming the author's Catholic orthodoxy. Szczerbic complemented the passage praising confessional uniformity with a note stating that Lipsius was obviously referring to Catholic unity. The fragment condemning the persecution of peaceful dissenters only worshipping in private was supplemented by the translator with the comment that the author had intended this passage to refer to pagans, rather than those dissenting from Catholicism, who should be forced to return to the Catholic faith, just as it was done by the Spanish Inquisition[173]. But as Jesuits began to abandon the idea of reinforcing royal authority, Lipsius' monarchist notions became less attractive. His historicism and the stylistic values of his prose were subsequently highlighted, and his doctrine of the raison d'état and toleration invoked in religious polemics, just as it was stressed that, in the Jesuit interpretation, toleration was only acceptable as a "lesser evil"[174].

In the decades to come, these aspects of Lipsius's political theory solidified in the Polish political culture as an important point of reference and as the justification for replacing equal rights by toleration, which was then progressively eroded in the name of the raison d'état[175]. Among the committed supporters

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173 E. Lasocińska, "Politicorum sive Civilis doctrinae libri sex Justusa Lipsjusza – kilka uwag o przekładzie Pawła Szczerbica", [in:] *"Wszystko tu najdzie, co wy macie w głowie." Świat prozy staropolskiej*, ed. E. Lasocińska, A. Czechowicz, Studia Staropolskie, Series Nova, vol. XVIII (LXXIV), Warszawa 2008, p. 182–195.

174 C. Backvis, "Orientacja stoicka w recepcja Lipsiusza w dawnej Polsce", [in:] idem, *Renesans i barok w* Polsce, trans. and ed. H. Dziechcińska, Warszawa 1993, p. 246–281; U. Augustyniak, "Polska i łacińska terminologia ustrojowa w publicystyce politycznej epoki Wazów", [in:] *Łacina jako język elit*, ed. J. Axer, Warszawa 2004, p. 43.

175 A. Kempfi, "O tłumaczeniach Justusa Lipsiusa w piśmiennictwie staropolskim", [in:] *Studia i Materiały z Dziejów Nauki Polskiej*, ser. A, 1962, vol. 5, p. 41–65; R. Żurkowa, "Znajomość dzieł Justusa Lipsiusa w Krakowie w XVII wieku", [in:] *Studia o książce*, vol. 2, Wrocław 1971, p. 147–161; J. Dąbkowska-Kujko, "Dawne przekłady dzieł Justusa Lipsjusza na język polski. Rekonesans", [in:] *"Wszystko tu najdzie, co wy macie w głowie."*, p. 169–181. Nt. popularności Lipsiusa w Polsce see also A. Borowski, "Polska i Niderlandy. Związki i analogie kulturalne i literackie w dobie humanizmu, renesansu oraz baroku", [in:] *Literatura staropolska w kontekście europejskim (związki i analogie). Matriały konferencji naukowej poświęconej zagadnieniom komparatystyki (27–29 X 1975)*, ed. T. Michałowska, J. Ślaski, Wrocław 1977, p. 233–251; P. Buchwald-Pelcowa,

of this interpretation of Lipsianism were the most prominent Polish Catholic politicians of the time, such as Jakub Sobieski, Łukasz Opaliński and Jerzy Ossoliński[176]. The latter was a co-author of Władysław IV's denominational policy, which – while rejecting equal confessional rights – assumed that toleration of heretics was, in the political reality of the Commonwealth, indispensable, if only to drive them by persuasion to reconciliation with the Catholic Church[177]. Ultimately, however, both Adam Kisiel and Jerzy Ossoliński were forced to witness the ruin of their political plans after 1648, and to painfully experience the inefficiency of Lipsius's doctrine in the political practice of the democracy of nobles. We have no way of knowing whether restricting the rights of non-Catholics, in particular of the Eastern Orthodox Church, was a decisive factor in the breakout of the 1648 crisis, but there is no doubt that only countries with efficient executive bodies could afford to safely implement Lipsius' doctrine of rationed toleration.

J. Pelc, "Polska a Niderlandy. Związki i analogie kulturowe oraz literackie w XVI i XVII wieku", *Barok* 7, 2000, 1, p. 45–73.

176 J. Sobieski, "Peregrynacja jw. jmp Jakuba Sobieskiego, wojewody generalnego ziem ruskich", [in:] idem, *Peregrynacja po Europie (1607–1613) i Droga do Baden (1638)*, ed. J. Długosz, Wrocław 1991, p. 77; M. O. Pryshlak, *Państwo w filozofii Łukasza Opalińskiego*, trans. G. Chomicki, Kraków 2000, p. 61; M. Barłowska, op. cit., p. 94.

177 A. Jobert, op. cit., p. 279–299.

Chapter 7: The Belated Catholic Confessionalization After 1658

The years between 1648 and 1768 constitute another period in religious relations in the Polish-Lithuanian Commonwealth. It was a time of late confessionalization, when the politically dominant (and Sarmatian) Catholic Church became increasingly intolerant of other religions, which explains why this period is often referred to as "the second Counter-Reformation."[1] In the middle of the seventeenth century, the Polish–Lithuanian Commonwealth became a Catholic state and, as church institutions became increasingly equated with the state, non-Catholic communities were weakened even further.[2] Processes that began at that time had a tremendous and long-lasting influence on Polish culture.[3]

Many new possibilities emerged due to a shift in the state–Church relationship caused by the interregnum after the death of Sigismund III (Zygmunt III), and – during the 20-year reign of John Casimir (Jan Kazimierz) – the Catholic Church managed to realise part of this potential. Although no official act declared the reinstatement of Catholicism as the state religion of the Polish–Lithuanian Commonwealth, no one in the middle of the seventeenth century questioned the religion's dominant position. It became clear that any concessions in favour of non-Catholics would have to be approved by Catholic bishops. Subsequent years brought changes in legislation that made Roman Catholicism the dominant religion—not just *de facto*, but *de iure*.[4] It managed to strengthen its position

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1 A. Nowicka-Jeżowa, *Feniks w popiołach. Uwagi o kulturze religijnej drugiej połowy XVII wieku*, [in:] *Literatura i kultura polska po „potopie"*, ed. B. Otwinowska, J. Pelc, Studia Staropolskie LVI, Wrocław 1992, p. 121–137; M. Karpowicz, *Sztuka polska po „potopie"*, [in:] ibidem, p. 33–46. See M. Wajsblum, *Ex regestro arianismi. Szkice z dziejów upadku protestantyzmu w Małopolsce,* Kraków 1937–1948, passim.

2 A. Mączak, *Confessions, freedoms, and the Unity of Poland-Lithuania*, [in:] idem, *Money, prices and power in Poland, 16–17th centuries. A comparative approach*, Aldershot 1995, p. 269–286.

3 J. Tazbir, *Szlachta i teologowie. Studia z dziejów polskiej kontrreformacji*, Warszawa 1987, p. 53–70, 230–267; P. Kriedte, *Katholizismus, Nationsbildung und verzögerte Säkularisierung in Polen*, [in:] *Säkularisierung, Dechristianisierung, Rechristianisierung im neuzeitlichen Europa, Bilanz und Perspektiven der Forschung*, hrsg. H. Lehmann, Göttingen 1997, p. 249–274.

4 J. W. Wołoszyn, *Problematyka wyznaniowa w praktyce parlamentarnej Rzeczypospolitej w latach 1648–1696*, Warszawa 2003, p. 13, 47.

as a "state church" and to protect the Greek Catholic faith that was in danger in the 1650s. The Catholic campaign to eradicate other denominations' centres of worship and chaplaincy, which had been founded in the 1630s, was expanded to include noble estates in the 1640s, and the damage caused by future wars greatly weakened Evangelical and Orthodox communities—both demographically and economically.[5]

However, before the long wars with non-Catholic neighbours that broke out after 1648 brought about a crisis and a dramatic shift in demographic and religious relations, politicians representing the shrinking Evangelical community attempted to defend the status quo that had been achieved between 1632 and 1633. Before the Convocation Sejm assembled after the death of Władysław IV in 1648, they worked to secure and even expand their rights. To do this, they contacted the Elector of Brandenburg and Duke of Prussia, prince Frederick William Hohenzollern, who became a feudal vassal of Władysław IV in 1641.[6] Stanisław Chrząstowski,[7] the Deputy District Judge of Kraków and an experienced politician, acted as the tribune of Evangelical nobles during the Sejm and demanded a parliamentary hearing of complaints lodged by Evangelicals along with an official reaffirmation of the religious peace based on the Warsaw Confederation. Supported by Jan Szlichtyng, the Judge of Wschowa, and Andrzej Twardowski, the Żupnik of Bydgoszcz, he managed to pressure the assembly into creating a special Sejm commission. However, Jerzy Niemirycz,[8] the Chamberlain of Kiev and a representative of the Polish Brethren, did not become a member of the commission.

Thus, a forum for discussion on religion issues was created, and some influential Evangelical senators, such as the Castellan of Chełm, Zbigniew Gorajski, and the Dorpat Voivode, Andrzej Leszczyński, were included in the commission to present the complaints of their fellow believers and to propose solutions. Gorajski was against Sejm acts that aimed to deprive Evangelicals of their political rights and demanded that court sentences against Evangelical congregations,

5   M. Bogucka, *Wiek XVII – wiek kryzysu. Polska na tle europejskim*, [in:] *Epoka „Ogniem i mieczem." Zbiór studiów*, ed. M. Nagielski, Warszawa 2000, p. 19–24; J. Dworzaczkowa, "W sprawie sytuacji prawnej protestantów w Polsce", *Czasopismo Prawno-Historyczne* 28, 1976, 1, p. 117–122.

6   J. W. Wołoszyn, op. cit., p. 116.

7   M. Sokalski, "Stanisław Chrząstowski – ostatni trybun sejmowy polskiego protestantyzmu", [in:] *Zeszyty Naukowe UJ*, MCCXXX, 1999, Prace Historyczne, vol. 126, p. 101–115.

8   J. W. Wołoszyn, op. cit., p. 115–118.

especially the decree sentencing Jonasz Szlichtyng to exile, be revoked. He also worked to obtain permission for Evangelical services to be held in cities with regular public gatherings, which in practice would reinstate Protestant masses in Lublin and Warsaw and would open the way for Protestant services in any place holding Sejms attended by Evangelical participants. Dissenters also proposed to supplement the text of religious peace with a regulation that would protect the Polish Brethren and to include the phrase „cavemus autem sibi ab utriumque de pace et de securitate,“ which meant that they wanted to restore the original sense of the religious peace (the one that indicated equality, not tolerance) as early as 1648.[9]

Naturally, Catholics opposed the changes. However, the Evangelical initiative was well prepared and backed by an increasing number of powerful supporters. After Chrząstowski presented the issue at the lower chamber of the Sejm, senators Gorajski and Leszczyński defended the cause at the commission. Finally, Janusz Radziwiłł, the Starosta of Żmudź, Field Hetman of Lithuania and the most powerful dissenter in the Commonwealth, supported the rights of other non-Catholics at the plenary session on July 28th. He was the general patron of the Reformed Church of the Grand Duchy of Lithuania who, in 1653, as a Voivode of Vilnius, also became the patron of one of the most prominent seventeenth century Lithuanian religious publications—the *Knyga nobažnystės krikščioniškos* (the book of pious Christians).[10]

During the Convocation Sejm of 1648, Radziwiłł demanded a reaffirmation of the Warsaw Confederation, the right to build new Evangelical churches in *jurydykas* in royal cities, and new laws against religious disturbances.[11] Evangelical delegates supported the proposals and even threatened use of the *liberum veto* if they were not accepted, but Catholics strongly opposed the solutions and only allowed for the confirmation of the rights, accompanied by a reassurance that the Warsaw Confederation would be treated as perpetual. Other demands were included in a *reces*, to be discussed during the Election Sejm.[12] A couple days later, on August 1, 1648, a group of Catholic priests and politicians published a manifesto which declared the Polish Brethren excluded from the Warsaw

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9   D. Kupisz, *Zbigniew Gorajski (1596–1655). Studium z dziejów szlachty protestanckiej w Małopolsce w pierwszej połowie XVII wieku*, Warszawa 2000, p. 101–103.

10 Copy of a print from 1653, introduction by D. Pociūtė, Vilnius 2006; see H. Wisner, *Janusz Radziwiłł 1612–1655. Wojewoda wileński, hetman wielki litewski*, Warszawa 2000, p. 226–227.

11 H. Wisner, *Janusz Radziwiłł 1612–1655*, p. 102.

12 J. W. Wołoszyn, op. cit., p. 115–123.

Confederation's protection. The act could be viewed as an offer towards the Evangelicals, who, because of their doctrines, were often as hostile towards Socinians as they were toward Catholics. A commentary to the manifesto even stated that dissenters who, like Catholics, accepted the dogma of the Holy Trinity, „neither by the clergy nor by the laity were regarded *pro haereticis*."[13]

The Election Sejm became a stage for the rivalry between the two sons of Sigismund III – the princes John Casimir and Charles Ferdinand (Karol Ferdynand) – and took place in the shadow of the Khmelnytsky Uprising. Non-Catholic delegates attempted to use the rivalry to their own advantage. On November 9, 1648, the Sejm appointed a commission to revise the complaints filed by dissenters. The *gravamina* presented on November 14 were numerous – non-Catholics protested the violations of laws that had been binding since 1632: trials for services and other rites (weddings, baptisms, funerals) in Evangelical churches, suits filed because of bells ringing in churches, maintaining ministers, organising synods, printing or even reading books contrary to official doctrine.[14]

This list illustrates the methods of oppression and harassment used by Catholic priests against the clergy of other denominations. Apart from presenting their complaints, Evangelicals demanded the right to hold services in Warsaw during Sejm sessions (proceedings) along with assurances that the future king would not forget them while distributing goods and offices. They also postulated the creation of a special court that would rule over cases of acts perpetrated against non-Catholics and an appointment of a Protestant representative to the royal court – modelled after the French court.[15] The proposed changes would in practice mean the return of the Warsaw Confederation; thus, Catholic members of the commission refused their support and Sejm delegates from Mazowsze (Masovia) filed a request for the resumption of the 1525 anti-Protestant decree. Finally, dissenters managed to obtain a written promise from prince John Casimir to investigate their proposals during the next Sejm. It appears that religious disputes were insignificant when juxtaposed with political considerations, given that – for example – the Bishop of Kujawy, Wojciech Gniewosz, promoted an Evangelical, Andrzej Firlej, as candidate for the office of Crown Filed Hetman, because they both were supporters of John Casimir.[16]

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13 Quoted from H. Wisner, *Janusz Radziwiłł*, p. 102; see K. Kłoda, *Sprawa ariańska w czasie bezkrólewia 1648*, OiRwP 22, 1977, p. 177–195.

14 "Gravamina dissidentium in religione, tak trybunalskiego, jako i z inszych miar", [in:] J. Michałowski, *Księga pamiętnicza*, publisher: A. Z. Helcel, Kraków 1864, p. 325–328.

15 "Punkta dissidentium in religione podane na elekcyi r. 1648", ibidem, p. 336–338.

16 J. W. Wołoszyn, op. cit., p. 125–129.

However, during the Coronation Sejm in 1649, when the election rivalry came to an end, Protestant demands were no longer treated seriously, despite the fact that Chrząstkowski spoke in the lower chamber as many as 42 times. When Zbigniew Gorajski invoked the promise made by John Casimir to examine the Protestants' demands, he was accused of lying, despite the testimonies of other Catholics who themselves were not accused. Jerzy Ossoliński did, eventually, admit that such a promise was made, but proposed that the matter be discussed during the next Sejm and offered (as a part of concessions made to the Protestants) an annulment of a sentence handed down against Samuel Bolestraszycki, a relative of the Gorajski family. During the next Sejm, Chrząstowski continued to demand that the king keep his promise and threatened to terminate the session, thus forcing John Casimir to sign an "*ad archivum* script" on January 6, 1650. In the act, the king promised to revoke the illegal sentences ruled against non-Catholics and to nominate dissenters for public offices. The document was signed by Primate Maciej Łubieński, who was reportedly assured by John Casimir that its resolutions would not be respected. Indeed, the royal court denied the existence of the document in 1650, but the issue re-emerged in 1654, when Chrząstkowski presented the lower chamber with the negated manuscript. The scandal grew further when the primate Andrzej Leszczyński admitted that his predecessor had been promised that the "script" would never leave the archive. In the end, the king blamed the late Chancellor Ossoliński and the uproar subsided, but it proves the determination of the dissenter community and, simultaneously, shows the limits of their capabilities. Even acts such as those invoking the *liberum veto* and presenting written guarantees signed by top state dignitaries proved inefficient.[17]

All efforts made by the dissenter politicians during the interregnum in 1648 and later were overshadowed by a great crisis looming over the Commonwealth. The Ukrainian uprising, the war with Russia and later with Sweden soon endangered the very existence of the Polish-Lithuanian Commonwealth. At the same time, Polish political elites and especially the ruler did not seem to notice the dangers. When the first Sejm ended in 1654 without establishing a defence tax, the Field Hetman of Lithuania, Janusz Radziwiłł, wrote that John Casimir's advisors were not thinking about the country, but rather concentrating instead on blocking dissenters from public offices and on preparations to banish the Polish Brethren. It was a serious accusation, but also an unsurprising one, given the fact that Radziwiłł fought and achieved great successes from the very beginning of

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17   Ibidem, p. 129–139; M. Sokalski, op. cit., p. 108–110.

the Khmelnitsky Uprising and John Casimir denied him a nomination for the office of the Crown Grand Hetman. During the Sejm there were rumours that the leader of the Lithuanian Evangelicals might receive poison instead of the Hetman's baton, which illustrates not so much the will of the royal court as the atmosphere of suspicion and hostility.[18]

The country demanded unity in the face of danger, though Catholic propaganda disregarded its best interests and continued fuelling the negative atmosphere. Before the Sejm of 1655, a number of Sejmiks – perhaps encouraged by the success of Janusz Radziwiłł, who eventually became the Grand Hetman – supported some of the demands of non-Catholics in order to ease religious conflicts. In response, the royal court preacher, Seweryn Karwat, delivered a sermon which represented a violent attack on dissenters in general and Evangelicals in particular. Soon thereafter, Hetman Janusz Radziwiłł, the political leader of the publically defamed dissenters, presented king John Casimir with dozens of banners won in battles against the Russians and Cossacks. Thus the sense of resentment and helplessness continued to fester.[19]

On July 1, 1655, the Swedish army took control of Dynaburg, a city in the Polish Inflanty Voivodeship, and entered the Greater Poland region on July 21. There, the army attacked Ujście, which capitulated on July. Faced with defeat, the political elites of the Polish Crown and the Grand Duchy of Lithuania attempted to reach an agreement with the invaders. The nobility was not eager to defend the throne of the unpopular John Casimir. The motives that pushed the Catholic and Evangelical politicians to accept the protection of Charles X Gustav of Sweden have been analysed on numerous occasions.[20] Contrary to a view shared by some historians up until the twentieth century, Janusz Radziwiłł was not led by religious reasons when he concluded an anti-Russian treaty with Sweden on October 20, 1655, in Kiejdany.[21]

It is a fact, however, that as soon as the nobility of Lesser Poland accepted Charles Gustav as their protector, a group of Polish Brethren presented the

18 H. Wisner, *Janusz Radziwiłł*, p. 158–161.

19 Ibidem, p. 185–186.

20 W. Czapliński, "Rola magnaterii i szlachty w pierwszych latach wojny szwedzkiej", [in:] *Polska w okresie drugiej wojny północnej 1655–1660*, vol. 1, ed. K. Lepszy et al., Warszawa 1957, p. 137–196; H. Wisner, *Rozróżnieni w wierze. Szkice z dziejów Rzeczypospolitej schyłku XVI i połowy XVII wieku*, Warszawa 1982, p. 175–201.

21 T. Wasilewski, *Zdrada Janusza Radziwiłła w 1655 r. i jej wyznaniowe motywy*, OiRwP 18, 1973, p. 125–147; H. Wisner, *Rok 1655 na Litwie. Pertraktacje ze Szwecją i kwestia wyznaniowa*, ibidem 26, 1981, p. 83–103; idem, *Janusz Radziwiłł*, p. 183–215.

Swedish king with a project of regulations for religious relations. Jerzy Niemirycz and Jan Moskorzowski prepared a degree which granted full freedom of religion and worship for Socinians, Orthodox Christians, Reformed Protestants and Lutherans. The document constituted another attempt to return to the rules set by the Warsaw Confederation and to religious equality. The Swedish ruler did not use the proposition in fear of antagonising the Catholic majority.[22] Despite this fact, popular hostility towards non-Catholics continued to grow and, in the winter of 1656, many dissenter nobles from Lesser Poland fled to Swedish-controlled Kraków.[23]

The war that engulfed the entire country between 1655 and 1657 (and started, in some parts of the Commonwealth, as early as 1648) brought tremendous economic and demographic losses to Catholics and non-Catholics alike. The years spent fighting non-Catholic neighbours caused an enormous surge of xenophobia.[24] Evangelicals were losing political power, mainly as a result of accusations of collaboration with enemies of the Crown, but also because of the number of those converting to Catholicism. Therefore, when the 1658 Sejm passed a constitution outlawing the Polish Brethren Church and declaring the practice, propagation and teaching of the rules of Socinianism as punishable by death, very few decided to defend the Non-Trinitarians. The 10 Evangelical delegates remained silent during the decisive gathering, even though they must have realised the danger posed by this *memento*.[25]

It is worth noting that Non-Trinitarians managed to overcome the influence of theological and social radicals, such as Marcin Czechowic, as early as the turn of the sixteenth century. Sozzini was the first, although – as Johann Cocceius noted in the seventeenth century[26] – his stand on relations between the state

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22 J. Tazbir, "Die Sozinianer in der zweiten Hälfte des 17. Jahrhunderts", [in:] *Reformation und Frühaufklärung in Polen. Studien über den Sozinianismus und seinen Einfluß auf das westeuropäische Denken im 17. Jahrhundert*, hrsg. P. Wrzecionko, Göttingen 1977, p. 9–77, Kirche im Osten, Bd. 14; idem, "Bracia Polscy w latach 'potopu'", [in:] *Studia nad arianizmem*, ed. L. Chmaj, Warszawa 1959, p. 452–488.

23 L. Chmaj, *Samuel Przypkowski na tle prądów religijnych XVII wieku,* Kraków 1927, p. 52–56; J. Tazbir, "Nietolerancja wyznaniowa i wygnanie arian", [in:] *Polska w okresie drugiej wojny północnej*, p. 249–301.

24 W. Czapliński, *O Polsce siedemnastowiecznej. Problemy i sprawy*, Warszawa 1966, p. 59.

25 VL, 1658, vol. IV, Petersburg 1859, f. 515, p. 238–239; J. W. Wołoszyn, op. cit., p. 141–156; J. Tazbir, "Ursachen der Verbannung der Sozinianer aus Polen", [in:] *Faustus Socinus and his heritage*, ed. L. Szczucki, Kraków 2005, p. 230–242.

26 Z. Ogonowski, "Der Sozinianismus und das Problem der Toleranz", [in:] *Faustus Socinus*, p. 129–145.

and Church did not differ much from Calvin's views. However, the first generation of Socinians abandoned the doctrine of a direct link between religious unity and national strength. The works of two seventeenth-century Polish theologians are worth mentioning here, those of Johannes Crell (b. 1590) and Samuel Przypkowski (b. 1592). Przypkowski started working on his thesis at the end of the 1620s and expressed his views most clearly in the treatise *Dissertatio de pace et concordia Ecclesiae* (1628),[27] which was heavily influenced by the prominent Remonstrant, Simon Episcopius. As suggested by the title, Przypkowski's work was an irenic search for a set of minimal truths that are both necessary for salvation and shared by all Christians, truths that could form the basis for agreement and peace.[28]

Some fragments of the treatise contain arguments that contradict the doctrine according to which the country's strength is driven by religious uniformity. Chapter XI entitled "Rationes et exempla pro tolerandis haereticis, et quinam veri haeretici sint"[29] not only calls for tolerance toward other denominations, but also challenges the category of "heresy." Eventually the author does agree to use the word „heretics" to describe those who preach doctrines contrary to the most important Christian truths, such as the belief in Christ's resurrection. He refuses, however, to condemn those that err in matters that are not required for one's salvation. The author even formulates a provocative argument that those who show no tolerance for heretics tend to doubt their own doctrines: "nullis magis tolerantia displicet, quam quibus suae doctrinae fides suspecta est."[30] Przypkowski – just like Dirck Volckertszoon Coornhert – attacked Lipsius for his „ure et seca," arguing that it is often difficult to distinguish the sick limbs from the healthy ones and a radical cure can be worse that the disease: "Mihi crede vos, qui mera scalpra et cauteria loquimini, intempestiva curatione occidetis Ecclesiam…"[31]

In subsequent works, *De jure christiani magistratus et privatorum in belli pacisque negotiis* (circa 1650) and *Vindiciae tractatus de magistratu contra objectiones Danielis Zwickeri* (1661–1663),[32] Przypkowski calls for the separation of

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27 L. Chmaj, op. cit., p. 20–24.

28 Ibidem, p. 86–108.

29 S. Przipcovii, *Dissertatio de pace et concordia Ecclesiae*, ed. M. Brożek, S. Ogonowski, Varsaviae-Lodiae 1981, p. 90–96, Biblioteka Pisarzy Reformacyjnych, vol. 13.

30 Ibidem, p. 92.

31 Ibidem, p. 100.

32 Both texts were published in the collected works of Samuel Przypkowski – *Samuelis Przipcovii equitis Poloni et consiliarii electoris Brandenburgici. Cogitationes sacrae ad*

church and state, in accordance with the theological tradition of the Reformation. He argues that although the goals of the church and the state are not contradictory, both should act for the good of humanity in their own fashion; the state should focus on worldly affairs, and the church on spiritual needs. The Polish Socinian, influenced by Hugon Grotius and Philippus van Limborch, created theses that constructed a vision of an appropriate church–state relationship based on a clear division between their objectives: "Just as one should not mix religion and the issues that pertain it with the state and its domain, one should also never allow for the two: religion and state, to fight each other."[33] The state is responsible for public matters, for war and peace; however, its actions should not contradict God's laws. Contrary to Sozzini, Przypkowski believed that renouncing the right to resist tyranny is an act that does not contradict reason, but Revelation itself.[34]

According to Przypkowski, every Christian church (that is every church that deems itself Christian) in the Commonwealth deserves the freedom to practice, worship and teach their religion, and even to convert others. The nobility should possess positive religious freedom, i.e., full public and political rights. Commoners (as well as non-Christians) should enjoy a negative freedom, which means they should be protected against persecution. This definition of faith equality prevents religious wars and as such constitutes the foundation for both freedom and the raison d'état in the multi-denominational Polish-Lithuanian Commonwealth. It also means that opponents of equality become enemies of the state.[35]

Johannes Crell was a Franconian Lutheran who, after learning about the theology of the Polish Brethren at the university in Altdorf near Nuremberg, became a member of the Brethren Church and moved to Poland. He wrote his treatise around the year 1632 as a reaction to the interregnum after the death

initium Euangelii Matthaei et omnes Epistolas Apostolicas nec non tractatus varii argumenti, praecipue De jure christiani magistratus, Eleutheropoli [Amsterdam] 1692, p. 682–736 i 852–880, Bibliotheca fratrum Polonorum, vol. X.

33   S. Przypkowski, _O prawie chrześcijańskiego urzędu oraz osób prywatnych w sprawach wojny i pokoju_, fragm. _De iure christiani magistratus_, trans. K. Stawecka, [in:] _Filozofia i myśl społeczna,_ vol. 1, p. 258.

34   S. Kot, _Ideologia polityczna i społeczna Braci Polskich zwanych arianami_, Warszawa 1932, p. 124–136; L. Simonutti, "Resistance, oObedience and Toleration. Przypkowski and Limborch", [in:] _Socinianism and Arminianism. Antitrinitarians, Calvinists and Cultural Exchange in Seventeenth-century Europe_, ed. M. Mulsow, J. Rohls, Leiden 2005, p. 187–206, Brill's Studies in Intellectual History, vol. 134.

35   Z. Ogonowski, "Praefatio", [in:] S. Przipcovii, _Dissertatio_, p. 14; idem, "Przypkowski i Locke wobec problemu tolerancji", _Archiwum Historii Filozofii i Myśli Społecznej_ 34, 1990, p. 209–221; cf. L. Chmaj, op. cit., p. 108–118.

of king Sigismund III. In the text's 3 chapters, the author argued that promises cannot be broken, even if they are given to heretics, and that the religious equality introduced by the Warsaw Confederation is valid and must be respected. Furthermore, Catholics can grant religious freedom to other denominations without endangering their own consciences, because it is in accordance with reason, natural law and Revelation. Thus, in the third chapter of his treatise, Crell demanded freedom for non-Catholic denominations as well as freedom to preach their rules. He called for legal equality that could only be achieved through secularisation of the justice system. He also demanded real legal sanctions against those who disturb religious peace in the country. These views were similar to those presented in the program promoted by dissenters and Disuniates during the first half of the seventeenth century.[36]

Crell's arguments in favour of equality and tolerance towards religious minorities were particularly interesting. Similarly to Przypkowski, Crell disagrees with the Catholic interpretation of Lipsius' doctrine. He starts by characterising the intolerant views that stem from the doctrine: "permissa haereticis religionis libertate respublicae in partes scindi, discordiae, tumultibus ac seditionibus intestinis fenestra patefieri videatur. Religionis enim consensu colligari atque devinciri inter se populi animos, dissensu distrahi ac divelli […] Interim tamen magistratui incumbere, ut pacem publicam sartam tectam conservet, ut tumultibus occurat, ut iis ansam omnem praecidat. […] unam restare pacis sanciendae rationem, ut haereticis pulsis una in una regione religio eaque catholica constituatur feraturque."[37]

Thereafter, he formulates his own position: "Tantum enim abest, ut haec sit ratio et quidem unica tumultus ac seditiones e republica tollendi, ut nulla sit ad eos excitandos aptior atque accomodatior."[38] Next, he offers examples of countries

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36 Z. Ogonowski, "Wstęp", [in:] J. Crell, *O wolność sumienia*, translated by I. Lichońska, Warszawa 1957, p. XXXII–XL.

37 J. Crellii, *Vindiciae pro religionis libertate*, ed. L. Chmaj, D. Gromska, V. Wąsik, Warszawa 1957, p. 30–31; translation: "granting religious freedom to heretics tends to divide the state into factions and breeds discord, tumults and mutinies. Religious harmony joins nations, while discord divides and tears apart […] And it is the duty of the secular government to maintain undisturbed public peace, to prevent riots and remove any pretext for them […] therefore there is but one way to keep peace—that is to crush the heretics and to appoint and allow only one religion in a country, that is the Catholic religion.", J. Crell, op. cit., p. 30–31.

38 J. Crellii, op. cit., p. 31; translation: "It is not the only method to prevent riots and mutinies in the Commonwealth, but instead it is the best and most proper method of starting them.", J. Crell, op. cit., p. 31.

such as France, the Netherlands and the German Reich, where acts of depriving other denominations of their rights led to wars, and where granting them freedoms restored peace. He also noted that the Catholic interpretation of Lipsius' doctrine, when introduced, proves to be a counter-productive, double-edged weapon, because the persecution of Evangelicals in Catholic countries leads to repressions against Catholics in Evangelical states.[39] The last remark might be perceived as a risky warning: minority persecution in the Commonwealth might stir intolerance in non-Catholic countries.

In one of his most important works, *Ethica christiana*, Crell repeats his arguments in favour of a proper understanding of the tolerance doctrine.[40] In volume five, chapter XV (entitled „De officio magistratuum et subditorum"), he states that it is the state's most basic duty to ensure the safety and welfare of its citizens, which entails religious freedom: "Officium magistratuum est, bonum publicum seu Reipublicae tranquillitatem ac prosperitatem curare, ita ut homines sub illorum imperio tum pie Deum colere, tum caeteroqui honeste vivere queant"[41] and the minimum for minority rights in this matter is the right to practice religion in privacy and safety. In return, subjects are obliged to remain obedient towards the state; minorities cannot rebel and conspire against authorities, though they can refuse to fulfil an order that is obviously impious for them. Thus, while religious coercion is an evil that leads to resistance and civil war, tolerance (by which other denominations are granted the right to private worship) creates a space for coexistence for those "dissenting in religion."[42]

Jonasz Szlichtyng is the third Socinian theologian that ought to be mentioned here. He was the author of the Polish Brethren Creed and was banished by a Sejm court in 1647.[43] A couple of years before the sentence, during a discussion with Ludwig von Wolzogen, he defended the thesis that originated in Sozzini's works, by which people can be good and loyal citizens regardless of their denomination, although it requires a great deal of Christian prudence. After leaving Poland, Szlichtyng prepared a paper addressed to Dutch authorities defending the persecuted

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39 J. Crellii, op. cit., p. 32nn.

40 *Ethica christiana, seu explicatio virtutum et vitiorum, quorum in Sacris Literis sit mentio*, [in:] *Johannis Crellii Franci, Operum tomus quartus scripta ejusdem didactica et polemica complectens*, Irenopoli [Amsterdam] post 1656, Bibliotheca Fratrum Polonorum, quos Unitarios vocant, vol. VI.

41 Ibidem, p. 435.

42 See also fragm. *Ethica christiana* in trans. T. Włodarczyka: J. Crell, "O obowiązkach urzędów i poddanych", [in:] *Filozofia i myśl społeczna*, vol. 1, p. 129–135.

43 L. Chmaj, op. cit., p. 46.

Socinians. In the text, he formulated the idea of separating the church from the state: "Being a heretic does not constitute a political crime but a religious one, and as such it is subject to church, not lay, punishment. As the church and the state are different things […]. The state accepts and supports people of all kinds and denominations […] as long as they live in peace and are loyal to the state…"[44]

However, it has to be noted that the views of the Polish Brethren did not have an impact on the formulation of Church–state relations in the Commonwealth in the seventeenth century. Obscurantism and xenophobia that were emerging during the second half of the century were not exclusive to Catholic communities. The history of Daniel Zwicker from Gdańsk, who converted and joined the Polish Brethren and was banished by Lutheran city authorities in 1657 proves the point. He then moved to Amsterdam, where his beliefs continued to raise controversy.[45] However, the views of Socinians, while condemned by the more orthodox Catholics and Evangelicals, gained some attention in Western Europe. It was especially visible in the Republic of the Seven United Netherlands, where the Polish Brethren who emigrated from Poland in the second half of the seventeenth century entered the discussion on new, Renaissance concepts of coexistence in a multi-denominational country.[46] The Commonwealth, however, continued to hold to the much-vulgarised Catholic interpretation of Lipsius' doctrine, according to which the state has to rely on religious regulation and coercion.[47]

The "Lwów Oath"[48] made by John Casimir on April 1, 1656, along with the expulsion of the Arians in 1658, constitute an example of the growing xenophobia in the Polish-Lithuanian Commonwealth. During these events the country

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44 J. Szlichtyng, *Sprawy kościoła i państwa winny być rozdzielone,* fragm. *Apologia pro veritate accusata ad illustrissimos et potentissimos Hollandiae et West-Frisiae Ordines, conscripta ab Equite Polono,* n. p. 1654, [in:] *Filozofia i myśl społeczna,* vol. 1, p. 570; see Z. Ogonowski, *Socynianizm polski,* Warszawa 1960, p. 186–199; J. Tazbir, *Bracia polscy na wygnaniu,* p. 27; P. Brock, "Dilemmas of a Socinian pacifist in seventeenth-century Poland", *Church History* 63, 1994, 2, p. 190–200.

45 P. G. Bietenholz, *Daniel Zwicker 1612–1678. Peace, tolerance and God the One and Only,* Firenze 1997, p. 7–16.

46 Z. Ogonowski, "Der Sozinianismus und die Aufklärung", [in:] *Reformation und Frühaufklärung in Polen,* p. 78–156.

47 M. O. Pryshlak, *Państwo w filozofii politycznej Łukasza Opalińskiego,* trans. G. Chomicki, Kraków 2000, p. 61–65, 90–94.

48 The "Lwów Oath" was used as part of Catholic-nationalistic propaganda after the end of the nineteenth century, see *Śluby lwowskie Jana Kazimierza i stanów Rzeczypospolitej zaprzysiężone imieniem narodu przed cudownym obrazem N.P. Łaskawej w katedrze lwowskiej…,* Lwów 1887.

abandoned religious tolerance as introduced in 1632. These events were also the result of deliberate effort, which continued consistently for many years and was aimed primarily at the Polish Brethren. The Brethren were once a thriving church, but – according to testimony from the exiled Andrzej Wiszowaty – in the middle of the seventeenth century it had no more than 10,000 believers divided among about 20 congregations.[49] The expulsion of the Arians also constituted an attempt to shift the blame for the disloyalty shown by the nobility and magnates during the "Deluge" to just a single group that was particularly engaged in cooperation with the Swedes and Transylvanians.[50]

It is also worth noting that the detailed legal acts of 1658 – which offered the Polish Brethren a choice between conversion and emigration and allowed for a 3-year *vacatio legis* to sell off their possessions (limited to 2 years in 1659[51]) – might well be linked to articles of the peace treaties of Westfalia, which were signed 10 years earlier, which introduced *ius emigrandi*, and which allowed for multi-year waiting periods for implementation.[52] It would have been a true historical irony if, using "European standards" of interreligious relations, the authorities forced out of the country one of the few communities that maintained intellectual links to Western Europe (and the one that could bring something original to discussion of the matter).[53]

Two years later dissenters lost all hope that the peace treaty with Sweden could revert the religious situation back to its state before 1655. At first, the Swedes did demand a guarantee of religious freedom for non-Catholics in the Commonwealth, which would include the Polish Brethren. However, the final text of the

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49 L. Szczucki, *Z dziejów emigracji socyniańskiej w Holandii*, OiRwP 20, 1975, p. 201–209.

50 J. Tazbir, *Bracia polscy na wygnaniu,* p. 47–58; it is interesting that even in the twentieth century there were works aspiring to an academic level that mentioned arguments dating back to the Catholic propaganda of the seventeenth century; these tended to omit instances when Catholic nobles and priests collaborated with the Swedes, M. Korolko, "Topos zdrady ojczyzny w literaturze polskiej lat 1655–1668", [in:] *Literatura i kultura polska po „potopie"*, p. 53–64.

51 VL, 1659, vol. IV, Petersburg 1859, f. 585, p. 272; cf. J. Tazbir, "Przyczyny banicji arian", *Przegląd Humanistyczny* 43, 1999, 2/3, p. 13–24.

52 R. Postel, "Glaube und Emigration. Konfessionsbedingte Wanderungen im 16. und 17. Jahrhundert", [in:] *Churches and confessions in East Central Europe in early modern times*, ed. H. Łaszkiewicz, Lublin 1999, p. 21–33, Proceedings of the Commission Internationale d'Histoire Ecclessiastique Comparée.

53 L. Chmaj, *De Spinoza a bracia polscy*, RwP 3, 1924, p. 49–88; Z. Ogonowski, "Przypkowski i Locke wobec problemu tolerancji", *Archiwum Historii Filozofii i Myśli Społecznej* 34, 1990, p. 209–221.

1660 peace treaty only mentioned currently binding acts as the ones regulating the issue, and international guarantees of reinstating a religious status quo ante were only implemented in the cities of Royal Prussia.[54] All other non-Catholics remained without protection against the Catholic majority, and their only option was to seek help from their fellow worshipers abroad. Thus, accusations of disloyalty thrown at other denominations during the "Deluge" period became a self-fulfilling prophecy.

The first objective of those in favour of a full re-Catholicisation of the Commonwealth was to exploit the atmosphere of xenophobia and hostility towards the Polish Brethren against the Evangelical Church. Polish and Lithuanian Calvinists were the first target, given that Lutherans – whose main centres of faith were located in Royal Prussia – were protected by international guarantees. Catholic writers such as Mikołaj Cichowski and Seweryn Karwat called for an expulsion of all non-Catholics from the Commonwealth, accusing them of hostility towards the church and the state itself.[55] Their texts often addressed the lowest of instincts and were answered by responses prepared *ad hoc* by, e.g., Samuel Przypkowski. Protestant counterarguments had no influence on the situation.[56]

More restrictions against the Polish Brethren were introduced by the Sejm in 1659, and some of the Brethren soon began converting to Reformed Evangelicalism. And it was at this time that the theory of "Calvin-Arianism" emerged as an attempt to expand the laws created against the Brethren to include Calvinists. The text of "Postulata evangelicorum" was prepared in 1660 and called for freedom of faith and worship in cities, legal protection for all Evangelicals, for ministers in particular, and for state offices and titles for prominent dissenters. It is symptomatic that during a sermon given at the beginning of a Sejm session in 1661, Seweryn Karwat, one of the most avid supporters of the expulsion of non-Catholics from the Commonwealth, did not criticise the dissenters, but instead attacked the "lukewarm" Catholics, that is the politicians who failed to acknowledge the obvious – at least to him – fact that the country's political problems

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54 "Pacta olivensia 1660", VL, 1661, vol. IV, Petersburg 1859, f. 733, p. 345; S. Ochmann, *Sprawa ariańska na sejmach 1661–1662*, OiRwP 24, 1979, p. 109–134.

55 M. Cichowski SJ, "Argumenty i racje za szybkim egzekwowaniem konstytucji antyariańskiej", [in:] *Filozofia i myśl społeczna*, vol. 1, p. 573–583; S. Obirek, *Jezuici w Rzeczypospolitej Obojga Narodów w latach 1564 – 1668. Działalność religijna, społeczno-kulturalna i polityczna*, Kraków 1996, p. 354–356; S. Radoń, *Z dziejów polemiki antyariańskiej w Polsce XVI–XVII wieku*, Kraków 1993, p. 91–154.

56 L. Chmaj, op. cit., p. 61–66.

could only be solved in accordance with the interests of the Catholic Church.[57] Although the leader of the Lithuanian Protestants, Bogusław Radziwiłł, decided to use the *liberum veto* and managed to prevent the Evangelicals from being put into one group with the Polish Brethren, the dissenters paid for their victory with their right to organise public services during Sejm sessions, which was taken from them by royal edict in 1661.[58]

In subsequent years the dissenter community focused mainly on reorganising church structures that were affected by the enormous losses in ranks (and in wealth) that the 1650s brought to its congregations. Their efforts had the greatest effect in the Grand Duchy of Lithuania, which had passed relatively favourable legislation and allowed for an easier recovery.[59]

Deteriorating relations between the state and its non-Catholic subjects were worsened by the kings' nomination policy during the second half of the fifteenth century. John Casimir consequently denied senator positions to the members of other churches. The last of the Evangelical senators – Zygmunt Güldensztern, the Castellan of Gdańsk – died in 1661. Although a number of non-Catholic dignitaries and higher state officials remained, they could no longer further their political careers. The last prominent deputy who was also a member of the Evangelical Church – Stanisław Chrząstowski, the Deputy District Judge of Kraków – died in 1658. There were attempts to persuade him to convert to Catholicism on his deathbed and he was buried a Catholic—contrary to his family's wishes.[60]

The Grand Duchy of Lithuania also struggled with a wave of xenophobia, despite having well-established rules of religious equality. The last Evangelical Marshal of the Lithuanian Tribunal – Krzysztof Potocki – was elected in 1662. The end of the 1660s saw the reinstatement of the Provisions of Horodło, signed in 1413 by Jagiełło and Vytautas, which banned non-Catholics from holding Lithuanian offices. These provisions enabled authorities to deny the functions of tribunal judges and parliament deputies to dissenters.[61] These actions were driven by the idea of a Catholic confessionalization of the Lower Chamber of the Sejm. The percentage of Protestant deputies from the Greater Poland region reached 30% between 1572 and 1655, though that number dropped significantly after the "Deluge"; the general Sejmik of Royal Prussia was the last gathering

57 S. Ochmann, *Sprawa ariańska*, p. 115–116.

58 J. W. Wołoszyn, op. cit., p. 141–156.

59 J. Dyr, *Akcja ratowania zborów kalwińskich w Litwie*, OiRwP 17, 1972, p. 191–206.

60 M. Sokalski, op. cit., p. 112.

61 W. Wasilewski, *Tolerancja religijna w Wielkim Księstwie Litewskim w XVI – XVII w.*, OiRwP 19, 1974, p. 116–148.

that appointed Evangelicals as Sejm representatives on regular basis. However, a total re-Catholicisation of the Lower Chamber of the Sejm did not happen until 1718. The most prominent Evangelicals, such as Stanisław Dunin Karwicki and Piotr Żychliński, were still appointed as late as the end of the seventeenth century, but they were an exception.[62] Non-Catholic deputies were occasionally expelled from the Sejm in the second half of the seventeenth century, which is how Jan Mierzeński, a former member of the Polish Brethren Church, was deprived of his office in 1662, when he was accused of "crypto-Arianism."[63] Political elites seemed to strengthen their belief in Catholicism as the „natural" religion of the Commonwealth. During the second Sejm of 1666, the Marshal, Marcin Oborski, solemnly lectured an Evangelical Lithuanian deputy, Stefan Frąckiewicz Radzimiński, that "the old mother religion of Catholicism rules here and we will not allow any other *ancilla* (servant) to lead."[64]

Thus, it is no surprise that the Convocation Sejm, organised after the abdication of John Casimir, officially reinstated Catholicism as the state religion. The introduction to the general confederation signed on November 5, 1668, states: "As all countries find their foundation *in vero Dei cultu et religione consistit*, hereby with this Confederation *juribus et privilegijs Orthodoxae Romanae Catholicae, et ritus Graeci Unitorum Ecclesiae* we will not allow anyone *derogare*, and we swear to protect this holy Church and its *immunitatibus*, as our forefathers did, and we shall always abide by it."[65] Thus, the doctrine of religious unity and the special status of the Catholic Church were proclaimed officially. The Marshal of the Lower Chamber, Jan Antoni Chrapowicki, even proposed to abandon guarantees of religious peace as „novelties" from the times of Sigismund III, and the Judge of Inowrocław, Stefan Jaranowski, went so far as to suggest that the problem should be resolved by „strangling" all Evangelicals. It was supposed to be a joke, highly characteristic of the political culture of the time as well as of the atmosphere in the Sejm, where only a handful of Evangelical deputies – such as the Pantler of Lublin Krzysztof Drohojowski, the Judge of Lębork Piotr Przebendowski, Jan Gorzeński and Marcjan Chełmski – remained to defend the rights of non-Catholics.[66]

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62 W. Kriegseisen, *Sejm Rzeczypospolitej szlacheckiej (do 1763 roku). Geneza i kryzys władzy ustawodawczej*, Warszawa 1995, p. 108.

63 W. Kriegseisen, *Sejm Rzeczypospolitej szlacheckiej (do 1763 roku). Geneza i kryzys władzy ustawodawczej*, Warszawa 1995, p. 108.

64 Quoted from J. W. Wołoszyn, op. cit., p. 56.

65 VL, vol. IV, 1668, f. 1026, p. 482.

66 J. W. Wołoszyn, op. cit., p. 162nn.

Eventually, the Sejm did confirm the rights of non-Catholics in a formula from the year 1632, though it also excluded the Polish Brethren from protections offered under the Warsaw Confederation. It was decided that the formula would pertain to the Socinians as well as the *apostatae a fide Catholica Romana et unitorum ab hinc transeuntes*. In practice, the act prohibited Catholics from converting to any other denomination.[67] The state took it upon itself to protect the Catholic Church and to not allow its members to leave, which would perhaps prove to be a difficult task when it came to Unites in the eastern Commonwealth.

Relations between the newly declared Catholic Polish-Lithuanian Commonwealth and its Orthodox subjects were quite different. The Khmelnytsky Uprising, which started in 1648 with the support of the Eastern Orthodox clergy, was increasingly focused on the idea of protecting the Orthodox Church. Demands that the Union of Brest be annulled, and that all churches, monasteries and goods taken by the Greek Catholic Church from the Eastern Orthodox Church be returned, quickly became one of Khmelnytsky's official postulates. Demands became even stronger between the year 1648 and 1649, when the Patriarch of Jerusalem Paiseus stopped in Kijev on his way to Moscow and offered Khmelnytsky his assistance in establishing contacts with Moscow and Moldova.[68]

The importance of religious matters for the new Ukrainian political elites was manifested in an agreement signed on August 17, 1649 near Zborów. It was concluded that in three Voivodeships – Kiev, Bracław and Czernichów – state offices and titles could only be held by Orthodox Christians. Catholic priests would be prohibited from entering the region and the Union structures would be liquidated in the entire Commonwealth. Moreover, the Orthodox Metropolitan Bishop of Kiev and two other Orthodox bishops were to become members of the Senate. Quite clearly, the leaders of the uprising not only aimed to reinstate the Eastern Orthodox Church as the only Orthodox church of the Commonwealth, but also wished to partition a territory in which their denomination would become the dominant religion.[69] However, the Sejm that had its session at the end of 1649 and the beginning of 1650 did not ratify the agreement, and the Catholic bishops did not allow Sylvester Kossov, the Metropolitan Bishop of Kiev, to join the Senate. Kossov was persuaded by Adam Kisiel to accept the decision.[70] In 1650, John Casimir decided that the Orthodox Church would reclaim its bishoprics of

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67 Ibidem, f. 1030, p. 484; J. W. Wołoszyn, op. cit., p. 56–57.

68 J. Kaczmarczyk, *Bohdan Chmielnicki*, Wrocław 1988, p. 43.

69 J. W. Wołoszyn, op. cit., p. 198–201.

70 F. Sysyn, *Between Poland and Ukraine. The dilemma of Adam Kysil 1600–1653*, Cambridge Mass. 1985, p. 180.

Przemyśl and Chełm; he confirmed its rights to bishoprics of Łuck and Witebsk; and he reactivated the Orthodox bishopric of Czernihów.[71]

The authorities of the Commonwealth, led by Jerzy Ossoliński, who was known for his Catholic doctrinism, found themselves in a difficult position. The drive to come to an agreement with the Cossacks – with the help of loyal, Orthodox Christian politicians (such as the Voivode of Kiev, Adam Kisiel, who was appointed in 1649) and at the cost of the support of Uniates – was now questioned by the Catholic hierarchy, which sought to protect the Greek Catholic Church. Therefore, the existence of Uniate structures in the Ukraine was secured by the Treaty of Bila Tserkva, signed on September 28, 1651 by John Casimir after his victory in the battle of Berestechko. As a consequence, the Orthodox Church lost its bishopric in Chełm. However, the more pressure that was exerted on the Cossacks, the more they were inclined to turn to Moscow. In 1653, the Russians decided to intervene, which resulted in the Russian–Ukrainian Treaty of Pereyaslav signed in 1654. The treaty divided the Orthodox Church of the Commonwealth into two areas – the eparchies subordinate to Russian authorities (the metropolitan eparchies of Kiev and Czernihów) and those ruled by Polish authorities (the eparchies of Belarus, Lviv, Łuck and Przemyśl). The war between the Commonwealth and Russia, which began in 1654 and was hailed by the Patriarch of Moscow, Nikon, as a crusade against Roman Catholics, resulted in the Grand Duchy of Lithuania being claimed by the army of Tsar Aleksey Mikhailovich. The Church of Lithuania was subordinated to the Patriarch of Moscow, a fact that was met with little enthusiasm among the hierarchs of the Ukrainian Orthodox Church, who feared the strengthening of Moscow's position. Sylvester Kossov, the Metropolitan Bishop of Kiev, made efforts to keep Kiev under the jurisdiction of Constantinople and refused twice to pledge loyalty to Tsar Aleksey Mikhailovich.[72]

The last great attempt to reach a Polish–Ukrainian agreement during this period was the Treaty of Hadiach, signed with Hetman of the Ukraine Ivan Vyhovsky, Bohdan Khmelnytsky's successor, in 1658.[73] According to its original text, the Ukraine was to become a part of the Commonwealth as the Duchy of

71 L. Bieńkowski, "Organizacja Kościoła wschodniego w Polsce", [in:] *Kościół w Polsce*, vol. II: *Wieki XVI – XVIII*, ed. J. Kłoczowski, Kraków 1969, p. 849–850.

72 A. Mironowicz, *Sylwester Kossow, władyka białoruski, metropolita kijowski*, Białystok 1999, p. 89–94.

73 A. Kamiński, *The Cossack Experiment in Szlachta Democracy in the Polish-Lithuanian Commonwealth. The Hadiach (Hadziacz) Union*, "Harvard Ukrainian Studies" 1, 1977, 2, p. 178–197.

Ruthenia (the third, equal member of the state together with the Kingdom of Poland and the Grand Duchy of Lithuania). The Greek Christian Church was to be disbanded, the Orthodox Church was to have equal rights with the Catholic Church and, in the Duchy of Ruthenia (the Kiev, Bracław and Czernihów Voivodeships), it was to be the privileged religion.[74] Confronted with the opposition of the Catholic bishops, the Sejm of 1659 introduced changes into the treaty during the process of ratification. At first, Orthodox Christians were offered a place in the union, but the Cossack representatives – accompanied by Dionisiy Balaban, the Metropolitan Bishop of Kiev and one of the most active supporters of agreement – could not accept such a proposition. John Casimir, on the other hand, suggested that Uniates convert to Roman Catholicism, but he was also met with refusal. Eventually, Vyhovsky agreed to a modification of the text in which the word "disbanded" was substituted with the word "tolerated." The change made it possible for Greek Catholic Church structures to survive.

It is characteristic that the Papal Nuncio Pietro Vidoni, along with the Roman Catholic bishops and the Greek Catholic Metropolitan bishop of Kiev, Havryil Kolend,[75] all opposed the ratification of the Treaty of Hadiach on 22 May 1659; it seems that they could not reconcile the country's interest with the interests of the Catholic Church. The fall and death of Ivan Vyhovsky and his closest associate Yuri Nemyrych (a former member of the Polish Brethren and Chamberlain of Kiev, who converted to Orthodox Christianity and became the Chancellor of the Duchy of Ruthenia) meant the end of the Treaty of Hadiach.[76] The Russian and then Turkish aggression limited the real political influence of the Commonwealth in the seventeenth century to only four Orthodox Christian dioceses: that of Belarus, Lviv, Łuck and Przemyśl.

In 1669, after the abdication of John Casimir, the Election Sejm took another step towards restoring the position of Catholicism as the state religion. The "*Rex catholicus esto*" constitution falsely claimed that, according to "historical laws", only a Catholic could become king, and it established that rule as binding. From

74 T. Kempa, "Problematyka wyznaniowa w ugodzie hadziackiej", [in:] *350-lecie Unii Hadziackiej*, ed. T. Chynczewska-Hennel, P. Kroll, M. Nagielski, Warszawa 2008, p. 203–222; I. Skocziljas, "Ideja gadjackoj uniji jak legitimizacija prawowogo ta materiaľnogo statusu schidnoji cerkwi w Reczi Pospolitoj (prikład lwowskoj eparchiji)", [in:] ibidem, p. 189–124.

75 A. Mironowicz, "Kwestia prawosławia w ustaleniach hadziackich i konstytucji zatwierdzającej", [in:] *350-lecie Unii Hadziackiej*, p. 171–201; J. W. Wołoszyn, op. cit., p. 214–220.

76 J. Tazbir, *Polityczne meandry Jerzego Niemirycza*, PH 75, 1984, 1, p. 23–37.

that point going forward, it was allowed to elect only a Roman Catholic candidate, and the law also applied to electing a queen.[77] Regardless of regulations, it was indeed difficult to imagine an election of a non-Catholic king to the Polish-Lithuanian throne at the end of the sixteenth century. The constitution of 1669 confirmed the factual state, but also carried an additional meaning in that it disqualified non-Catholic candidates and broke the rule of equality among nobles by dividing them into groups (privileged Catholics and the rest). Similarly, the Pacification Sejm of 1673 awarded titles and *indygenats* (noble titles for foreigners) to prominent non-Catholic officers, but only if they converted to Roman Catholicism. These actions enforced the opinion that only a Catholic could be a true and full-fledged Polish nobleman.[78]

The intellectual atmosphere that produced such regulations is perhaps best illustrated by the words of Antoni Chrapowicki, who was quite serious when he noted during the Convocation Sejm organised in 1674 after the death of Michał Korybut Wiśniowiecki that both Stephen Báthory and Sigismund III Vasa were "Lutherans" at the moment of their election.[79] The Voivode of Witebsk probably assumed that all foreigners are dissenters. This is the atmosphere that gave rise to the belief that "a Pole is a Catholic" and only a foreigner can be of a different denomination. Other situations seemed unnatural; a Polish dissenter, devoid of ethnical or cultural strangeness was, therefore, suspicious and exposed to abuse. As a consequence, non-Catholics also allowed for excesses whenever they could. In May 1678, the Catholics of Gdańsk organised a procession and, as a result, there was a riot in the city and a Carmelite Monastery was looted. The next year, the Sejm in Grodno demanded severe punishment for residents of Gdańsk, but the political and economic significance of the greatest city in the Commonwealth protected its Protestant residents from repercussions.[80]

Catholic theory remained rooted in concepts that emerged in the middle of the sixteenth century. At the beginning of 1660s, a Polish translation of a text by one of the most prominent Spanish Jesuits was published. Pedro Ribadeneira was against politicians following the example of Machiavelli. His treatise, *Tratado de la religión y virtudes que deve tener el príncipe christiano, para gobernar y conservar sus estados. Contra lo que Nicolás Maquiavelo y los politicos deste tiempo enseñan* (Madrid 1595), was translated by the Chamberlain of Brzesk, Krzysztof Piekarski, under the title *Cnoty cel, nie ów do którego zmierza Machiavelli i inni*

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77 VL, V, 1669, f. 13, p. 11.

78 Ibidem, 1673, f. 130, p. 77–78.

79 J. W. Wołoszyn, op. cit., p. 59.

80 Ibidem, p. 64.

w Akademii jego promowani politycy, odkryty piórem polskim [*A virtuous goal, not that of Machiavelli and other politicians promoted by his Academy, discovered with the Polish word*] (Warszawa 1662).[81] Others, such as Jesuit Tomasz Młodzianowski, referred to the medieval concept of a state country and the popular image of a country as a human body – with the king as its head and the states as body members.[82] Another Jesuit, Walerian Pęski, the author of a text on the Commonwealth that was published and reedited many times, was unable to go beyond the arguments of Piotr Skarga when opposing the Warsaw Confederation and the political rights of non-Catholics. "Niechay to Polskich heretyków nie gorszy, że lubo wszędy i zawsze skoro się ieno ten Artykuł *de libertate religionis inter fraudes et seditiones haereticas* wyląglł, *in oppositione cum libero intercedendi iure* stawaliśmy; seymow przecie nie rwiemy, ani woyną domową nie grozimy, bo nam tego modestya Katholicka y *charitas Patriae* nie pozwala. Daiemy to iey *amori*, że obawiaiąc się sedycyey y tumultow heretyckich, tego wilczego płatka, który oni do pierwszego kaptura po śmierci Augusta przyszyli, niewyporywamy *violente*" ("Polish heretics should not be shocked that since the Article *de libertate religionis inter fraudes et seditiones haereticas* was hatched, *in oppositione cum libero intercedendi iure* we eagerly stood; we do not disturb the Sejms, we do not threaten with civil war, as Catholic modesty y *charitas Patriae* forbids us to. We hereby show *amori*, that while concerned about secessions and tumults, we do not violently root out the influence that was gained by them after the death of August.")[83] Similar rhetoric was used by others who were hostile towards dissenters, such as the Catholic bishops Krzysztof Żegocki and Stefan Wierzbowski.[84]

Apart from the Polish Brethren, Polish dissenter writers also brought nothing new to the discussion on Church–state relations. In this context, the works

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81 J. Rytel, "Krzysztofa Piekarskiego polemika z Mikołajem Machiavellim", [in:] *Necessitas et ars. Studia dedykowane profesorowi Januszowi Pelcowi*, ed. B. Otwinowska et al., vol. 1, Warszawa 1993, p. 115–120.

82 K. Przyboś, "Tomasza Młodzianowskiego SJ wizja państwa i społeczeństwa", [in:] *Jezuicka ars educandi. Prace ofiarowane Profesorowi Ludwikowi Piechnikowi SJ*, ed. L. Grzebień, J. Paszenda, S. Witkowski, Kraków 1995, p. 199–211; H. Dziechcińska, *Ciało, strój, gest w czasach renesansu i baroku*, Warszawa 1996, p. 49–55.

83 [W. Pęski], *Domina palatii regina libertas*, [in:] *Rozne mowy publiczne, sejmikowe, y seymowe* […] *Jana z Dębion Dębińskiego…*, Częstochowa 1727, p. 105–106.

84 W. Sauter, *Krzysztof Żegocki pierwszy partyzant Rzeczypospolitej 1618–1673*, Poznań 1981, p. 126nn.; K. Matwijowski, "Działalność biskupa Stefana Wierzbowskiego w czasach Jana III Sobieskiego", [in:] *Rzeczpospolita wielu wyznań*, ed. A. Kaźmierczyk, Kraków 2004, p. 179–190.

of the Reformed Minister Daniel Kałaj are highly characteristic, given that –
in his polemical dissertation *Rozmowa przyjacielska ministra ewanielickiego z
księdzem katolickim…* [*A conversation between a friend, the Evangelical minister
and a Catholic priest…*] (1671) – he elaborates on well-known Irenic argumenta-
tion and mentions those elements of faith that Evangelicals and Catholics have
in common.[85] On the other hand, Johann Sachs, a Lutheran from Wschowa and
Secretary of the Toruń City council, had much more interesting views on the
subject. He published his treatise *De scopo reipublicae polonicae […] dissertatio,
qua simul status Regni Poloniae novissime describitur…* (1665) in Wrocław under
the pseudonym Franciscus Marinius Polonus. He agreed with the notion that re-
ligion should constitute a country's foundation, though he claimed that it should
not favour any particular denomination. A confessional state tends to employ
compulsion which, as he argued, is harmful, because it leads to moral decay and
conflict. The Warsaw Confederation was an attempt to avoid such negative effects
in the past, and the Republic of the United Netherlands was the best example of
the policy at the time, because there – he claimed – the lack of religious compul-
sion was not accompanied by conflict and unrest. Arguments used by Sachs can
be traced back to the intellectual links between the Evangelical community and
their fellow believers from Western Europe.[86]

The end of the seventeenth century was especially difficult in terms of rela-
tions between the Commonwealth and its Orthodox Christian subjects. After
the fall of the Treaty of Hadiach, the Archdiocese of Kiev and its clergy were
controlled by Russia and became dependent on the patriarchate of Moscow. Al-
though the Polish–Russian war ended in 1667 with the Truce of Andrusovo, the
Ukraine was divided between the Commonwealth and Russia, with the lands on
the left side of the Dnieper River and Kiev controlled by the Russian authorities.
Metody Filimonowicz, who was introduced by Moscow, had church jurisdiction
over the area. He was later succeeded by Lazar Baranovych who was also ap-
pointed by the Russian authorities. The Commonwealth-controlled part of the
Ukraine was in turmoil, with several candidates competing for power. These were
Józef Nielubowicz-Tukalski (who was supported by the Cossack Hetmans Pavlo
Teteria and Petro Doroshenko) and the bishops Antoni Winnicki and Atanazy
Żeliborski (who both had the backing of the Commonwealth's government).[87]

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85 *Filozofia i myśl społeczna XVII wieku*, vol. 1, p. 715–734.

86 J. Sachs, *O religii w Polsce*, fragm. trans. by K. Stawecka [in:] *Filozofia i myśl społeczna*,
vol. 1, p. 584–593.

87 A. Mironowicz, *Metropolita Józef Nielubowicz-Tukalski*, Białystok 1998, p. 24–26, 28–32.

The Truce of Andrusovo guaranteed the right to protect fellow believers to both sides of the conflict; Russia was officially named protector of the Orthodox Church in the Commonwealth, and the Commonwealth became protector of Catholics in Russia and on Russian-controlled lands. However, the negotiated rules lacked symmetry, and while Orthodox Christians in the Commonwealth retained their rights to public religious practices, Catholics in Russia and the Russian part of the Ukraine enjoyed only the freedom of private worship. Internal conflicts in the Orthodox Church in Red Ruthenia and Volhynia created an opportunity for the Greek Catholic Church to expand. Before his abdication in 1668, John Casimir gave Gabriel Kolenda, the Uniate Metropolitan bishop of Kiev, the right to approve nominations for vacant Orthodox Church positions. Naturally, the bishop promoted crypto-Uniates, which was bound to generate new personal conflicts.[88]

Before the Truce of Andrusovo ended the war between the Commonwealth and Russia in 1667, the Crimean Khanate entered the rivalry for control over the Ukraine in 1666. The Khanate was followed by Turkey, which conquered Kamianets-Podilskyi, Podolia and a large portion of the right-bank of Ukraine in 1672. Russia joined the war with Turkey in 1674, and the fighting ended in 1676 with the Treaty of Żurawno. This treaty granted Podolia to Turkey and created a Cossack state on the right-bank of the Ukraine that was led by Hetman Petro Doroshenko and had the support of the Turks and the Tatars. Another phase of the Polish–Turkish struggles began with the battle of Vienna in 1683 and continued through battles over Podolia and Moldova; it was accompanied by a blockade of the Turkish-controlled Kamianets-Podilskyi. Prolonged negotiations between Poland and Russia ended in 1686 with a peace treaty that gave the Russians control over the left bank of Ukraine and Kiev. Article IX of the treaty named the Tsars of Russia protectors of the Orthodox Church in the Commonwealth, which – in the future – became a pretext for Russian authorities to interfere in the internal affairs of the Polish-Lithuanian State.[89]

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88 L. Ćwikła, *Polityka władz państwowych wobec Kościoła prawosławnego i ludności prawosławnej w Królestwie Polskim oraz Rzeczypospolitej Obojga Narodów w latach 1344–1795*, Lublin 2006, p. 241nn.; J. W. Wołoszyn, op. cit., p. 227–231.

89 Z. Wójcik, "The Orthodox Church and the Polish Reason of State in the Seventeenth Century", [in:] *Nuovi studi historici* 17: *Le origini e lo sviluppo della cristianitá slavo-bizantina*, 1992, p. 425–435.

The long process of transferring jurisdiction over Kiev to the patriarchy of Moscow ended in the middle of the 1680s.[90] Constantinople officially renounced its jurisdiction over Kiev and its first Metropolitan Bishop was chosen at a synod summoned by the Patriarch of Moscow in 1685. Hrehory (called Gedeon in the monastery) Światopełk Czetwertyński, a member of the Ruthenian royal family and a descendant of the Rurykowicz family, became the first bishop. Before his appointment, he was the Bishop of Łuck but was accused of treason and had to flee to the left bank of the Ukraine. He was succeeded by other pro-Russian bishops – Varlaam Jasinski (1690–1707) and Joasaf Krokowski (1708–1718). Meanwhile, on the right-bank of the Ukraine and in Red Ruthenia during the 1670s and 1680s, the Commonwealth continued to support Orthodox Christian bishops who were favourable towards Uniates or were crypto-Uniates themselves.[91] In 1677, the Bishop of Lwów, Józef Szumlański, secretly converted to Union, and in 1679 Innocenty Winnicki was appointed to the post of the Bishop of Przemyśl, which was left vacant after his uncle's (Antoni's) death, though only after he privately converted to Catholicism.[92]

Uniate Church authorities were also negotiating with the hierarchs of the Orthodox Church in the Commonwealth. In 1681, a joint commission was created and in March Szumlański and Winnicki once again confessed Catholic faith in the chapel of the Royal Castle in Warsaw[93]. The conversions were still unofficial while Jan III Sobieski was still struggling to appease the Cossacks and create the Autocephalous Orthodox Church in the Commonwealth, i.e., a patriarchy that would be independent of Moscow.[94] However, the Polish-Russian treaty of 1686 flaunted his efforts, and in 1691 Winnicki officially converted to Greek Catholicism together with the entire eparchy of Przemyśl. He was followed by

90 M. Bendza, "Inkorporacja metropolii kijowskiej do patriarchatu moskiewskiego", *Rocznik Teologiczny ChAT* 28, 1986, 2, p. 47–102.

91 M. Bendza, "Inkorporacja metropolii kijowskiej do patriarchatu moskiewskiego", *Rocznik Teologiczny ChAT* 28, 1986, 2, p. 47–102.

92 M. Andrusiak, *Józef Szumlański pierwszy biskup unicki lwowski (1667–1708). Zarys biograficzny*, Lwów 1934, p. 77–93; S. Stępień, "Eparchii przemyskiej droga do unii ze Stolicą Apostolską", [in:] *Warszawskie Zeszyty Ukrainoznawcze*, 4/5: *Spotkania polsko-ukraińskie, Studia Ucrainica*, ed. S. Kozak, Warszawa 1997, p. 139–151.

93 M. Bendza, *Prawosławna diecezja przemyska w latach 1596–1681. Studium historyczno-kanoniczne*, Warszawa 1982, p. 224–225.

94 J. W. Wołoszyn, op. cit., p. 252.

the Bishop of Lwów Szmulański, who converted in 1700, and by the Bishop of Łuck, Dionizy Żabokrzycki, in 1702.[95]

Thus, the Greek Catholic Church had as much as 8 dioceses in the first half of the eighteenth century: the metropolitan diocese with its official seat of the Metropolitan Bishop in Vilnius, the Archbishopric of Połock, and the Dioceses of Lwów-Halick-Kamyanets, Łuck-Ostróg, Włodzimierz-Brzesk, Pińsk-Turów, Przemyśl-Samborsk and Chełm-Bełsk.[96] The Greek Catholic Church was officially reformed according to the Trent rules only in 1720, during a provincial synod in Zamość which was summoned by the Metropolitan Bishop of Kiev, Leon Kiszka. The synod was led by the Papal Nuncio Girolamo Grimaldi.[97] However, some Greek Catholic bishops (even those who formally still belonged to the Orthodox Church, such as Józef Szumlański) had already introduced reforms into their dioceses, based on the doctrines of the synod of Trent.[98]

Thus, only one Orthodox eparchy remained at the turn of the seventeenth and eighteenth centuries – the eparchy of Mścisław-Orszańsk-Mohylew, also known as the Belarus eparchy. The diocese was established by an act of Sejm in 1632 to replace the archdiocese of Połock, which was now controlled by the Greek Catholic Church. It was administered by Orthodox Christian bishops until the death of Teodozy Wasilewicz in 1678, after which the eparchy's bishop seat was vacant, given that John III denied nominations to Orthodox priests who refused to make a private conversion to the Catholic faith.[99] In 1690, efforts were made to give the seat to Serafion Połchowski, but the royal court refused. Nonetheless, Połchowski was ordained as a bishop by Jasiński, the Metropolitan Bishop of Kiev, and was approved by August II in 1697 with Russian support.[100]

Russian forces stationed in the Commonwealth during the Northern War took it as an opportunity to protect the Orthodox Church and to persecute

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95   L. Ćwikła, op. cit., p. 266nn.

96   L. Bieńkowski, op. cit., p. 860–864.

97   E. Likowski, *Dzieje Kościoła unickiego na Litwie i Rusi w XVIII i XIX wieku,* vol. 1, Warszawa 1906, p. 38–59.

98   P. Wawrzeniuk, *Confessional civilising in Ukraine. The Bishop Iosyf Shumliansky and the Introduction of Reforms in the Diocese of Lviv 1668–1708,* Huddinge 2005, p. 51–141, Södertörn Doctoral Dissertations 3.

99   M. Bendza, "Prawosławna diecezja mścisławsko-orszańsko-mohylewska i jej losy (1678–1698)", [in:] *Kultura, polityka, dyplomacja. Studia ofiarowane Profesorowi Jaremie Maciszewskiemu w sześćdziesiątą rocznicę Jego urodzin*, ed. A. Bartnicki et al., Warszawa 1990, p. 73–90; cf. A. Mironowicz, *Teodozy Wasilewicz – archimandryta słucki, biskup białoruski*, Białystok 1997.

100   A. Mironowicz, *Serafion Połchowski władyka białoruski*, Białystok 2007, p. 107–118.

Uniate clergy. The most infamous example of their actions was the massacre in 1705 of Basilian monks in their church in Płock, an act that was directed by Tsar Peter the Great.[101] In 1707, Russia appointed the Chamberlain of Łuck, Stefan (named Sylvester in the monastery) Światopełk Czetwertyński as Bishop of Mohylew, and August II accepted the nomination in 1720 under Russian pressure. After Czetwertyński's death in 1728 the seat remained empty until 1737, when August III appointed another pro-Russian bishop, Józef Wołczański. Thus, the last Orthodox diocese which was dependent on the jurisdiction of the patriarchy of Moscow survived until the times of Stanisław August.[102] The Orthodox parishes and monasteries outside of the eparchy of Belarus, which were spread across an enormous territory from Lithuania to Podolia and from Podlachia to the Ukraine, were governed by the metropolitan bishops of Kiev, who governed with the help of such representatives as the bishops of Pereiaslav and the archimandrites of the Holy Trinity monastery in Słuck (Slutsk).[103] For both Orthodox Christians and Protestants, foreign protection was beneficiary only in the short term; in the long term, it caused increased social antipathy, which led to intolerance or even hostile and aggressive reactions.[104]

Relations between the Commonwealth and the Protestant community at the end of the seventeenth century were relatively stable but far from ideal. In the Grand Duchy of Lithuania, the group was still dominated by Reformed Evangelicals with only a few, marginal Lutheran congregations (the most numerous were those in Vilnius and Kaunas).[105] In 1669, after the death of Bogusław Radziwiłł, the last male descendant of the Evangelical line of the family, the duties of the general patron of Reformed congregations were passed on to his daughter, Ludwika Karolina, the duchess of Neuburg, who resided abroad. In this situation, a number of active, Evangelical noblemen formed a group that was largely involved in the administration of the Radziwiłł family's wealth (the so-called Neuburg estates). This group took patronage over the Lithuanian Unity. The minister of Vilnius, Krzysztof Taubman-Trzebicki, noted in 1696 that the

101 A. Deruga, *Piotr Wielki a unici i unia kościelna 1700–1711*, Wilno 1936, p. 94–120.

102 A. Mironowicz, "Diecezja białoruska w latach 1697–1772", *Białoruskie Zeszyty Historyczne* 19, 2003, p. 77–96.

103 R. Degiel, *Protestanci i prawosławni. Patronat wyznaniowy Radziwiłłów birżańskich nad Cerkwią prawosławną w księstwie słuckim*, Warszawa 2000, p. 54–72.

104 L. R. Lewitter, "Intolerance and Foreign Intervention in Early Eighteenth-century Poland-Lithuania", *Harvard Ukrainian Studies* 5, 1981, 3, p. 283–305.

105 W. Kriegseisen, *Ewangelicy polscy i litewscy w epoce saskiej (1696–1763). Sytuacja prawna, organizacja i stosunki międzywyznaniowe*, Warszawa 1996, p. 116–119.

group was made up of the Grużewski, Niezabitowski, Olędzki, Przystanowski, Pakosz, Sienicki, Oborski, Cedrowski, Zwiartowski, Kamiński, Ottenhauzow, and Domosławski families. The absolute leaders of the so-called curators were the Marshal of Wołkowysk Teofil Olędzki, the Standard-bearer of Samogitia and Bailiff of Szadowo Melchior Jan Billewicz, the steward of the Neuburg estates and Royal Cupbearer of Kalisz Stanisław Niezabitowski, the Pantler of Chełm Bogusław Sienicki, and Grzegorz Pakosz.[106] Those and other patrons from smaller noble families led the Unity until a high level of tolerance was restored during the reign of Stanisław August.

The noble patrons of the Lithuanian Unity met annually during synods. The rules of organising such synods were established around the year 1694. The gatherings were traditionally held in Vilnius, though since that location became insecure starting from the late seventeenth century, synods were organised in each of the six districts (dioceses) of the Unity. District superintendents were obliged to take part in the synods, together with conseniors, curators, ministers, and community members. However, in order to participate, they had to be "credible and prudent Evangelicals," as defined by synod rules. The sessions were held in churches, where guests were divided and seated according to noble and church hierarchies. A table was placed in the middle of the nave for the lay (since 1618) director of the synod and the cleric scribes, who took the minutes of the sessions. Letters addressed to the synod were usually read at the beginning of the sessions, then the resolutions of the previous synod were read in order to review how they were being implemented. Finally, reports were read on the situation in the other districts. The "actor of the congregations of the Grand Duchy of Lithuania", usually a lay official who was the legal representative of the Unity, also presented a report. Finally, the synod held a discussion led by the director.

The sessions lasted up to a couple days and were accompanied by the "synedrium" – church court sessions – and numerous official services. The court delivered sentences which could only be appealed before the "grand circle" (i.e., the members of the synod). It is worth noting that the form of the synod sessions clearly harkened back to the Sejmik tradition. The "directors" who led the synods often encountered problems similar to those experienced by directors of Sejmiks, which is why synod regulations prohibited writing into the books "canons" which were not yet agreed upon. They also prohibited leaving sessions early, spreading

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106 *Obraz historyczny kalwinizmu na Litwie 1650–1696*, publisher: H. Barycz, RwP 4, 1926, p. 206–221; M. Kosman, *Litewska Jednota Ewangelicko-Reformowana od połowy XVII do 1939 r.,* Opole 1986, p. 27–30.

information about synod proceedings, and dividing into factions. There were also disciplinary rules that applied to noblemen's servants who started fights. Nominations for vacant Church positions were usually the most exciting events, especially if the positions in question were those of cleric curators, who were appointed for life (which meant that vacant posts were scarce). For example, the offices of curators that were elected during the synod in Słuck in 1720 were only renewed in 1744, when only one of them—the Cupbearer of Oszmiana, Tomasz Wolan—was still alive.[107]

There two other types of gatherings that functioned below the central level of authority within the Lithuanian Unity—the district synods, which were losing much of their significance during the eighteenth century, and the general assemblies of individual congregation. One has to remain cautious while assessing the number of Evangelical-Reformed congregations in the Grand Duchy of Lithuania, given that the registries made in the seventeenth and eighteenth centuries, as well as those found in earlier documents, were very imprecise and some of them do not distinguish between church congregations and church buildings.[108] In fact, due to the legal status of Lithuanian Calvinism, the liquidation action taken up by Catholic authorities caused little damage to the congregations. In the eighteenth century, Catholic zealots were particularly enraged by the Reformed church in the capital Vilnius, which survived numerous arracks and a regular pogrom of Evangelicals in 1682.[109] There were, however, instances of abandoned Evangelical churches listed as functioning congregations, even if there were no believers left and the founders' descendants had converted to Catholicism. These "dead congregations" were formally sustained as part of the Unity because of the lands that belonged to them, which brought revenue used to fund the clergy, schools and hospitals.

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107 A description based on synod acts from the first half of the seventeenth century and from the eighteenth century, held at the Library of the Lithuanian Academy of Sciences in Vilnius (BLAN), cf. W. Kriegseisen, *Ewangelicy*, p. 89–93.

108 J. Ochmański lists only 25 congregations in the second half of the seventeenth century, *Historia Litwy*, Wrocław 1967, p. 115, which is noted by M. Kosman, *Sytuacja prawno-polityczna kalwinizmu litewskiego w drugiej połowie XVII wieku*, OiRwP 20, 1975, p. 82, although he himself overstated their number, claiming that there were 51, but without distinguishing between congregations and temples.

109 B. Zwolski, "Zburzenie zboru ewangelicko-reformowanego w Wilnie w 1682 r.", *Ateneum Wileńskie* 12, 1937, p. 482–514.

A registry made in 1696 lists 46 Reformed congregations in 6 districts of the Lithuanian Unity.[110] A similar document made in 1716 notes that there is only one congregation less, but it seems that only 28 of the 45 listed churches had normally functioning communities of believers with both a building and a minister at their disposal. Twelve of these were filial churches with a limited number of masses, and 6 with no services at all. The Unity had 38 ministers at that time.[111] A list made around the year 1748 contains 48 parishes, 6 "dead congregations," and 17 filial churches. Thus, 31 centres can be regarded as functioning congregations, which, compared to the Unities of Lesser and Greater Poland, is an impressive number, especially taking into consideration the fact that the Lithuanian Unity had as many as 42 ministers in that period.[112] A list created before the year 1754 is perhaps most reliable, because it names 31 congregations divided between six districts.[113] Twenty-five of these were prosperous communities that survived until the times of king Stanisław. Apart from the listed congregations (parishes and filial churches), the author mentions the locations of 7 temples with no believers that, according to him, could not be regarded as congregations.[114]

Contrary to the Grand Duchy of Lithuania, the Protestant community of Greater Poland was dominated by Lutherans. The structures of the Evangelical Church of the Augsburg Confession were created in the region in the sixteenth century. However, after the crisis of the late sixteenth and early seventeenth centuries, the shape of the Lutheran Church in the region was defined by German settlers who came to Greater Poland during and after the Thirty Years' War.[115] Starting from 1620s, many large groups of Evangelicals joined Lutheran parishes,

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110 *Obraz historyczny*, p. 213–214.

111 "Rejestr wszystkich zborów i szkół…", circa 1716, manuscript BLAN ERS 833, n. pag., see W. Kriegseisen, *Ewangelicy*, p. 100–101.

112 "Rejestr zborów, szkół i księży in Magno Ducatu Lithuaniae anno 1748", [in:] S. Tworek, *Z zagadnień liczebności zborów kalwińskich na Litwie*, OiRwP 17, 1972, p. 213–214.

113 Bogislaus Ignatius [Johann Gottlieb Elsner], *Polonia Reformata oder zuverlassige Nachricht von denen Evangelisch-Reformirten Kirchen, Gemeinden und Lehrern so heut zu Tage in dem Königreich Pohlen und Großherzogrhum Litthauen befindlich sind…*, Berlin 1754, p. 38–49.

114 W. Kriegseisen, *Ewangelicy*, p. 102–107.

115 J. Deventer, "Nicht in die Ferne – nicht in die Fremde? Konfessionsmigration im schlesisch-polnischen Grenzraum im 17. Jahrhundert", [in:] *Glaubensflüchtlinge. Ursachen, Formen und Auswirkungen frühneuzeitlicher Konfessionsmigration in Europa,* hrsg. J. Bahlcke, Berlin 2008, p. 95–118, Religions- und Kulturgeschichte in Ostmittel- und Südosteuropa, Bd. 4.

especially in south-western Greater Poland. Immigrants were also establishing new congregations – 17 in cities and towns and many more in rural areas. In 1634, a synod reorganised the Lutheran Church in Greater Poland.[116] After the end of the Northern War in the eighteenth century there was another influx of settlers. After 1724 thousands of Protestants from the Reich decided to come to the Commonwealth in search of jobs, despite the terrible reputation of the country in the Evangelic community.[117]

The Lutheran Church in Greater Poland was divided into 11 Seniorats in 1737. Each of the areas was led by one clerical senior and one lay senior, usually a nobleman. Leszno, Wschowa, Bojanowo, Międzyrzecz, Kargowa-Unrugowo, Międzychód, Wałcz, Wieleń, Poznań – Swarzędz, Obrzycko and Nakło were the areas' capitals.[118] Both ministers and nobles had great influence in the Lutheran community of Greater Poland, and it was these two groups – the clergy and the noblemen – that made decisions during synods, which were typically organised in Leszno every 2 years. Decisions made by a synod were binding for seniors – both ministers and nobles – and the ministers who led each of the congregations. The number of Lutheran congregations in the eighteenth century is difficult to assess, given that there were many filial churches in rural areas which had no temples and organised masses in school buildings or private houses. Nonetheless, it is known that there were 88 functioning Lutheran congregations that employed 65 ministers and an unknown number of cantors in Greater Poland during the 1730s.[119]

There were far fewer Evangelicals in Greater Poland who belonged to the Unity of the Czech Brethren (often called the Unity of Greater Poland) in the eighteenth century. Official documents usually referred to the community with its traditional name, *Unitas fratrum*, that is the Unity of the Brethren, which

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116 J. Dworzaczkowa, *Reformacja a problemy narodowościowe w przedrozbiorowej Wielkopolsce*, OiRwP 23, 1978, p. 87; Ch. S. Thomas, *Altes und Neues vom Zustande der Evangelisch-Lutherischen Kirchen in Köenigreich Polen aus bewehrten Nachrichten mitgetheilet von…*, n.p. 1754.

117 A. Rhode, *Geschichte der evangelischen Kirche im Posener Lande*, Würzburg 1956, p. 101; J. Dworzaczkowa, *Reformacja a problemy*, p. 91n.; H.-J. Bömelburg, *Konfession und Migration zwischen Brandenburg-Preußen und Polen-Litauen 1640–1772*. "Eine Neubewertung", [in:] *Glaubensflüchtlinge*, p. 119–144.

118 A. Rhode, op. cit., p. 111.

119 The list of congregations comes from a work by Ch. S. Thomas which was cited earlier in the text, cf. A. Werner, *Geschichte der evangelischen Parochien in der Provinz Posen*, überarb. J. Steffani, Lissa i. P. 1904.

suggested the Czech origins of the Church. Despite progress in unifying the Czech Brethren with the Reformed Evangelical Church, many of the characteristic liturgical and ecclesiological differences persisted within the Church until the nineteenth century.[120] Thus, the Unity of Greater Poland formed a centralised structure that was unlike any other Reformed church organisation in the Commonwealth. Every congregation was led by a college, and those were governed by the central authority – the Church Council – which transformed into a consistory in the eighteenth century. The administrative body was usually comprised of 2 seniors (the older of which was referred to as president, or bishop) and 2 to 4 conseniors, who were elected from the clergy for life terms.[121] During the eighteenth century, while one of the seniors resided in Leszno, the other was assigned to Czech Brethren communities abroad, mainly in Germany or Silesia. The "foreign senior" could accumulate substantial power and influence, as in the case of Daniel Ernest Jabłoński, the grandson of Jan Amos Komensky, the senior of the Unity of Greater Poland, the honorary superintendent of the Lithuanian Unity, and the court preacher of Prussia, who resided in Berlin in the first half of the eighteenth century.[122]

All clerical and lay patrons of the congregations (who could also be elected as lay seniors) were obliged to participate in synods, which were organised every 2 years. Leszno was the seat of the Unity's central authority. In practice, while the clergy dominated this authority, lay patrons had more power over the governance of individual congregations. According to the traditions of the Czech Brethren (and, in this respect, to Calvin's ecclesiology) the congregations were to be led by a college of presbyters (elders) chosen by all male members of the community. These rules were most likely to be followed in the city churches of

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120 H. Gmiterek, *Bracia czescy a kalwini w Rzeczypospolitej. Połowa XVI – połowa XVII wieku. Studium porównawcze*, Lublin 1987, p. 141; O. Kiec, *Protestantyzm w Poznańskiem 1815–1918*, Warszawa 2001, p. 105–118.

121 The traditional organisation of the Unity of Brethren is described in a work published by J. A. Komensky and authored by Jan Łasicki, H. Barycz, *Jan Łasicki. Studium z dziejów polskiej kultury naukowej XVI* wieku, Wrocław 1973; for more on this subject see S. Kawczyński, "Duchowieństwo Jednoty wielkopolskiej od potopu do czasów stanisławowskich" a doctoral dissertation held at the library of the Department of History of the University of Warsaw.

122 M. Bečková, "Daniel Ernst Jablonski und seine Beziehungen zu Polen", [in:] *Daniel Ernst Jablonski. Religion, Wissenschaft und Politik um 1700*, hrsg. J. Bahlcke, W. Korthaase, Wiesbaden 2008, *Jabloniana 1. Quellen und Forschungen zur europäischen Kulturgeschichte des Frühen* Neuzeit, p. 205–222.

Greater Poland, of which Leszno was perhaps the best example.[123] Congregations in rural areas were generally led by noble patrons, usually the lords of the lands on which the churches were built. Such patrons were able to effectively enforce their decisions in conflict situations.[124]

After the losses suffered by the Greater Poland Unity in the seventeenth century, the number of congregations was truly unimpressive, though most of them survived until the times of Stanisław II August, and some of them (such as the church in Żychlin near Konin) continue to exist even today.[125] At the beginning of the eighteenth century, the Commonwealth's Unity had 14 congregations, including 3 churches in Royal Prussia, but that number had dropped to 11 by 1754. Apart from the mentioned churches, the Greater Poland Unity also included two "foreign congregations", in Charbrowo and Zwartowo in Pomerania. The parishes were diverse, both ethnically and socially, and the sermons were given in Czech, German and Polish. While some of the churches were mainly burgher in character (Leszno, Toruń), others had significant peasant communities (Jędrychowice, Łasocice), though there were also congregations dominated by noble believers (Żychlin, Orzeszkowo).[126]

The Reformed Church of Lesser Poland, called the Lesser Poland Unity, played a significant role in the history of the Polish Reformation during the sixteenth century and suffered the most as a result of Catholic re-confessionalization efforts. At the beginning of the eighteenth century the Lesser Poland Unity was only a shadow of its former self. Although the last general synod of the Polish Reformed Evangelicals was organised in 1676 in Chmielnik in Lesser Poland, it failed to prevent the fall of the church.[127] The fictitious division of the Lesser Poland Unity into districts was maintained, but starting from the year 1680 district synods were no longer organised. The synods were finally ended during a gathering which was held in Wielkanoc near Miechów in 1692, and which was led by the prominent politician, the Cupbearer of Sandomierz, Stanisław Dunin

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123 The rules of the Church Council of the Leszno congregation, APPozn., ABCz. 2293, p. 147–150; cf. J. Bielecka, "Bracia czescy w Lesznie. Organizacja i działalność (1550–1817)", *Rocznik Leszczyński* 2, 1979, p. 153–173.

124 W. Kriegseisen, *Ewangelicy*, p. 81–83; idem, *Zbór ewangelicko-reformowany (kalwiński) w Żychlinie koło Konina*, OiRwP 37, 1993, p. 103–114.

125 K. Gorczyca, *Żychlin pod Koninem. Dzieje wsi i zboru*, Warszawa 1997.

126 Bogislaus Ignatius, op. cit., p. 27–30; registers and acts of individual churches APPozn., ABCz. 1690, 1692, 1700, 2491–2506, 2513–2514, 2517–2519.

127 Synod files, manuscript BUW SER 570, k. 383–388; see M. Wajsblum, *Ex regestro arianismi. Szkice z dziejów upadku protestantyzmu w Małopolsce*, Kraków 1937–1948.

Karwicki. From that point on, the church in Lesser Poland was governed by the provincial synod, and between its sessions a lay „general patron", assisted by 2 lay provincial seniors and one senior minister, took care of the church's interests. Congregation patrons usually came from noble families; however, there were also patrons who were rich burghers from Kraków, Lublin or Tarnów, and some were often of Scottish descent.[128]

The abovementioned synod of 1676 mentions 19 churches in the Lesser Poland Unity, but it is possible that some of them were temples with no believers or noblemen's mansions where the congregation was limited to the family and circles closest to the owner (and patron in one person). In 1691, it was estimated that there were 15 Reformed parishes in Lesser Poland, though Johann Gottlieb Elsner mentions only 9 congregations in 1754. Most of these were small communities of noble families; larger congregations were usually formed by the Evangelical burghers of Kraków (in Wielkanoc), Tarnów (in Szczepanowice) and Lublin (in Piaski). The only prosperous rural congregation functioned in Sieczków; it gathered the remaining noble Evangelicals from the Sandomierz area and was led first by the Karwicki family, and later by the Różycki family.[129]

The importance of commoners to the survival of Evangelical congregations in a hostile Catholic environment is best illustrated by the history of Sielec near Staszów. Its Reformed parish, which was under the patronage of the Dębicki family, was one of the weakest centres of the Unity during the first half of the eighteenth century. When the Dębicki family decided to sell the village, it was bought by the Catholic owner of the neighbouring Staszów, the Voivode of Ruthenia August Czartoryski. Contrary to the Evangelicals' fears, he did not close the church in Sielec, but elevated it to the rank of a pastoral centre for the Protestants brought to work in the town's manufactories. In effect, the Sielec congregation grew in strength. It was headed by the noble families of the area (the Gruszczyński, Kępieński, Kosecki, Ożarowski and Russocki families) and depended on the mainly Lutheran believers from Staszów and on the protection

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128 W. Kowalski, "The placement of urbanised Scots in the Polish Crown during the sixteenth and seventeenth Centuries", [in:] *Scottish communities abroad in the early modern period*, ed. A. Grosjean, S. Murdoch, Leiden-Boston 2005, p. 53–103, Studies in Medieval and Reformation Traditions, vol. CVII. The situation was similar in the Grand Duchy of Lithuania, where the residents of Kedainiai, who were mostly Scottish in origin, were an important part of the local congregation, R. Žirgulis, *The Scottish community in Kėdainiai c. 1630–1750*, ibidem, p. 225–247.

129 Bogislaus Ignatius, op. cit., 33–36; W. Kriegseisen, *Ewangelicy*, p. 60–61.

of the Czartoryski family, who even helped with the construction of a new, brick church.[130]

In terms of numbers and political and economic influence, Lutherans from Royal Prussia remained the most important Evangelical community in the Commonwealth during the first half of the eighteenth century. Much like the sixteenth century, at the beginning of the eighteenth century large cities such as Gdańsk, Toruń and Elbląg determined the significance of local Protestant churches. However, the internal structure of these Evangelical communities had changed. While Lutheranism was being supplanted by Calvinism (which was supported by much of the burgher elite) during the "second Reformation" of the second half of the sixteenth century, a process of re-Lutheranization of elites began in the seventeenth century and, 50 years later, Reformed Protestants lost all influence among city authorities.[131] Relations between Evangelicals and Catholics also deteriorated, which was especially visible in Toruń. In the eighteenth century, that city became a stronghold for a kind of orthodox Lutheran integrism that was increasingly hostile towards other denominations, especially after the events of 1724, which severely humiliated local Protestants.[132]

However, the Protestant Church in Royal Prussia was not limited to the communities in the three largest cities. There were also many congregations functioning in small towns and villages, often under the patronage of Evangelical nobility. Cooperation between rich and well educated Evangelical nobles, the clergy and city and town representatives during the general Sejmiks ensured the Protestants a relatively high degree of safety, and it is because of this cooperation that dissenters were able to block (more effectively than anywhere else in the Commonwealth) Catholic re-confessionalization efforts.[133] The community of Mennonites (Anabaptists) from the Netherlands and northern Germany who settled in areas around Gdańsk, Elbląg and Żuława Wiślana starting in the 16th century is especially interesting, if somewhat marginal. The community managed to survive until the end of the Commonwealth and played a crucial role

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130 W. Kriegseisen, *Zbór kalwiński w Sielcu koło Staszowa*, OiRwP 35, 1990, p. 157–178.

131 M. G. Müller, *Zweite Reformation und städtische Autonomie im Königlichen Preußen: Danzig, Elbing, Thorn in der Epoche der Konfessionalisierung (1557–1660)*, Berlin 1997.

132 S. Salmonowicz, "Protestanci i katolicy w jednym mieście – casus Torunia w XVI i XVII w. Przyczynek do dziejów tolerancji religijnej", [in:] idem, *W staropolskim Toruniu (XVI–XVIII w.). Studia i szkice*, Toruń 2005, p. 6–21.

133 A. Klemp, *Protestanci w dobrach prywatnych w Prusach Królewskich od drugiej połowy XVII do drugiej połowy XVIII wieku*, Gdańsk 1994, p. 103–125.

in the process of reclaiming and developing the flood lands in the Vistula river delta.[134]

The efforts of Mennonites in the Żuławy region beg the question of the importance of Protestants in the modernisation processes of the last decades of the Commonwealth. The influence of Protestant political thought can be seen in Poland throughout the sixteenth century, especially in terms of the right of resistance and its consequences. However, it is difficult to assess the influence that this phenomenon had on the shape of ideology in the nobles' democracy. It is also hard to talk about any kind of broader impact of such ideas on the Catholic nobility in the first half of the eighteenth century, given that that community was rather resistant to the influences of the Protestant Enlightenment. However, some of these tendencies are visible in the Commonwealth – for example, elements of late-Baroque and early-Enlightenment intellectual culture in Royal Prussia. Gottfried Lengnich, the syndic of Gdańsk and a prominent erudite who primarily dealt with the subjects of law and politics, might be a symbolic figure here. A dissertation by Karl Ernst Kettner on Polish Confederations was published under Lengnich's auspices and was dedicated to the bishop of Płock, Andrzej Stanisław Kostka Załuski.[135]

Much less is known about the influence of cameralism and the doctrine of a "well organised country", which were brought to Poland – together with the practical philosophy of Christian Wolff – at the beginning of the eighteenth century by settlers from Saxony. Perhaps attempts to reorganise cities and build new settlements funded by Evangelical immigrants in Greater Poland (which have been researched by Dorota Mazek) are in fact manifestations of such ideas. Rules of coexistence for these communities were created in accordance with "die Sozialdisziplinierung" of the second half of the seventeenth century. In the first part of the eighteenth century they still guaranteed religious rights to non-Catholic settlers, which meant the freedom to fund new churches and build schools, hospitals and cemeteries. What is more, the rules allowed access to local offices for

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134 E. Kizik, *Mennonici w Gdańsku, Elblągu i na Żuławach Wiślanych w drugiej połowie XVII i w XVIII wieku. Studium z dziejów małej społeczności wyznaniowej*, Gdańsk 1994; S. Samerski, "'Die Sillen im Lande'. Mennonitische Glaubensflüchtlinge in Danzig im 16. und 17. Jahrhundert", [in:] *Glaubensflüchtlinge,* p. 71–94.

135 *De Polonorum confoederationibus praeside Gotfrido Lengnich* […] *disputabit Carol. Ernestus Kettler Gedanensis*, Lipsiae 1735, 2nd edition; see W. Zientara, *Gottfried Lengnich – ein danziger Historiker in der Zeit der Aufklärung*, vol. 1–2, Toruń 1995.

dissenters.[136] Naturally, these laws did not stem from Enlightenment ideas of religious tolerance cherished by the owners of towns in Greater Poland, but from hope for economic prosperity and greater incomes. This conviction was reinforced over time and, by the middle of the eighteenth century, it was the most popular argument used in discussions on the rights of dissenters, alongside arguments in favour of restoring a high level of religious tolerance.[137]

The abovementioned discussion was provoked by the fact that non-Catholics lost some of their rights in the first half of the eighteenth century. This fact contributed to the so-called "dissenter issue", which had a disastrous effect on the fate of the Commonwealth during the first years of Stanisław II August's reign. However, let us return to its origins in the beginning of the century. The war with Lutheran Sweden and the long presence of largely non-Catholic Swedish, Saxon and Russian troops triggered a new wave of Catholic xenophobia. As early as the interregnum after the death of John III in 1696, public feelings toward dissenters were quite negative, and some Sejmiks even claimed that the part of king's oath guaranteeing religious peace should be deleted. And although the confederation signed at the Convocation Sejm confirmed the rules of the Warsaw Confederation, it also excluded the Polish Brethren, "apostates," Quakers and Mennonites from its protection.[138] The oath taken by August II after his election mentioned the possibility of a religious peace only very briefly.[139] When the Swedes suggested granting more rights to Protestants during negotiations between representatives of Charles XII and members of the Warsaw Confederation in 1705, the Polish negotiators rescinded the project together with article XVIII of the treaty. The document – which was never actually ratified – only confirmed the rights of Evangelicals and freed them from the responsibility of appearing before a court in cases of *ex regestro arianismi*. However, the disastrous association that linked non-Catholics with the Swedish invaders lingered, and Catholic propaganda knew how to use it effectively. In 1707, the Papal nuncio in Poland, Julius Piazza, informed Rome: "Si parla altresi di un trattato tra il Re di Suezia et il prefato

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136   D. Mazek, *Ku ozdobie i profitowi. Prawodawstwo miast prywatnych Wielkopolski 1660–1764*, Warszawa 2003, p. 82–85.

137   J. Michalski, *Sprawa dysydencka a zagadnienia gospodarcze w opinii publicznej w pierwszych latach panowania Stanisława Augusta*, PH 40, 1949, 3, p. 156–163.

138   VL V, Petersburg 1860, f. 838, p. 408.

139   VL VI, Petersburg 1860, f. 5, p. 9; J. Feldman, *Sprawa dysydencka za Augusta III*, RwP 3, 1924, p. 89–116.

Palatino [Stanisław Leszczyński – WK] con cui si permette in Polonia il libero essercizio della setta Luterana colla facoltà di fabricar chiese."[140]

In 1710, dissenter leaders mobilised and managed to send at least 15 representatives to the General Council of the Sandomierz Confederation, which was supposed to pacify the Commonwealth.[141] They did not, however, gain anything significant, given that the General Council annulled the acts signed by Stanisław Leszczyński, in particular those parts of the 1705 Warsaw Confederation that mentioned the rights of Evangelicals.[142] They did manage to overrule some of the demands of the Papal nuncio Niccolò Spinoli, who postulated the return of all former Catholic churches, including those in Prussian cities such as Gdańsk. It was eventually decided that Protestants would not lose the churches owned by them according to the laws of the Commonwealth.[143] Nonetheless, leaders of the dissenters were aware of the looming danger and decided to organise a general Evangelical synod for both denominations functioning in the Commonwealth. In the end, it came down to a small meeting led by the Secretary of Wschów, Mikołaj Twardowski, and held on November 2–3, 1712 in Toruń. It focused on devising methods to resist the pressure exerted by Catholics and asserted the need to hold another general synod.[144]

Before that synod was organised, however, the Tarnogród Confederation started a political crisis in the Commonwealth. During negotiations held in the summer of 1716 in Lublin between members of the confederation and the king's delegates, the former demanded that all Evangelical churches built during the Northern War be demolished. Jakub Henryk Flemming, a Lutheran and a representative of August II, denied that the king gave consent for the construction of the temples and allowed those that had been built with the help of the Swedish

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140   J. Piazza to Cardinal Secretary of State Fabricio Paulucci, Opaviae 7 III 1707, *Acta Nuntiaturae Polonae,* XLI: *Iulius Piazza (1706–1708)*, vol. 1, ed. J. Kopiec, Romae 1991, no. 256, p. 259; J. Feldman, op. cit., p. 90.

141   *Diariusz Walnej Rady Warszawskiej z roku 1710*, publisher: R. Mienicki, Wilno 1928.

142   J. Feldman, op. cit., p. 91.

143   N. Spinola to Cardinal Secretary of State Fabrizio Paulucciego, Varsavia 26 II 1710, Archivio Segreto Vaticano, Nunziatura di Polonia 135, k. 162–164; „Puncta nomine Sanctae Sedis Apostolicae exposita" and the report on the negotiations with Poles on March 5, 1710, ibidem, k. 183–186, microfilm held at the Microfilm Station of the Pontifical Institute of Church Studies in Warsaw; *Diariusz Walnej Rady Warszawskiej*, p. 157.

144   *Historia consesus Sandomiriensis, inter evangelicos Regni Poloniae, et M. D. Lithuaniae* […] *Danielis Ernesti Jablonski*, Berolini 1731, p. 156–165; J. Łukaszewicz, *O kościołach braci czeskich w dawnej Wielkiejpolsce*, Poznań 1935, p. 236–237.

government to be vandalised. The versions of an agreement between the court and members of the confederation that were created at this time accused dissenters of breaking the law and of collaborating with the Swedes, and they postulated the reinstatement of the rules that applied before the Northern War. In autumn, plenipotentiaries of the confederation passed an act that limited access to higher military ranks for dissenters – despite the resistance put up by Flemming and Evangelical officers representing the confederated army of the Crown.[145]

Two Evangelical members of the Tarnogród Confederation tried to oppose the strong tendency to rob the non-Catholic nobility of its public rights; they were the General Actor of the Lithuanian Unity and the Standard-bearer of Starodub Michał Wołk-Łaniewski and the Pantler of Kowno Jakub Michał Estko. However, the Evangelical confederationists were in trouble themselves because of efforts by some to exploit feelings of xenophobia and ban them from becoming the members of the confederation. In the end they were allowed to participate, but only after declaring that they would not correspond with their fellow believers in other countries. Many Catholics spoke out in defence of the Evangelical nobility's rights, such as the Coadjutor Bishop of Vilnius Maciej Ancuta, who assured the most influential of the royal representatives, the Bishop of Kujawy Konstanty Szaniawski, that the dissenters had "more than the right to *liberii exercitii non usurpant.*"[146] Jerzy Rekuć, a Reformed minister from Królewiec, also tried to influence the negotiations in Warsaw and asked for protection for non-Catholic diplomats from Russia, Prussia and Denmark. These efforts were ineffective; Bishop Szaniawski remained adamant in his stand against the dissenters, while Flemming – on the other hand – failed to defend their rights. It seems that non-Catholics became a scapegoat, sacrificed by associates of August II to pacify the country.[147]

Even before the ratification of the Warsaw Treaty during the Silent Sejm on February 1, 1717, Evangelical delegates in Warsaw went so far as to resort to bribery, and the representative of Starodub, Michał Wołk-Łaniewski, protested

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145 J. Feldman, op. cit., passim.

146 Coadjutor Bishop of Vilnius M. Ancuta addressing the Bishop of Kujawy F. Szaniawski, Brześć Lit., 24 X 1716, manuscript BUW SER 633, p. 4; see J. Kopiec, *Konstanty Felicjan Szaniawski (1668–1732) – biskup i mąż stanu za panowania Augusta II*, [in:] *Rzeczpospolita wielu wyznań*, p. 179–190.

147 J. Łukaszewicz, *Dzieje kościołów wyznania helweckiego w Litwie*, vol. 1, Poznań 1842, p. 319–325; F. Wolff, *Preussen und die Protestanten in Polen in 1724. Erschienen als wissenschaftliche Beilage zum Jahresbericht des Andreasrealgymnasium zu Berlin*, Berlin 1894, p. 7.

during the Sejm proceedings. However, all efforts proved ineffective and the Sejm passed acts that limited the rights of dissenters.[148] Catholics perceived the new legislation as mere resumption of previous rules, though dissenters were right when they viewed the situation as a significant deterioration of their legal status. The Warsaw Treaty and its fourth article did not guarantee religious peace and did not protect non-Catholics against arbitrary decisions of judges and Starostas who, from that point on, would have jurisdiction over them. The law prohibiting the building of new Evangelical churches was expanded; all temples built after the year 1674 were deemed illegal, including those on noble estates, and it was no longer allowed to organise private masses and to employ Evangelical teachers and priests. Article II banned non-Catholics from receiving office nominations and the Crown's land "to the Catholics' disadvantage," which also included military officer ranks. Therefore, to secure the fate of Evangelical churches, it was necessary to prove that they were erected before 1674 and to address all claims made by local Catholic priests to avoid trials before openly pro-Catholic courts. And if an Evangelical candidate applied for an office, title or land, he had to make sure that there were no Catholic opponents competing for it. Both of these rules invited extortion and bribery.[149]

The fact that popular hostility towards non-Catholics was also prevalent among the country's political elites had far more negative consequences. The authorities of the Commonwealth had little influence over the issue, despite the fact that August II was rather indifferent towards religion. The king confined himself to signing a diploma that reaffirmed the laws and privileges of non-Catholics issued since 1573. He granted the diploma to the mayor of Leszno and his court advisor, Beniamin Arnold, and promised that he would interpret Article IV of the Warsaw Treaty in the Protestants' favour.[150] However, the highest church and state officials continued to publicly state that dissenters were "turbatores pacis et tranquillitatis rerum publicarum," and that the most they deserved was tolerance for private worship. Even worse, some claimed that "dissenters from the holy faith cannot care for it and, therefore, cannot care for freedom" and argued

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148   J. Łukaszewicz, *Dzieje kościołów*, vol. 1, p. 386–387; idem, *O kościołach*, p. 239.

149   J. Dworzaczkowa, "W sprawie sytuacji prawnej protestantów w Polsce", *Czasopismo Prawno-Historyczne* 28, 1976, 1, p. 117–122.

150   Copy in a manuscript BUW SER 607, k. 29; "Justa et secundum leges facta explicatio articuli IV. Tractatus Varsaviensis scilicet eorum qui ubi pro libertate et securitate dissidentium continuetur", Varsaviae 3 II 1717, ibidem, k. 30–32; G. Rhode, *Brandenburg-Preußen und die Protestanten in Polen 1640–1740. Ein Jahrhundert preußischer Schutzpolitik für eine unterdrückte Minderheit*, Breslau-Leipzig 1941, p. 149.

that Protestants were bad burghers who should not have the right to participate in Sejms, given that "tam dysydent z imienia swego niezgodny, do wspólnej czy może przyłożyć się zgody?" ["dissenters are quarrelsome by nature, thus how could they be a part of a consensus?"][151]

It was in this kind of atmosphere – just after the publication of the Warsaw Treaty but before its ratification – that the action to remove dissenters from offices was launched. As a result of a letter from the Bishop of Vilnius, Konstanty Brzostowski, to his fellow believers, 4 elected Evangelicals were not allowed to claim their positions as judges.[152] Therefore, many Protestant officials began converting to Catholicism. Minister Rekuć complained in the autumn of 1717 that as many as 3 "important figures" had converted to Catholicism in the Grand Duchy of Lithuania: the Reformed District Judge of Oszmiana, Krzysztof Kamiński, the Lutheran Lithuanian Treasurer Jan Szretter, and the Standard-bearer of Grodno, Jan Wahl.[153] This tendency probably grew after the defeat suffered by dissenters during the Sejm in 1718, when the last Evangelical member – the Sword-bearer of Wieluń, Andrzej Piotrowski – was removed from the Sejm. It is interesting that, despite the voices raised in defence of the deputy of Wieluń and those recalling that "urodził się jmć pan wieluński szlachcicem, brać mu honoru nikt nie może, chyba żeby miał nexum iuris na sobie, albo gdyby była o tym lex positiva" ["the lord from Wieluń was born a noble, so no one can dishonour him, unless he has *nexum iuris* upon him or there is *lex positiva* on the issue"], the assembly decided that a dissenter could not be a member of the Sejm. Indeed, one of the most convincing arguments used against Piotrowski was: "Notum, żeś wmpan kalwin" ["it is known that you, lord, are a Calvinist."][154]

Faced with such adversity, Protestant elites of the Commonwealth once more attempted to mobilise their forces for political defence. They organised two general synods in order to discuss the issue, on September 2, 1718 and February 27-March 6, 1719. Both synods were held in Gdańsk for security reasons.[155] There were efforts to spread propaganda, e.g., by publishing the works of Daniel Ernest Jabłoński, who defended the rights of the Commonwealth's dissenter nobility and called for the restoration of the equality introduced by the Warsaw

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151 Cited in J. Feldman, op. cit., passim; A. Grześkowiak-Krwawicz, *Regina libertas. Wolność w polskiej myśli politycznej XVIII wieku*, Gdańsk 2006, p. 35–37.

152 J. Feldman, op. cit., p. 101.

153 J. Łukaszewicz, *Dzieje kościołów*, vol. 1, p. 328.

154 J. Feldman, op. cit., p. 103; H. Olszewski, *Doktryny prawno-ustrojowe czasów saskich (1697–1740)*, Warszawa 1961, p. 194nn.

155 *Historia consensus Sandomiriensis*, p. 165–170.

Confederation. But these efforts came to nothing. Moreover, the international importance gained by the "dissenter issue," which was propagated by Prussia in the 1720s, proved to be the greatest threat to the non-Catholic community. There were even attempts to organise an international conference on the matter in Berlin in 1722; Polish Evangelical elites entered the fray by sending a text to Berlin entitled "Pro memoria der bedrängten Evangelischen in Pohlen. Anno 1723."[156] Such projects brought nothing positive to the dissenters' cause; instead, information about such cases only deepened the belief that Evangelicals were disloyal burghers, a belief that was further reinforced by the events in Toruń in 1724, and by Prussian efforts that openly named the "dissenter issue" as a reason to act against the Commonwealth's interests.[157]

Thus, it is not surprising that despite full mobilisation, the dissenters failed to sustain their presence at the 1733 Convocational Sejm after the death of August II; those gathered there agreed with the proposition put forward by the representative of Łomża, Michał Suski, who demanded to have dissenters removed as "*diversitas religiosorum* lead to *diversitas animorum, diversitas animorum* lead to *multitudinem dissensionem* which leads to the fall of the Commonwealth."[158] The Convocation Sejm and the Pacification Sejm of 1736 affirmed and expanded the laws that deprived non-Catholic nobles of some of their political rights. Despite all these restrictions, dissenters remained a political problem, and the more interest their situation attracted abroad, the more they were perceived as a threat to the Commonwealth.[159] The Sejm acts of 1717 and 1733–36 caused, according to Wiktor Weintraub, the level of tolerance for non-Catholics to drop to its lowest in the history of the Commonwealth.[160] It is thus not surprising that, over the course of subsequent decades, up until the interregnum after the death of August III, dissenter elites would attempt to improve their legal status and would welcome any help offered by neighbouring countries. Nor is it any surprise that they at times actively sought protection.

The growing rift between the interests of the community and the broader interests of the country, which was increasingly hostile toward dissenters, led non-Catholic elites in the 1760s to collaborate with Russia. It also blocked modern

156   F. Wolff, op. cit., p. 12.

157   S. Salmonowicz, *O toruńskim tumulcie z roku 1724*, OiRwP 28, 1983, p. 161–183.

158   H. Palkij, *Suski Michał Maurycy*, PSB, vol. XLVI, Kraków 2009, p. 66–68.

159   J. Dygdała, "Kwestia dysydencka w Rzeczypospolitej doby bezkrólewia 1733 roku", *Zapiski Historyczne* 62, 1997, 4, p. 45–67.

160   W. Weintraub, "Tolerancja i nietolerancja w dawnej Polsce", trans. H. Caroll-Najder, *Twórczość* 28, 1972, 12(329), p. 72–88.

reforms at the beginning of Stanisław August's reign.[161] Paradoxically, leaders of the non-Catholic confederations organised in Toruń and Słuck in 1767 under the protection of Russia, leaders who fought to reclaim their political rights (the Goltz, Grabowski and Bronikowski families), found themselves on the same side as the Catholic bishops: Primate Stanisław Podoski, the author of a project to separate the Catholic Church from Rome and a correspondent of Voltaire; and the Bishop of Kraków Kajetan Sołtyk, a fervent opponent of compromises with dissenters.[162] A time for reflection came only after the "dissenter issue" became one of the excuses for the first partition of the Commonwealth, and after Catherine II left her charges at the mercy of the masses, who accused dissenters of participating in the country's downfall. As a result, many non-Catholics withdrew from politics, and the remaining dissenters focused on the internal problems of Evangelical churches. Paradoxically, the treaties of 1768 and 1775, which reinstated a high level of religious tolerance, also brought an end to noble dominance in the Evangelical community.[163]

Conservative opinions of the Catholic nobility caused them to support first the Radom Confederation, and then the Bar Confederation, and to oppose the modernisation ideas pushed by Stanisław August and his associates – especially the proposition to replace religious equality with the Enlightenment idea of tolerance.[164] Any concessions made to dissenters were met with accusations that the country's Catholic character was being undermined. Discussion of the matter was emotional, and tended to focus on details, such as particular dissenter rights, instead of theoretical problems of tolerance, an idea that was praised by

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161   M. C. Łubieńska, *Sprawa dysydencka 1764–1766*, Kraków 1911, Monografie w zakresie dziejów nowożytnych, vol. XIII; W. Kęder, "Kryzys wokół sprawy dysydenckiej a sprawa suwerenności Rzeczypospolitej w latach 1764–1767 w świetle dokumentów papieskiego Sekretariatu Stanu", [in:] *Rzeczpospolita wielu wyznań*, p. 365–374.

162   E. Rostworowski, "Wolter i prymas Podoski", [in:] *Polska w świecie. Szkice z dziejów kultury polskiej*, ed. J. Dowiat et al., Warszawa 1972, p. 295–304; M. Czeppe, "Biskup Kajetan Sołtyk a innowiercy. Argumentacja użyta w wystąpieniach na sejmie 1766 r.", [in:] ibidem, p. 357–364.

163   W. Kriegseisen, "Die Dissidenten in den sechziger Jahren des 18. Jahrhundert und in die Epoche der Ersten Teilungen Polens", [in:] *Polen und Österreich im 18. Jahrhundert*, hrsg. W. Leitsch, S. Trawkowski, W. Kriegseisen, Warszawa 2000, p. 79–93.

164   G. T. Łukowski, *The szlachta and The Confederacy of Radom, 1764–1767/68. A study of the Polish nobility*, Romae 1977, p. 105nn, Antemurale XXI; M. G. Müller, "Toleration in Eastern Europe. The Dissident question in eighteenth-century Poland-Lithuania", [in:] *Toleration in enlightenment Europe*, ed. O. P. Grell, R. Porter, Cambridge 2000, p. 212–129, here p. 212.

the Enlightenment but negated by Poles.[165] It seems that the work by the Jesuit priest Szymon Majchrowicz, published in 1764, expresses the theoretical views on church-state relations that prevailed at that time. The author, an ideologist of the "golden freedom," mentioned the traditional doctrine that saw a link between a country's prosperity and the level of (Catholic) religiousness among its citizens.[166]

Russia forced an improved situation for Evangelicals and Orthodox Christians in the Commonwealth with the 1768 treaty, and these changes were later reaffirmed (with certain limitations) by the Partition Sejm held between 1773 and 1775.[167] The issue of religious equality lost its political significance after the first Partition. The freedom of non-Catholic worship no longer caused as much emotion, and the rights reclaimed by the dissenter nobility posed no threat to the country.[168] Issues surrounding the Catholic Commonwealth's attitude towards its non-Catholic minorities also became less significant because the country in 1772 had lost vast territories to Russia, Austria and Prussia. These regions were most heavily populated by non-Catholics – Orthodox Christians in the northeast of the Grand Duchy of Lithuania and Evangelicals in Royal Prussia.[169] The transformations in religious relations that took place in the eastern Commonwealth had some impact on the Greek Catholic community, which was placed under the Russian and Austrian authority.[170]

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165 A. Grzeskowiak-Krwawicz, op. cit., p. 35.

166 S. Majchrowicz, *Trwałość szczęśliwa królestw albo ich smutny upadek wolnym narodom przed oczy stawiona na oszacowanie nieoszacowanej szczęśliwości swojej*, Lwów 1764; E. Rostworowski, "Respublica Christiana i republikańsko-pacyfistyczna myśl oświecenia", [in:] idem, *Popioły i korzenie. Szkice historyczne i rodzinne*, Kraków 1985, p. 35–48, tu 42–44.

167 L. Ćwikła, *Polityka władz państwowych wobec Kościoła prawosławnego i ludności prawosławnej w Królestwie Polskim, Wielkim Księstwie Litewskim oraz Rzeczypospolitej Obojga Narodów w latach 1344–1795*, Lublin 2006, p. 276–287.

168 J. Michalski, "Geneza Konstytucji 3 Maja", [in:] *Konstytucja 3 Maja i jej tradycje*, Wrocław 1992, p. 7–18, here 17–18.

169 S. Litak, *Struktura terytorialna Kościoła łacińskiego w Polsce w 1772 r. Mapy*, Lublin 1979, map no. 10: "Wyznania Rzeczypospolitej w 1772 r."

170 W. Kołbuk, *Kościoły wschodnie na ziemiach dawnej Rzeczypospolitej 1772–1914*, Lublin 1992, p. 53–55; S. Litak, "Stosunki kościelne na ziemiach litewsko-ruskich w latach 1772–1815", [in:] *Ziemie północne Rzeczypospolitej polsko-litewskiej w dobie rozbiorowej 1772–1815. Materiały z konferencji międzynarodowej odbytej w dniach 11–14 maja 1995 w Toruniu*, ed. M. Biskup, Warszawa-Toruń 1996, p. 67–80.

As the Orthodox diocese of Belarus was separated from the Commonwealth in 1772 and no Orthodox bishops remained, Stanisław August agreed to reactivate the Orthodox Christian diocese of Słuck. In 1785, he appointed the Archimandrite of Słuck, Wiktor Sadkowski, as a new bishop who was subject to the jurisdiction of the Metropolitan Bishops of Kiev, which belonged to the Eastern Orthodox Church of Russia. Sadkowski was arrested in 1789, in connection with the fact that Orthodox priests who were dependant on Russia were accused of inciting peasants to revolt.[171] The Great Sejm reorganised the structure of the Orthodox Church in the Commonwealth in 1791 to cut its ties with Russia. A congregation organised in Pińsk in May, 1791 created the Commonwealth's Autocephalous Orthodox Church with one archbishop and three diocese bishops who recognised the canonical authority of the patriarchy of Constantinople.[172]

The first article of the Constitution of May 3 was supposed to finally regulate state–church relations in the Commonwealth; it named Catholicism the ruling denomination and declared any departures from the faith a crime. The statement stemmed from the fear shared by Stanisław August that Ukrainian peasants might start converting to Orthodox Christianity in great numbers.[173] Simultaneously, the Constitution guaranteed freedom of religion and worship to all non-Catholics, thus realising (this time, with no outside pressure) the Enlightenment ideas of religious tolerance that had been introduced in 1767 and 1768.[174] The general rules regulating the Church-state relations were adopted in May of 1791 and were detailed in specific laws concerning individual denominations. Unfortunately, due to dramatic political events in the years to come, the new legislation proved to have no practical significance.

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171   A. Deruga, "Kościół prawosławny a sprawa 'buntu' w 1789 roku we wschodnich województwach Rzeczypospolitej", *Ateneum Wileńskie* 13, 1938, 2, p. 175–269.

172   E. Sakowicz, *Kościół prawosławny w Polsce w epoce Sejmu Wielkiego*, Warszawa 1935, p. 182–209, 255–264; A. Mironowicz, "Cerkiew prawosławna na terenie Wielkiego Księstwa Litewskiego w latach 1772–1795", [in:] *Ziemie północne Rzeczypospolitej*, p. 81–94; L. Ćwikła, op. cit., p. 287–293.

173   R. Butterwick, "Deconfessionalization? The policy of the Polish revolution towards Ruthenia, 1788–1795", *Central Europe* 6, 2008, 2, p. 91–121.

174   J. Michalski, op. cit., p. 17–18; R. Butterwick, *Polska rewolucja a Kościół katolicki, 1788–1792,* in print.

Conclusion

There are two sides to the religious history of Early Modern Europe during the Reformation. On the one hand it is the history of religious conflicts and the political tensions that they triggered. On the other hand it was a time spent searching for lost unity and devising various peaceful methods to build relations within communities and countries that became irrevocably divided over the issue of religion.

At the beginning, lay authorities attempted to halt the Reformation process by addressing the traditional duty of obedience among their subjects. However, Lutheran Reformers argued that "one ought to listen to God rather than to other people", and they labelled religious coercion as tyranny, which could and should be resisted. Faced with the threat of religious wars, governments tried to limit conflicts first by issuing official decrees on religious peace, and later with edicts of toleration. Polish historians like to cite the example of the Warsaw Confederation, which stood out among other such documents of the period, not so much because of its originality, but because of its scope, effectiveness and stability.[1] In the second half of the sixteenth century not only the Polish-Lithuanian Commonwealth, but also the Dutch Republic and Hungarian-ruled Transylvania managed to obtain the kind of high level of tolerance that approached religious equality.[2] Thus, the Polish religious peace should be analysed as a series of decrees and treatises that led toward the one that is best known – the Edict of Nantes of 1598.[3]

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1   S. Grzybowski, *Edykty tolerancyjne w Europie zachodniej*, OiRwP 19, 1974, p. 31–50.

2   L. Binder, *Grundlagen und Formen der Toleranz in Siebenbürgen bis zur Mitte des 17. Jahrhunderts*, Köln-Wien 1976, Siebenbürgisches Archiv, 3 Folge, Bd. 11; G. Barta, "O problemie tolerancji religijnej w szesnastowiecznym Siedmiogrodzie", [in:] *Węgry – Polska w Europie środkowej. Historia – literatura. Księga pamiątkowa ku czci Profesora Wacława Felczaka*, ed. A. Cetnarowicz, C. G. Kiss, I. Kovács, Kraków 1997, p. 59–65; K. Zach, "Zur Geschichte der Konfessionen in Siebenbürgen im 16. bis 18. Jahrhundert", [in:] *Süddeutsches Archiv*, Bd. 24/25, 1981/82, München 1982, p. 40–89; M. Fata, *Ungarn, das Reich der Stephanskrone, im Zeitalter der Reformation und Konfessionalisierung. Multiethnizität, Land und Konfession 1500 bis 1700*, hrsg. F. Braendle, A. Schindling, Münster 2000, p. 97–118, Katholisches Leben und Kirchenreform im Zeitalter der Glaubensspaltung, Bd. 60.

3   J. Haustein, "Religionsfreiheit im lateinischen Westen – Das Edikt von Nantes und seine Folgen", [in:] *Asyl, Toleranz und Religionsfreiheit. Historische Erfahrungen und aktuelle Herausforderungen*, hrsg. G. Frank, J. Haustein, A. de Lange, Göttingen 2000, p. 101–120.

Debates and discussions were, among other methods, supposed to iron out differences between denominations, and such methods were particularly favoured by Humanists. The most famous Catholic-Lutheran discussions were organised in Hagenau, Worms and Regensburg in the years 1540 and 1541.[4] What many of those gatherings had in common was their inefficiency, or rather their counter-effectiveness. Discussions between theologians became platforms for propagating personal opinions, where little regard was paid to one's interlocutors. Unfortunately, such discussions had little if anything to do with clearing up misunderstandings or reaching joint conclusions. It is interesting that, in the Polish-Lithuanian state, no attention was given to such disputes, and it was only during the next century and under the influence of Irenicism that the *Colloquium charitativum* was created in Toruń (in 1645) to promote such ideas at an international level.

As government edicts and academic discussions proved ineffective, other more violent solutions were introduced, and these brought negative political effects as well as tragic social consequences. The numbers speak for themselves; it is enough to examine the data presented by William Monter on nearly 5000 victims of religious trials in the sixteenth century and the reports of casualties in the French religious wars presented by James Wood, who assessed that between 1560 and 1580 around 270 out of every 100 000 citizens died every year.[5] The surge in religious persecutions during the sixteenth century also brought some unexpected consequences. Many theologians – first Protestants and then Catholics – developed their theories on the right of resistance. The concept became one of the most important elements of social evolution which transformed Early Modern societies (with subjects) into modern societies (with citizens).

At the end of the sixteenth century, Western Europe began to accept an idea which was already a part of Polish political culture, namely the notion that maintaining peace within the country is more important than the drive to achieve religious unity, which was in fact unobtainable. Justus Lipsius, a great authority during the turn of the sixteenth and seventeenth centuries, stated that when faced with insurmountable religious divisions, it was not necessarily dangerous for a country to allow the existence of (regulated and controlled) dissenter communities. The political interests of countries reinforced by changes brought

4   O. Christian, *La paix de religion*, p. 22.
5   W. Monter, "Heresy Executions in Reformation Europe", [in:] *Tolerance and Intolerance in the European* Reformation, ed. O. P. Grell, B. Scribner, Cambridge 1996, p. 48–65; J. Wood, "The Impact of the Wars of Religion. A View of France in 1581", *The Sixteenth Century Journal* 15, 1984, p. 131–168.

about by the Reformation became more important than the religious interests of quarrelsome and diminished churches.

In practice, there were many forms of religious coexistence. The worst model, from a modern point of view, prevailed in vast, peripheral territories where laws punishing unorthodox opinions were quite common (such as the Iberian Peninsula, the Apennine Peninsula and Russia). A theoretical "scale of tolerance" would place some Evangelical states right after these peripheries, for instance Geneva, which is still considered a theocratic state (one ruled by the clergy).[6] Places where dissenter rights were heavily regulated are next in the line, including the Lutheran countries of Scandinavia and the British Isles, where Catholics constituted a minority. The German Reich adopted the principle of territorialisation, which gave rise to the *cuius regio eius religio* practice and a whole spectrum of local solutions. France employed a mixed system after 1598: a territorial division combined with government regulations. Finally, in the Commonwealth, Transylvania, the Republic of the Seven United Netherlands, and at times in the Bohemian Crown, Moravia and Hungary, religious relations were approaching equality. In practice, however, the most popular model of a relationship between a confessional state and dissenters was a ban on public worship and tolerance of (or even guaranteed freedom for) private worship.

The peaceful coexistence of different Christian denominations and tolerance towards non-Christians, mainly Jews and Muslims, in the Polish-Lithuanian state has proven to be an interesting topic for many scholars. Theorists and supporters of religious equality, along with a variety of thinkers and writers, took up the topic as early as the sixteenth and seventeenth centuries.[7] Late-Renaissance Humanists were especially invested in the subject, given that they postulated solving the problems of *dissidentes in religione* coexistence in accordance with Evangelical

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6   In the text mentioned by Leszek Kołakowski (*Krótka rozprawa o teokracji*, [in:] *Czy Pan Bóg jest szczęśliwy i inne pytania*, selection and layout by Z. Mentzel, Kraków 2009, p. 248–253) there are three interpretations of the term "theocracy." The situation in sixteenth- and seventeenth-century Geneva matched the second interpretation, where church authorities do not govern the country, but claim the right to control decisions made by secular authorities in matters of morality. See C. J. Burckhardt, "Calvin und die theokratische Staatsform", [in:] idem, *Vier historische Betrachtungen*, Zürich 1953, p. 5–13; A. E. McGrath, *Jan Kalwin. Studium kształtowania kultury Zachodu*, trans. J. Wolak, Warszawa 2009, p. 159–189.

7   J. Tazbir, *Polskie i obce opinie o konfederacji warszawskiej*, OiRwP 19, 1974, p. 151–160.

love as advocated by Erasmus. And indeed, it was the Dutch theologian himself who wrote in 1524, in a letter to archbishop William Warham: *Polonia mea est.*[8]

The scope of Humanism's influence on sixteenth-century Poland is difficult to assess.[9] It is, however, easy to forget that Erasmus' views had many opponents who came from different sides of the religious barricades, some who were often praised by supporters of Rome, Wittenberg and – later – Geneva. Thus, religious relations in Poland in the sixteenth century were sometimes perceived as negative by theoreticians who shared one, seemingly simple assumption, namely that a country needed to be confessional in character. As Antoni Mączak one noted,[10] they were unable to imagine any other model. Another common belief was that countries that tolerated other denominations were in constant danger of conflict and, consequently, of disloyalty among their dissenter subjects.[11]

It is worth noting that the doctrine linking the strength of a country to the level of its religious homogeneity resembles the beliefs of those theoreticians today who view the national security of a modern-day state as dependent on ethnic uniformity and on the level of national awareness among its citizens.[12] But it was not the ethnic diversity of the sixteenth- and seventeenth-century Polish-Lithuanian state that stirred unrest among some political writers, but rather the problem of religious diversity and the fact that the Commonwealth failed to introduce religious coercion (which – the argument goes – would have been beneficial), even when the political and legal situation allowed it. The Polish Crown, the Grand Duchy of Lithuania and, after 1569, the Commonwealth, which was a multi-denominational state with no effective executive authority or administration, could not help but be – according to this theory – politically weak and doomed to internal conflicts, foreign interventions and religious wars that would

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8   *Korespondencja Erazma z Rotterdamu z Polakami*, ed. M. Cytowska, Warszawa 1965, p. 5; see H. D. Wojtyska, "Polonia 'il Regno di Erasmo' nella prima metà del XVI secolo", [in:] *The common Christian roots of the European nations. An International Colloquium in the Vatican,* vol. 2, Florence 1982, p. 88–93.

9   G. H. Williams, "Erasmianism in Poland", *The Polish Review* 22, 1977, 3, p. 3–50; J. Domański, *Der Einfluß des Erasmianismus und die Reformation in Polen,* APH 55, 1987, p. 41–56.

10 A. Mączak, *Rządzący i rządzeni. Władza i społeczeństwo w Europie wczesnonowożytnej*, Warszawa 2002, p. 80.

11 Z. Ogonowski, *Filozofia polityczna w Polsce XVII w. i tradycje demokracji europejskiej*, Warszawa 1992, p. 105. The belief that dissenters are disloyal subjects persisted for a long time, cf. J. H. Newman, *List do księcia Norfolk o sumieniu*, trans. A. Muranty, Bydgoszcz 2000.

12 T. Kizwalter, *O nowoczesności narodu. Przypadek polski*, Warszawa 1999, p. 288–321.

eventually lead to its downfall. But the question is: were the religious freedoms adopted in 1573 in the Warsaw Confederation truly the reason behind the crisis that plagued the Polish-Lithuanian Commonwealth during the second half of the seventeenth century?

Gulielmus Rossæus, a writer from the French Catholic League, professed the approaching fall of the Commonwealth at the end of the sixteenth century.[13] In a text that focused on the illegal character of Henry of Navarre's claims to the French throne, the author also mentions religious relations in the Commonwealth. Given that he did not know that the tradition of religious diversity predated the Reformation in Poland, Rossæus focused on listing the dangerous effects of freedoms offered to Evangelicals and Calvinists in particular; these denominations seemed to be the centre of his attacks.[14] According to Rossæus, it was because of the Calvinists that non-Catholics were treated equally in the Commonwealth, though he was especially indignant over the tolerance shown towards Non-Trinitarians. Both Non-Trinitarians and Calvinists were, according to the author, most likely to collaborate with Muslims.[15]

Polish and Lithuanian Evangelicals as well as "Ariani, tot Tritheitae, tot Trinitarij, plurimi Samosateniani" not only disturbed internal peace, but also provoked the aggressive politics of neighbouring countries: "Ergo Calvinistae tantulo tempore ita infirmarant et corruperant potentissimum antea regnum

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13 The pseudonym Rossæus (quite popular after the times of Thomas More) was used by an English Catholic priest William Rainolds (Reynolds), who worked and published in France and the Netherlands. The name could also be used by bishop Gillaume Rose, or even Jean Boucher, see J. W. Allen, *A history of political thought in the sixteenth century*, London 1941, p. 351. W. J. Stankiewicz, *Politics and religion in seventeenth-century France. A study of political ideas from monarchomachs to Bayle, as reflected in the toleration controversy*, Berkeley-Los Angeles 1960, p. 39.

14 *De iusta reipub.*[*licae*] *christianae in reges impios et haereticos authoritate. Iustissimaque Catholicorum ad Henricum Navarraeum et quemcunque haereticum a regno Galliae repellendum confederatione G. Guilelmo Rossæo Authore liber*, Antverpiae 1592, p. 268–272; cf. J. H. M. Salmon, *Catholic resistance theory, Ultramontanism, and the Royalist Response, 1580–1620*, [in:] *The Cambridge History of Political Thought, 1450–1700,* ed. by J. H. Burns, M. Goldie, Cambridge 1991, p. 219–253.

15 This was a standard accusation in anti-Protestant polemics during the sixteenth century. It gained a semblance of meaning only in the seventeenth century, when Hungarian and Czech Evangelicals, who "preferred a Turk to a Pope," managed to get Dutch Calvinists interested in Islam, M. E. H. N. Mout, "Calvinoturcisme in de zeventiende eeuw. Comenius, Leidse oriëntalisten en de Turkse bijbel", *Tijdschrift voor Geschiedenis* 91, 1978, 4, p. 576–607.

Poloniae, ut quoad civilia, omnes vicini principes et imminerent, illudque divisuros inter se brevi ominarentur. Moscovita quidem manifeste ei inhiabat, et de Prussia adimenda magnam spem conceperat, Suecus lacessabat, civitates maritimae ab eius se imperio subtrahebant, Turca certo confidebat…"[16] According to Rossæus, the Counter-Reformation saved Poland and Lithuania and "excellentissimi regis Stephani diligentia, iustitia, et fortitudo, eandem erexit et instauravit, qui prophanas illas haereticorum sectas quam poterat studiosissime recidens, et unam Catholicam religionem restaurans atque amplificans, simul regni sui fines, et una Catholicae religionis pomeriae faeliciter et gloriose dilatavit […] et in ijs locis extirpata partim Lutheranorum, partim Calvinistarum, partim Arianorum, partim Graecorum impietate, Catholicam religionem restituit… ."[17]

Though this interesting interpretation of the Commonwealth's history had no basis in reality, it exemplifies the tendency to ground opinions in one's own denominational situation, a habit that characterised the tolerance discourse. If one compares the argumentation used by the abovementioned Catholic author with the views of Andrzej Lubieniecki (1521–1623), it becomes clear that both of them employed a similar, yet reversed, stance. For Rossæus, who was a member of the dominant Catholic Church, religious equality leads to a country's downfall (this belief was also shared by Piotr Skarga). For Lubieniecki, who was a member of the Polish Brethren, religious equality meant a stronger state. While the Counter-Reformation was – according to Rossæus – the sole saviour of the Commonwealth, it was – according to Lubieniecki – the greatest threat to the state.[18] The contradiction is quite striking, but also understandable, given that both of the authors based their historiosophical assessments on their own religious perspective.

Today it is clear that the Polish-Lithuanian state did not plunge into religious conflict (unlike France in the sixteenth century and Germany in the sixteenth and seventeenth centuries), as was predicted by the author of *De iusta Reipublicae christianae…* in 1592. On the contrary, during the reign of Zygmunt August,

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16 Rossæus refers to the opinions of Stanisław Warszewicki and Stanisław Orzechowski, G. Rossæus, op. cit., p. 270.

17 Ibidem, p. 272; it is interesting that Philipp von Zesen (1619–89), a German Irenist and supporter of freedom of conscience, mentions even Bathory as an example of a tolerant ruler: "Eben derselbe hat oftmals gesagt. Ich bin ein König über Völker und nicht über Gewissen." P. von Zesen, *Wider den Gewissenzwang*, bearb. F. van Ingen, in: idem, *Sämtliche Werke*, Bd. XIII, Berlin- N. York 1984, p. 255–257.

18 J. Tazbir, "Wstęp" [in:] A. Lubieniecki, *Polonoeutychia*, ed. A. Linda, M. Maciejewska, J. Tazbir, Z. Zawadzki, Warszawa-Łódź 1982, p. VI–VII.

Stephen Báthory, and – later – Sigismund III Vasa, the multi-denominational Commonwealth asserted its positions as a regional superpower in Eastern Europe. This fact both contradicted the theory that the country's strength stemmed from religious unity and was reflected in Polish views on the subject.

At the turn of the sixteenth and seventeenth centuries, the focus of Western European discussions on religious policy began shifting from theology to politics.[19] The doctrine of the confessional state combined with the idea of national interest appeared to have a positive influence on both state-church relations and the situation of non-Catholics in the seventeenth century. It stabilised the position of dissenters in countries that decided to introduce absolutist modernisation reforms. Although non-Catholics often had few rights in these states, it remained a preferable situation in an age of religious wars. Regardless of the various views of confessionalization and its links to modernisation processes, it is safe to claim that the process of regulating religious relations in Western Europe (in accordance with political Neostoicism) helped stabilise these relations. Ideas for state control of the church or even of church-state separation emerged in such countries as the Republic of the Seven United Netherlands and England, which were under great influence of Calvinist political doctrines.

The idea of national interest as defined by Catholic Neostoics quickly found its way to the Polish-Lithuanian state. However, attempts to put such an idea into practice, in order to restore the confessional (Catholic) character of the country at the beginning of the seventeenth century, were unsuccessful. According to Thomas Roe, an English diplomat and a keen observer of Eastern European politics, Sigismund III intended to carry out a peaceful religious unification that was to be followed, in the long term, by Catholic confessionalization.[20] Before that, in the sixteenth century, Polish and Lithuanian political elites *avant la lettre* adhered to the principles of national interest and perceived the European examples based on coercion as repugnant. In the next century, elites (mostly Catholic) tried to return to the model of a confessional state, which proved to be a difficult task. In fact, it was the strength of the Catholic Church, and not the Commonwealth itself, that increased as the result of confessionalization efforts. But it was the Polish-Lithuanian state that had to pay the price for religious conflicts, in

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19 H. R. Guggisberg, "Wandel der Argumente für religiöse Toleranz und Glaubensfreiheit im 16. und 17. Jahrhundert", [in:] *Zur Geschichte der Toleranz und Religionsfreiheit*, hrsg. H. Lutz, Darmstadt 1977, p. 458, Wege der Forschung, Bd. CCXLVI.

20 J. Seredyka, "Sir Tomasz Roe o polityce wyznaniowej Zygmunta III", [in:] *Sprawozdania Opolskiego Towarzystwa Przyjaciół Nauk*, 1981, ser. A, no. 18, p. 43–44.

light of the fact that such conflicts were later used by expansionist neighbours to dismantle the Commonwealth.

The seventeenth century was a period of wars fought by the Commonwealth against its non-Catholic neighbours: Orthodox Russia, Lutheran Sweden and Evangelical Brandenburg-Prussia. Later there was also a war with the Muslim Ottoman Empire, which lasted until the end of the seventeenth century. All these conflicts enhanced the influence of Catholicism. The Catholic Church successfully employed political arguments for its own benefit, but it also created the idea of the "Bulwark of Christianity" and tapped into the emerging xenophobia.[21] Thus, the Commonwealth, which had been one of the most tolerant European states at the beginning of the seventeenth century, lost its position in the second half of that century.[22] It was probably at this time that the syndrome of the "Polish Catholic" emerged, which effectively excluded dissenters from the Commonwealth society.

It is true that the Catholic Church in the Commonwealth set out to gain support mainly through the educational efforts of the Society of Jesus. However, it is also worth remembering that the judicial system in general, and tribunals in particular, also played an important part in the process. A Crown Tribunal statute issued during the reign of Stephen Báthory in 1578 asserted the strong position of Catholic clergy. The influence was later used to persuade the tribunals to arbitrate on church incomes and on cases of heresy, apostasy and blasphemy,[23] as well as on *ex regestro arianismi* trials after 1658.[24] Having gained control over education and influence over the judicial system, the Catholic Church attempted to use the political situation to break the principles of religious equality that had been introduced in 1573, and later to limit the scope of tolerance for the dissenter community. There were also some relatively late attempts to introduce confessionalization into the Commonwealth. Events such as the "Lwów Oath" made by John Casimir in 1656, and the expulsion of the Polish Brethren, which was approved by the Sejm in 1658, constitute visible breaches of the political

21 J. Tazbir, "Ksenofobia w Polsce XVI i XVII w.", [in:] idem, *Arianie i katolicy*, Warszawa 1971, p. 238–278; idem, "Stosunek do obcych w dobie baroku", [in:] *Swojskość i cudzoziemszczyzna w dziejach kultury polskiej*, ed. Z. Stefanowskiej, Warszawa 1973, p. 80–112.

22 J. Marshall, *John Locke, Toleration and Early Enligtenment Culture*, Cambridge 2006, p. 138, Cambridge Studies in Early Modern British History.

23 O. Balzer, *Geneza Trybunału Koronnego. Studyum z dziejów sądownictwa polskiego XVI w.*, Warszawa 1886, p. 319–320, 327, 329–330.

24 M. Wajsblum, "Juxta jus scriptum judicabo…", [in:] idem, *Ex regestro arianismi. Szkice z dziejów upadku protestantyzmu w Małopolsce*, Kraków 1937–1948, p. 65–95.

trends of toleration that soon gave rise to the works of Baruch Spinoza and John Locke.[25]

At the same time in Western Europe it was believed that limiting the rights of dissenters and introducing religious restrictions were the main causes of conflicts that weakened countries. Perhaps only the most prominent of the seventeenth-century theoreticians (especially those who could complete their theories with the experience of living in highly diversified societies—like the English and the Dutch in Western Europe) could fathom the complexities of state-church relations together with their political consequences. And it was in England that political writers of the era of Revolution and Restoration developed the theory of state sovereignty and worked through the problem of stable religious relations in multi-denominational countries.[26] Two very different thinkers should be mentioned here: Thomas Hobbes, a supporter of the idea of state-controlled religion;[27] and Roger Williams, a defender of religious freedoms.[28]

It is characteristic that the more radical ideas of severing the traditional bond between state and church authorities and, consequently, secularising and separating the state from the church, were formed in circles dominated by republican ideas, which were opposed to strong central government and in favour of "civil religion."[29] It is enough to note that it was in the Dutch Republic, during the period of "true freedom" and under the rule of Johan de Witt (an opponent of the House of Orange), that the brothers de la Court worked on the concept of a republican government. The de la Courts postulated that the Dutch Reformed clergy, which was, in fact, very pro-Orange, should be removed from politics to ensure full religious and intellectual freedom.[30] Similar anticlerical (but not

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25 J. Tazbir, "Reformacja jako ruch umysłowy", [in:] idem, *Szlachta i teologowie. Studia z dziejów polskiej kontrreformacji*, Warszawa 1987, p. 52; J. I. Israel, "Spinoza, Locke and the Enlightenment Battle for Toleration", [in:] *Toleration in enlightenment Europe*, ed. O. P. Grell, R. Porter, Cambridge 2000, p. 102–113.

26 A. Fukuda, *Sovereignty and the Sword. Harrington, Hobbes, and Mixed Government in the English Civil Wars*, Oxford 1997, p. 141–153.

27 M. Oakeshott, *Hobbes on Civil Association*, Oxford 1975, p. 69–72.

28 R. Williams, *The Bloudy Tenent of Persecution*, [in:] idem, *Works*, vol. 3, New York 1963; P. Miller, *Roger Williams*, Indianapolis 1953, p. 439–40; T. J. Zieliński, *Roger Williams. Twórca nowoczesnych stosunków państwo-kościół*, Warszawa 1997, p. 210–247.

29 S. Zurbuchen, "Republicanism and Toleration", [in:] *Republikanism. A Shared European Heritage*, vol. II: *The Values of Republicanism in Early Modern Europe*, ed. M. van Gelderen, Q. Skinner, Cambridge 2002, p. 47.

30 E.H. Kossmann, *Political Thought in the Dutch Republic. Three Studies*, Amsterdam 2000, p. 60–74.

antireligious) elements could be found in English Republican ideology. The followers of James Harrington did not so much fight the Anglican Church at the turn of the seventeenth and eighteenth centuries, but rather strove to transform it into a type of a civil cult.[31]

A bit earlier, in the Netherlands, Baruch Spinoza worked on his *Theologico-Political Treatise*. in which he demanded *libertas philosophandi* understood as freedom of thought and speech.[32] Leszek Kołakowski notes that he also postulated the "reign of enlightened elites who could maintain the atmosphere of political freedom for the sake of government stability and who would rule according to people's best interests and not according to their temporary opinions […] while acting in such a manner that the masses would believe that they themselves are deciding on state matters… "[33] However, it is clear that the elites mentioned in the text are in fact the secular authorities of the Netherlands during the de Witt period, and the treatise was accurately interpreted as a project to deprive the Reformed clergy of their influence over the country.[34] And indeed, Spinoza refutes the arguments of those in favour of the equal status of secular and church authorities in chapter XIX: "Sed eos hac ratione imperium dividere, imo viam ad imperium affectare, infra in hoc ipso capite videbimus; nam prius ostendere volo religionem vim juris accipere ex solo eorum decreto, qui jus imperandi habent; et Deum nullum singulare regnum in homines habere nisi per eos, qui imperium tenent, et praeterea quod religionis cultus et pietatis exercitium reipublicae paci et utilitati accommodari, et consequenter a solis summis potestatibus determinari debet, quaeque adeo ejus etiam interpretes debent esse."[35]

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31 J. A. Champion, *The pillars of priestcraft shaken. The Church of England and its enemies, 1660–1730*, Cambridge 1992, p. 179.

32 Spinoza, *Opera. Werke*, Bd. I: *Tractatus theologico-politicus. Theologisch-politischer Traktat*, hrsg. G. Gawlick, F. Niewohner, Darmstadt 1989, cap. XX: „Ostenditur in libera republica unicuique et sentire, quae velit, et quae sentiat, dicere licere.", p. 600–620; S. Nadler, *Spinoza*, trans. W. Jeżewski, Warszawa 2002, p. 293–297; J. I. Israel, *Radical Enlightenment. Philosophy and the Making of Modernity 1650–1750*, Oxford 2001, p. 265–270.

33 L. Kołakowski, *Jednostka i nieskończoność. Wolność i antynomie wolności w filozofii Spinozy*, Warszawa 1958, p. 531.

34 E. van der Wall, "The Tractatus Theologico-Politicus and Dutch Calvinism, 1670–1700", *Studia Spinozana* 11, 1995, p. 201–226, tu p. 206n.

35 Spinoza, op. cit., p. 572; English translation: "It will be demonstrated in this chapter that they disturb the government to take control over it. Before, however, I would like to show that religion can only become binding and valid by the decrees of those in power, and that God does not possess a special kingdom among people, but reigns

It is thus not surprising that John Locke, the second pillar of the early Enlightenment, was living in the Netherlands when he laid the foundation for the separation of church and state in his *Epistola de tolerantia* (1689). Locke, who participated in the Whig conspiracy against the Catholic King James II, was at that time under the influence of the Dutch "Staatsgezinden" – that is, the supporters of the supremacy of lay authority over church authority, and was perhaps also inspired by Socinian concepts.[36] In his treatise, he based the guarantee of tolerance on the assumption that the Church of England should be one of voluntary associations that are independent of state authorities.[37] Regardless of the differences between the views of Spinoza and Locke (as well as the political limitations of Locke's concepts as pointed out by Jan de Tex and recently mentioned by Jonathan I. Israel[38]), both of the above-mentioned treatises lay the foundation for the development of the Protestant Enlightenment by demanding freedom of thought and speech as well as the separation of church and state.[39]

In Whig England at the turn of the seventeenth and eighteenth centuries, discussions of church-state relations usually took place in republican and deist circles where Locke's ideas were initially not accepted.[40] John Toland believed that confessional states are natural and religion should be controlled by the government, although he did hope that establishing Anglicanism as the dominant

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through the rulers instead. Furthermore, religious cult and moral practice ought to be in accordance with a country's internal peace and best interests, and should thus be determined by the authorities, who should also serve as interpreters in that matter.", B. Spinoza, *Traktat teologiczno-polityczny*, [in:] idem, *Traktaty*, trans. I. Halpern-Myślicki, Kęty 2000, p. 308.

36 Z. Ogonowski, *Słowo wstępne do wydania polskiego*, [in:] J. Locke, *List o tolerancji. Tekst łaciński i przekład polski*, trans. L. Joachimowicz, Warszawa 1963, p. VIII–IX; idem, *Socynianizm a oświecenie. Studia nad myślą filozoficzno-polityczną arian w Polsce XVII wieku*, Warszawa 1966, p. 560–564.

37 R. Ashcraft, *Revolutionary Politics and Locke's Two Treatises of Government*, Princeton 1986, p. 313–359; cf. J. Marshall, *John Locke. Resistance, Religion, Responsibility*, Cambridge 1994, p. 329–383, Cambridge Studies in Early Modern British History.

38 J. de Tex, *Locke en Spinoza over de tolerantie*, Amsterdam 1926, p. 123–130; J. I. Israel, *Radical Enlightenment*, p. 265; idem, "Locke, Spinoza and the philosophical debate concerning toleration in the early Enlightenment (c. 1650–1750)", [in:] *Mededelingen van de Afdeling Letterkunde Royal Netherlands Academy of Sciences*, No. 62, 1999, p. 5–19.

39 J. G. A. Pocock, *Barbarism and religion*, vol. I: *The Enlightenment of Edward Gibbon, 1737–1764*, Cambridge 2000, p. 56–57.

40 O. P. Grell, R. Porter, "Toleration in Enlightenment Europe", [in:] *Toleration in Enlightenment Europe*, ed. iidem, Cambridge 2000, p. 1–22.

faith would guarantee tolerance of other denominations, since tolerance was "a truly Protestant principle."[41] Toland referred to the ideas of Harrington, who also claimed that a country needs its own official religion.[42] As Toland popularised the views of Spinoza among the British, Matthew Tindal made references to Locke's works[43] while demanding freedom of press and thought.[44]

The origin and formation of the main trends of the early Enlightenment period are not clear. In the sphere of religious relations alone one must separate the concepts of Spinoza and Locke, as well as remember the third great supporter of tolerance, Pierre Bayle.[45] The political views of the first generations of enlightened republicans should be treated similarly, given that early, classical Republicanism – which referred to the traditions of the Roman Empire – should be carefully separated from the emerging democratic Republicanism.[46] Despite their doubts and differences, all of the "founding fathers" of the Enlightenment believed that politics (the state) must have priority over religion (the church) and that religious coercion is unacceptable. Immanuel Kant asserted this belief at the close of the Enlightenment.[47] There were attempts to remove the promise to fight "heretics" from the oath taken by the French kings in the eighteenth century; however, this fragment was left unchanged out of respect for tradition.[48]

Regardless of uncertainty over a genetic link between the Reformation in general (and Calvinism in particular) and the Enlightened modernisation of European societies, it is clear that the idea of cutting the Gordian knot of multiple denominations existing in a confessional state by secularising the latter originated in the Netherlands and in England during the second half of the seventeenth century. Both countries were considered "free," as they were Protestant states with non-absolutist governments. While Western Europe was increasingly saturated

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41 J. Toland, *Anglia Libera: or the Limitation and Succession of the Crown of England Explain'd and Asserted*, London 1701, reprint N. York 1979, p. 4; idem, *The State-anatomy of Great Britain*…, London 1717, p. 21, 95–96.

42 J. Harrington, *The Oceana and other works. With an Account of his Life*, ed. J. Toland, London 1771, reprint Aalen 1980, p. 474–476.

43 M. Tindal, *Of the liberty of the press*, in: *Four Discourses*…, London 1709, p. 291–329.

44 S. Zurbuchen, op. cit., p. 60–64.

45 J. I. Israel, *Enlightenment contested. Philosphy, Modernity, and the Emancipation of Man 1670–1752*, Oxford 2008, p. 135–163.

46 Ibidem, p. 240–263.

47 I. Kant, *Metafizyka moralności*, trans. E. Nowak, Warszawa 2007, p. 224–225.

48 Ch. Grell, "The Sacre of Louis XVI. The End of a Myth", [in:] *Monarchy and Religion. The Transformation of Royal Culture in Eighteenth-century Europe*, ed. M. Schaich, Oxford 2007, p. 345–366.

with ideas of religious freedom as well as freedom of thought and speech and was driven to limit royal power (all of which were very close to the ideas of the Polish Nobles' Democracy from the past), the situation in the Commonwealth was quite different. Religious relations and the church-state relationship in the Polish-Lithuanian state had little in common with the religious equality that had been so controversial one hundred years earlier.

The significantly delayed (compared to the neighbouring Habsburg states[49]) Catholic confessionalization of the Polish-Lithuanian Commonwealth began in the sixteenth century and intensified during the latter half of the seventeenth century. Although the process was quite ineffective for political and systemic reasons, it had numerous long-term consequences. The confessionalization effort reached its zenith in the first half of the eighteenth century, when the Sejms of 1717 and 1733–35 first limited the political rights of the non-Catholic gentry and then deprived them of their rights entirely.[50] At the same time, the Lutheran city authorities of Gdańsk, Elbląg and Toruń were harassed and humiliated after the Tumult of Toruń in 1724.[51] One of the most important consequences of attempts to reconstruct the early modern model of the confessional state was the fact that expansive neighbours used the religious conflicts that emerged in the process to their own advantage during the eighteenth century.[52] Thus, when Orthodox Russia and Evangelical Prussia organised the First Partition of the Commonwealth under the pretext of defending its non-Catholic communities in the

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49 The literature on the re-Catholicisation of the Czech territories during the first half of the seventeenth century is quite rich, see *Rekatolizace v Českých zemích. Sborník příspěvků z konference v Jičíně konané 10. září 1993*, ed. J. Francek, Pardubice 1995; *Morava v době renesance a reformace*, ed. T. Knoz, Brno 2001; J. Deventer, *Gegenreformation in Schlesien. Die habsburgische Rekatholisierungspolitik in Glogau und Schweidnitz 1526–1707*, Köln-Weimar-Wien 2003.

50 W. Kriegseisen, *Between Intolerance and Persecution. Polish and Lithuanian Protestants in the 18th Century*, APH 73, 1996, p. 13–27.

51 S. Salmonowicz, *O toruńskim tumulcie z roku 1724*, OiRwP 28, 1983, p. 161–184; *Historia Torunia*, ed. M. Biskupa, vol. III, pt. 3: *Między barokiem a oświeceniem (1660–1793)*, ed. J. Dygdała, S. Salmonowicz, J. Wojtowicz, Toruń 1996, p. 182–205.

52 J. Feldman, *Sprawa dysydencka za Augusta II*, RwP 3, 1924, p. 89–116; G. Rhode, *Brandenburg-Preußen und die Protestanten in Polen 1640–1740. Ein Jahrhundert preussischer Schützpolitik für eine Unterdrückte Minderheit*, Leipzig 1941; L. R. Lewitter, "Peter the Great and Polish Dissenters", *Slavonic and East European Review* 33, 1954/55, 80, p. 75–101.

1770s,[53] the majority of elites in Enlightened Europe did not protest.[54] Their concern for the persecuted Protestants was tactical in character, and – with only a few exceptions – they did not understand Polish problems. Nor did they care to learn about them.[55]

In this context it can be argued that sixteenth-century critics of religious relations in the Commonwealth were right: the Polish-Lithuanian state was indeed brought down by a conflict that was portrayed as being religious in nature. However, there remains the question of the sequence of cause and effect. What was the main reason behind the Commonwealth's weakened state? Was it the equality of Christian denominations during the sixteenth century? Was it the process by which the rights of non-Catholics were limited at the turn of the sixteenth and seventeenth centuries? Or was it the later effort to reintroduce a model of the confessional state during the second half of the seventeenth century, together with all its subsequent consequences?

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53 B. Stasiewski, "Zur Kirchenpolitik der Nachbarstaaten Polens-Litauens in der zweiten Hälfte des 18. Jahrhunderts", [in:] *Die erste polnische Teilung 1772*, hrsg. F.B. Kaiser, B. Stasiewski, Köln-Wien 1974, p. 96–115.

54 R. W. Wołoszyński, "Polska w opiniach Francuzów w XVIII w.. Rhulière i jego współcześni", Warszawa 1964; E. Rostworowski, "Voltaire et la Pologne", [in:] *Studies on Voltaire and the Eighteenth Century*, 62, 1968, p. 101–121.

55 J. Michalski, *Rousseau i sarmacki republikanizm,* Warszawa 1977; idem, *Sarmacki republikanizm w oczach Francuza. Mably i konfederaci barscy*, Wrocław 1995; cf. G. Gargett, *Voltaire and Protestantism*, Oxford 1980, p. 471–479, Studies on Voltaire and the Eighteenth Century, vol. 188.

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