TOPOGRAPHIES OF TOLERANCE AND INTOLERANCE

RESPONSES TO RELIGIOUS PLURALISM IN REFORMATION EUROPE

EDITED BY

MARJORIE ELIZABETH PLUMMER
& VICTORIA CHRISTMAN

SERIES EDITED BY
DAVID M. LUEBKE & CELIA APPLEGATE

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Cover illustration: Anonymous, "Peace Urging the Churches to be Tolerant," 1600–1624. Reproduced with permission of the Rijksmuseum, Amsterdam.

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Prologue

Benjamin J. Kaplan

Until recently, the history of religious tolerance in Europe was written chiefly as intellectual history—a story of ideas about tolerance and their proponents. Those ideas were believed to have evolved over centuries, growing ever stronger, culminating in the commitment of modern Western societies to very robust principles of religious freedom. As the ideas developed, so it was believed the practice of toleration underwent a long-term rise, the ideas motivating and generating the practice. The version of this narrative that came to predominate in the latter half of the twentieth century credited chiefly the Enlightenment for giving birth to modern ideals of tolerance. Accordingly, it cast the late seventeenth and eighteenth centuries as a period of crucial breakthrough in the long-term "rise of tolerance." This narrative, I think it is fair to say, remains dominant in our general culture, even as recent scholarship has called it into question. *Topographies of Tolerance and Intolerance* joins a growing body of innovative work that ends up telling a very different story by taking a different approach, focusing first and foremost on practice: that is, on the religious, political, and social arrangements by which people of different faiths lived together in certain parts of early modern Europe, and on the patterns of their interaction. *Topographies* thus belongs to what is sometimes called "the new social history of toleration." Not that it neglects the realm of ideas and culture; indeed, half of the essays in the volume—by Victoria Christman, Brad Smith, Shira Weidenbaum, Geoffrey Dipple, and Emily Gray—concern themselves greatly with what one might best call "discourses," but never without problematizing the relationship between discourse and practice. For fundamentally, the early modern era was a time of pervasive tension between the two.

This is where a concept much invoked in this volume comes into play: that of "pragmatic toleration" (which is also the title of a book by Christman). It suggests that the practice of toleration in the early modern era was not motivated usually by an ideological commitment to tolerance as a principle. This is surely true. At least until the Enlightenment, most justifications for toleration cast it not as a positive good but as a pis aller, a course of action followed for want of better alternatives. When authors ascribed benefits to toleration, these were represented as coming at the expense of widely held principles, above all the duty of Christians to promote the "true" religion. As long as the major

Christian confessions construed intolerance of "false" religions as an essential mark of genuine piety, toleration suffered from a basic illegitimacy. And yet, as recent research has shown, toleration was not nearly as exceptional in the period prior to the Enlightenment as once thought. In the wake of the Protestant and Catholic Reformations and the sundering of western Christendom they caused, forms of toleration were practiced in countless communities for extended periods. The label "pragmatic" serves as a shorthand to denote such toleration-despite-principles, which the contributors to this volume show to have operated in parts of the Holy Roman Empire, Switzerland, and the Netherlands. The contributors not only utilize the concept but refine it, pointing out that intolerance, too, could be pragmatic (Timothy Fehler); that certain forms of tolerance could be promoted for ends that were ultimately intolerant (James Blakeley); and that even a principled argument for tolerance could be pragmatic in its motivations (Victoria Christman). Brad Smith argues that opposition in Catholic Germany to the prosecution of purported witchcraft took the form of a "procedural toleration" that was akin to the pragmatic toleration of purported heresy. For his part, David Luebke reveals the deep connections in the prince-bishopric of Münster between the seemingly disparate practices of religious toleration and clerical concubinage.

The changes wrought by the Enlightenment were undoubtedly great in certain realms of discourse, but as *Topographies of Tolerance and Intolerance* shows, they were far from that in some realms of practice. In its treatment of change over time the volume makes another significant contribution to a process of ongoing scholarly revision. Beth Plummer shows how, from the sixteenth to the eighteenth century, it became increasingly difficult for Protestants and Catholics in the German village of Welver to share the use of a church, until they eventually ceased doing so. Emily Gray examines the annual celebrations by Protestants in Augsburg of the famous Peace of Westphalia (1648), finding that over time the celebrations grew more, not less, polemical and triumphalist, highlighting rather than effacing the divide between Protestant and Catholic citizens. David Mayes shows how, in some German lands, conflict between the clergy of different confessions actually increased in the late seventeenth and eighteenth centuries. Through their focus on practice, all three authors challenge the conventional narrative that posits a "rise of tolerance" as a result of the Enlightenment. Indeed, Gray and Mayes go a step further, challenging another part of the narrative, which includes one important line of causality by which a kind of "practice" shaped ideas. It involves Europe's religious wars, the experience of which is said to have discredited religious faith

and thus led to a secularization of European culture. By contrast, Gray shows that memories of Germany's greatest religious war played an important role in the nurturing of a Protestant culture in Augsburg that was confessional and intolerant. Mayes argues that the rise of clerical conflict he charts occurred not despite the end of the religious war but because of it. To be sure, the Peace of Westphalia allowed for more religious diversity in local communities, but in doing so it greatly multiplied the occasions and grounds for strife. In this sense, an increase in a form of toleration—the coexistence of people of different faiths in the same communities—was responsible simultaneously for an increase in a form of intolerance.

With this seeming paradox the reader of the volume is invited, not for the first time, to question whether tolerance and intolerance should be understood as simple opposites, and to ask whether perhaps the two are not always implicated in one another. From this perspective, toleration is not an unadulterated good to be celebrated, but rather a label for a complex and varied set of relationships between people of different religions—relationships invariably characterized by tensions and disagreements as well as solidarities and accords. Like all human relationships, they were never wholly static, but required perpetual negotiation. And while certain actors were endowed with special powers to shape those relationships, ultimately the latter engaged everyone who in any sense lived together with someone of another religion. Thus the essays in this volume tell stories that involve people of all sorts, from magistrates and theologians to rioting women and impoverished refugees. To the extent that the essays are somewhat heterogeneous, this, too, conveys an important message about the variety of actors and of forms that toleration took in early modern Europe.

This volume has its origins in a summer seminar sponsored by the U.S. National Endowment for the Humanities. Organized and directed by Karin Maag and Amy Nelson Burnett, the seminar was held in 2013 at the H. Henry Meeter Center for Calvin Studies, at Calvin College in Grand Rapids, Michigan. Entitled "Persecution, Toleration, Co-existence: Early Modern Responses to Religious Pluralism," the seminar brought together sixteen participating scholars, all of whom had an active research project related to the topic of the seminar. They and the directors were joined by a series of visiting scholars who came each for a few days to lead a particular set of discussions and meet individually with participants. I had the honor of being one of those visiting scholars. It was a wonderful experience to be able to discuss at such a high level a topic so central to my own interests, and to learn about a whole set of

cutting-edge research projects being conducted on it. The seminar was the first stage in the gestation of this volume, whose contributors were all, with one exception, participants.

The second stage came in 2014, when a plenary roundtable and no fewer than seven sessions devoted to the topic of persecution, toleration, and co-existence were held at the Sixteenth Century Society Conference. Sponsored by the Meeter Center and the Society for Reformation Research, these sessions involved many of the same participants, while widening the circle of discussion—especially at the well-attended roundtable, in which I participated. The SCSC thus served as an opportunity for the community of early modern scholars to assess its understanding of the topic and to discuss how it could deepen that understanding going forward.

The final stage of gestation has been, of course, in the production of the volume itself, which has been edited by two participants in the 2013 seminar and includes essays by nine of them. The tenth essay, which appears here as chapter 5, is by David Luebke, who has worked closely with one of the editors, Beth Plummer, on a different project. His work dovetailed neatly with the themes and arguments emerging from the volume as a whole. Thus despite the multiplicity of its authors, the volume shows a fairly high degree of coherence. Taking recent historiographical developments as its starting point, it offers a wealth of new insights into the practice of religious toleration and how it changed—or did not change—over the early modern period.

PART 1

Defining the Boundaries of Tolerance and Intolerance

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Ideology, Pragmatism, and Coexistence
Religious Tolerance in the Early Modern West

Victoria Christman

Even a cursory glance at the table of contents of this volume serves to illustrate that the history of religious tolerance is a complex and multifaceted endeavor. For many years, the study of tolerance lay almost exclusively in the purview of intellectual historians, who were wont to overlook the tensions of the European reformations in favor of examining the philosophical developments that happened in their wake. This focus on intellectual history created a linear story of the emergence of tolerance, one that emphasized its philosophical and theoretical foundations as the basis on which European-wide practices were eventually established. Examinations of religious tolerance in the early modern period have recently experienced something of an academic renaissance, perhaps in response to modernity's ongoing struggles with religious plurality and coexistence. At the same time, the past three decades have brought a new focus on social and cultural history, one effect of which has been to call into question the validity of narratives that champion such a straightforward march of ideas. These newer studies attempt to recover a view of history "from the bottom up," recognizing the inescapably symbiotic relationship between ideas and lived reality.[1] This research has revealed a plethora of previously unstudied forms of tolerant practices at work in the early modern period—behaviors that appear on the ground in a variety of locations, apparently unconnected to the philosophical developments occurring in Europe's ivory towers. Such examples reveal the inadequacy of our former, linear understanding of the history of religious tolerance, and the limitations of the nomenclature employed in telling what is actually a much more complex story.

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1   Stuart B. Schwartz, *All Can Be Saved: Religious Tolerance and Salvation in the Iberian Atlantic World* (New Haven, CT: Yale University Press, 2008), 3. See also Randolph C. Head, "Religious Coexistence and Confessional Conflict in the *Vier Dörfer:* Practices of Toleration in Eastern Switzerland, 1525–1615," in *Beyond the Persecuting Society*: *Religious Toleration before the Enlightenment*, ed. John Christian Laursen and Cary J. Nederman (Philadelphia: University of Pennsylvania Press, 1998), 145–68, here at 147; and Hans Posthumus Meyjes, "Tolérance et Irénisme," in *The Emergence of Tolerance in the Dutch Republic*, ed. Christiane Berkvens-Stevelinck, Jonathan Israel, and G. H. M. Posthumus Meyjes (Leiden: Brill, 1997), 63–73, here at 63.

Already in the 1980s and 1990s, Mario Turchetti complicated the terms of this discussion by asserting an important difference between the notion of *mansuetudo* or *lenitas* as an attitude of forbearance, and *tolerance* as a state policy of multiconfessional inclusion.[2] Building on his work, scholars such as Benjamin Kaplan and Alexandra Walsham have recently offered a new terminology that distinguishes between value-laden ideals and the realities on the ground. They employ the term "tolerance" to refer to an ideological framework, but use the term "toleration" to describe pragmatic social practices that responded to specific, local situations.[3] Kaplan and Walsham argue that it is actually in the practical human experiences of religious coexistence that the earliest practices of religious toleration first emerged. Such an understanding uncouples the notion of "tolerance," or multiconfessional pluralism as a value-driven ideal, from "pragmatic toleration" as the lived reality of religious coexistence as a practical necessity of daily life.

These recent studies provide compelling arguments for the inclusion of lived experience in histories of tolerance. But historians have been slow to respond to their charge. Some, such as Jonathan Israel, continue to discuss tolerance as an intellectually driven development. Others have offered a more nuanced conceptualization of this history. Bernard Cooperman views the development of tolerance as a legal response to preexisting, pragmatic practices. Although his formulation includes a consideration of the experience of individuals in a religiously plural early modern world, his approach continues to rely on a form of linear progression, albeit in a slightly different direction from that described by intellectual historians such as Israel.

In what follows, I will argue that the lived experience of these situations necessarily complicates all linear explanations. The situation of sixteenth-century Antwerp is revealing of this complexity. So long as examples such as this can be found, we can no longer claim that the route to a tolerant society was in any way straightforward, in any direction. Other contributions in this volume demonstrate quite clearly that this sort of messy reality existed throughout Europe over a broad sweep of time, affirming that we must

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2   Mario Turchetti, "Une Question Mal Posée: Erasme et la Tolérance; L'Idée de Sygkatabasis," *Histoire de l'humanisme et de la Renaissance* 53 (1991): 379–95; Mario Turchetti, *Concordia o tolleranza? Francois Bauduin (1520–1573) e i "Moyenneurs"* (Geneva: Droz, 1984); Mario Turchetti, "Religious Concord and Political Tolerance in Sixteenth- and Seventeenth-Century France," *Sixteenth Century Journal* 22 (1991): 15–25.

3   Benjamin J. Kaplan, *Divided by Faith: Religious Conflict and the Practice of Toleration in Early Modern Europe* (Cambridge, MA: Harvard University Press, 2007); Alexandra Walsham, *Charitable Hatred: Tolerance and Intolerance in England, 1500–1700* (Manchester: Manchester University Press, 2006).

reassess how we tell the story of early modern religious tolerance, and forcing us to admit that it was a far more complex and far less linear development than we are often willing to admit.

1   Intellectual Linearity

Few historians champion the primacy of the intellectual foundations of religious tolerance to the extent that Jonathan Israel does in his work on the early modern Netherlands. In his extensive scholarship on the history of the Netherlands, Israel argues that the ideological defense of tolerance provided a necessary framework for the development of tolerant practices. Such a view establishes an unavoidable linearity, in that it argues that religious tolerance developed from an ideological foundation into a lived reality.

Two examples from Israel's enormous corpus of work on tolerance generally, and Dutch history in particular, serve to illustrate his thesis. The first comes from his analysis of the Dutch Revolt. In his article "The Intellectual Debate about Toleration," Israel argues that the Dutch Revolt was in many ways a "defeat for toleration" because the rulers of the provinces rejected William of Orange's calls for religious pluralism and instead forbade the practice of Catholicism in 1573.[4] In so doing, Israel contends that they "categorically reject[ed] the concept of toleration."[5] In other words, because the regents refused to accept Orange's ideological position on tolerance, they ruled out the possibility of its manifestation in practice as well. In the second example, Israel makes similar arguments about Dutch traders operating in Brazil in the early seventeenth century. To attract the most knowledgeable workers for their sugar plantations, the Dutch governor of the territory offered potential laborers freedom of worship as an enticement to relocate to Brazil.[6] This is an example of pragmatic toleration of the purist sort, divorced from theological or ideological justifications and based solely on economic expediency. Although this is a clear example of a successful policy of pragmatic toleration, Israel insists that this form of situation-based, financially motivated toleration should not "be celebrated by us today" for the very reason that "no one sought

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4   Jonathan Israel, "The Intellectual Debate about Toleration in the Dutch Republic," in *The Emergence of Tolerance in the Dutch Republic*, ed. Christiane Berkvens-Stevelinck, Jonathan Israel, and G. H. M. Posthumus Meyjes (Leiden: Brill, 1997), 3–36, here at 3.

5   Ibid., 4–5.

6   Jonathan Israel, "Religious Toleration in Dutch Brazil (1624–1654)," in *The Expansion of Tolerance: Religion in Dutch Brazil (1624–1654)*, ed. Jonathan Israel and Stuart B. Schwartz (Amsterdam: Amsterdam University Press, 2007), 13–34.

to justify or legitimate it in theoretical terms," and he concludes that it is impossible to base "a stable and lasting toleration on the kind of purely pragmatic premises" operating in that time and place.[7] For Israel, pragmatic practices that are not based on previously articulated theory simply do not qualify as "tolerance" according to his philosophical-intellectual characterization of the term. Thus, Israel's conception of the development of religious tolerance is inherently linear, and its form is fixed, beginning with an ideological basis, followed by the eventual development of tolerant practice.

Israel's linear view has not gone unchallenged. One example on the other end of the interpretive spectrum is Bernard Cooperman, who maintains the notion that the development of tolerance was a progression of change over time, but reverses the course of that movement, as is most evident in his study of New Christian merchants in sixteenth-century papal Ancona. In the mid-sixteenth century, there was clear evidence that some of Ancona's Portuguese New Christian converts had lapsed into their former, Jewish faith.[8] Although reversion from Christianity to Judaism was an act of apostasy, punishable by death according to canon law, the papacy chose willfully to disregard the Judaizing of Ancona's New Christian merchants, in order to retain and appease this financially important group.[9] In 1547 Pope Clement VII penned a charter, guaranteeing that the Portuguese New Christians would be exempted from all possible inquisitorial prosecution.[10] That is, in his capacity as overseer of the municipality of Ancona, Clement revoked the powers of his own inquisitorial bodies, acknowledging but willfully ignoring the heresy and apostasy of the inhabitants of his town. Eventually, Clement's benevolent charters were overturned, but their tolerant legacy would live on, as they were used by officials in other locales such as Venice, Ferrara, Savoy, and Tuscany to promote their own arguments for tolerant policies. In each of these places, officials explicitly used the papal charters penned for Ancona as "legitimizing precedents" for their

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7   Ibid., 13, 30.

8   On the forced baptism of the Portuguese Jews, see Herman Prins Salomon, *Portrait of a New Christian: Fernão Álvares Melo (1569–1632)* (Paris: Centro Cultural Portugués, 1982), 15; Marianna D. Birnbaum, *The Long Journey of Garcia Mendes* (Budapest: Central European University Press, 2003), 19; and Israel, *Diasporas*, 9–10, 48–58. Most of Ancona's New Christians were of Portuguese origin, descendants of Jews who were forcibly converted to Christianity by Manuel I of Portugal (r. 1495–1521) in 1497.

9   See David Graizbord, *Souls in Dispute: Converso Identities in Iberia and the Jewish Diaspora, 1580–1700* (Philadelphia: University of Pennsylvania Press, 2004).

10   Bernard Dov Cooperman, "Portuguese Conversos in Ancona: Jewish Political Activity in Early Modern Italy," in *In Iberia and Beyond: Hispanic Jews between Cultures*, ed. Bernard Dov Cooperman (Newark: University of Delaware Press, 1998), 297–352, here at 312.

own situations, even decades after those very charters had been unequivocally revoked.[11]

What is perhaps most interesting about the case of pragmatic toleration in Ancona is its place in the broader history of religious tolerance. Cooperman posits that religious tolerance began in the realm of practice, and that those behaviors were then theorized and encoded into law. The eventual success of pragmatically tolerant charters in places such as Tuscany provides a compelling counterargument to Israel's thesis that tolerant policies necessarily grow out of philosophical and ideological foundations since in these cases, pragmatic toleration was absolutely "conducive" to a longer-lasting, more universal form of the practice over time.[12] Thus, in Cooperman's example, practice begets theory, whereas Israel argues that it obstructs it.

Despite their different perspectives, both Israel and Cooperman point to a linearity in the development of early modern toleration. This results, in part, from the top-down vantage point from which both historians view these situations. In the Dutch cases he examines, Israel concerns himself primarily with the journey of ideas as they assumed the shape of prescriptive ideology. Cooperman is interested in the treatment of New Christians in daily life, but the development of tolerance really happens in his example when that behavior is encoded into law. In both cases, then, these historians are focused on the actions of rulers and lawmakers in shaping religious policy.

This kind of prescribed, ideologically focused linearity does not allow, however, for the complexities of real life. In Amsterdam, for example, while it is true that the regents rejected Orange's policies of religious tolerance *in principle*, they actually went on to allow for a significant degree of toleration *in practice*. Catholic worship continued long after they outlawed it in 1573, in the form of *schuilkerken*, or "secret churches," which met in defiance of the official laws of the land. The regents of the Netherlands were not unaware of the existence of these churches. They simply chose to turn a blind eye to the continued activity of their Catholic subjects, and their transgression of the territory's new religious prohibitions.[13] As a result of the regents' passive permissiveness, Catholicism continued to grow in the Netherlands, albeit

11   Ibid., 330, 332–36.

12   Ibid., 299.

13   There is a large body of literature on hidden churches, much of which is city specific. See, for example, Frederik F. Barends, *Geloven in de Schaduw: Schuilkerken in Amsterdam* (Ghent: Snoeck-Ducaju & Zoon, 1996); Xander van Eck, *Kunst, twist en devotie: Goudse katholieke schuilkerken, 1572–1795* (Delft: Eburon, 1994); Benjamin J. Kaplan, "Fictions of Privacy: House Chapels and the Spatial Accommodation of Religious Dissent in Early Modern Europe," *American Historical Review* 107 (2002): 1031–64; and J. L. M. de Lepper,

without official sanction. It could therefore be argued, in contradistinction to Israel's point of view, that such pragmatic policies were absolutely conducive to the eventual development of a more complete and official form of tolerance. By allowing the practice of toleration while appearing to condemn it, the Dutch authorities may have postponed the official consideration of a philosophically driven, universal form of tolerance, but they enabled and even encouraged the development of tolerant behaviors on a grassroots level, which may well have prepared the ground for a more complete acceptance of value-driven, ideological tolerance later on in time. Their progress toward religious tolerance was only a "failure" if one accepts Israel's contention that that progression must necessarily proceed from theory to practice.

11   Economic Motivations

Israel does not view the Amsterdam regents' passive sanctioning of the *schuilkerken* as part of the story of religious tolerance in that city. The example of Antwerp, however, reveals similar behavior by the ruling authorities and provides evidence of another situation in which tolerant practice preceded ideological or theological theories to defend it. It was a situation in which the actors themselves, at all levels of the social and power hierarchy, acted on motivations that were fundamentally nonreligious or ideological. Indeed, the very lack of an ideological foundation, or at least the ambiguity of the theological and legal moment in time, enabled pragmatic toleration to flourish among the inhabitants of the city. When attempts were made to codify that pragmatic toleration into some form of theological justification, it actually made it more difficult to exercise tolerant behaviors, and the situation reverted to the prior, intolerant status quo. Moreover, the development of tolerance in Antwerp was in no way linear. There was no single line leading to the prize of tolerance, but rather a long, winding road, in which movement occurred in both directions, toward and away from a situation of comfortable religious plurality. The Antwerp example, then, highlights the complexities of nascent toleration as it appeared first in practice and then as faltering and ultimately unsuccessful attempts were made to encode it and make it permanent.

The city of Antwerp lay in the middle of the early modern Low Countries (modern-day Belgium and the Netherlands) and was ruled by Charles v from 1515 to 1555, as part of his patrimonial inheritance. As king of Spain and Holy

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"De Bredase schuilkerken," *Jaarboek van de Geschied- en Oudheidkundige Kring van Stad en Land van Breda "de Oranjeboom"* 23 (1970): 14–32.

Roman emperor, Charles spent little time residing in this land of his birth, but he was determined to rule it with a firm and religiously orthodox hand. For their part, the city governors of Antwerp were unaccustomed to such rigorous oversight. As an important trade hub, the city had long used its position of mercantile importance to attain an extraordinary degree of political and religious independence. The early sixteenth century was a period in which Antwerp flourished, its population more than doubling in the first half of the 1500s, from 40,000 to over 100,000, making it one of the largest cities in Europe.[14] It was also one of the most financially lucrative. By the mid-sixteenth century, Antwerp produced a full 75 percent of all Habsburg mercantile revenues, with Amsterdam a distant second, contributing a paltry 5 percent.[15] In addition to its size and wealth, the city also served as a vital printing hub, home to almost one-fifth of all European printing presses at the dawn of the sixteenth century, on which were printed in excess of four hundred titles annually.[16]

Antwerp's mercantile and printing importance had many positive effects on the life of the city and its relations with its imperial overlords. But the myriad contacts with foreign merchants, writers, and printers also ensured that heterodox ideas, writings, and people flowed freely into and out of the city. In an attempt to prevent the spread of Reformation ideas when they first appeared in Antwerp in 1518, Charles V composed a series of antiheresy edicts, which he continued to elaborate and embellish throughout his tenure as ruler. In the early 1520s, the edicts imposed fines and threatened banishment for those who violated their terms. As Charles attempted to centralize his control over the Netherlands, he made a concerted effort to transfer the prosecution of religious

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14   An Kint, *The Community of Commerce: Social Relations in Sixteenth-Century Antwerp* (PhD diss., Columbia University, 1996), 24–26; Michael Limberger, "'No Town in the World Provides More Advantages': Economies of Agglomeration and the Golden Age of Antwerp," in *Urban Achievement in Early Modern Europe: Golden Ages in Antwerp, Amsterdam and London*, ed. Patrick O'Brien (Cambridge: Cambridge University Press, 2008), 39–62; Hugo Soly, "Social Relations in Antwerp in the Sixteenth and Seventeenth Centuries," in *Antwerp, Story of a Metropolis: 16th–17th Century*, ed. Jan van der Stock (Ghent: Snoeck-Ducaju, 1993), 37–46. As its commercial importance grew, the city reached its peak of 105,000 in 1568. In comparison, Paris at this time housed 130,000, and London had just 80,000 inhabitants.

15   Kint, *Community of Commerce*, 2. These figures are based on a 1 percent tax levied by Charles V on all exports between 1542 and 1545.

16   Soly, "Social Relations," 42; Werner Waterschoot, "Antwerp: Books, Publishing and Cultural Production before 1585," in *Urban Achievement in Early Modern Europe: Golden Ages in Antwerp, Amsterdam and London*, ed. Patrick O'Brien (Cambridge: Cambridge University Press, 2008), 233–48. The northern cities of Zwolle and Deventer still dominated in the Netherlands as a whole, producing 600 titles between them, but in the southern territory, all other presses combined produced only 130 works.

crimes from the hands of clerical officials to his own secular rulers, the result of which was that the prosecution of heresy via his edicts was assumed by local city councilors. These men were, however, untrained in theology and, for the most part, uninterested in imposing Charles's vision of religious uniformity at the expense of peace and concord in their towns. They became particularly incensed and uncooperative following the promulgation of the edict of 14 October 1529, which introduced the death penalty for religious crimes. Charles therefore found himself in a fight on two fronts: against the religiously unorthodox, who stubbornly refused to return to the Roman fold, and against his own secular municipal officials, who were reluctant to help him in that effort.

The municipal rulers of Antwerp viewed Charles's edicts as encroachments on their political and religious freedoms, and as a danger to the economic health of the community because of their potential to scare away unorthodox traders. They therefore found ways to avoid imposing the terms of the emperor's edicts for both reasons: as an act of political defiance, and as a form of economic protectionism. Their passive resistance dates back to the emperor's earliest edicts. Despite Antwerp's status as one of the most productive publishing centers in the Low Countries, the city's lawmakers prosecuted only four men for heterodox book crimes in the first half of the 1520s, and all four received light sentences.[17]

Because of the proximity of the royal court, the magistrates were unable completely to ignore imperial mandates. Instead, they found creative ways to circumvent their harshest terms. For example, in 1525, under pressure from Charles, the city councilors issued an edict revising their municipal statutes on heterodox book production and imposing harsher penalties, including loss of citizenship and a banishment of ten years for those who violated its terms.[18] However, for the remainder of the decade, they never once imposed the full penalties included in that ordinance. They did arrest and try offenders, but imposed more lenient sentences than those demanded either by the imperial edicts or by this new city law.[19] Nor did the Antwerp councilors limit their clemency to book crimes. The same lenience is evident in their treatment of religious conventicles. In 1524 a large heterodox conventicle was discovered

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17   The men were made to stand on a scaffold and witness the burning of Lutheran books. For an account of their cases, see Paul Fredericq, *Corpus Documentorum Inquisitionis Haereticae Pravitatis Neerlandicae* (hereafter cited as *CD*) (Ghent: J. Vuylsteke, 1889– 1906), 4: docs. 100, 101.

18   Stadsarchief Antwerpen, *Gebodboeck*, vol. B, fol. 114 (transcribed in *CD*, 4: doc. 261).

19   For details of other cases of book crimes tried in the 1520s, see *CD*, 4: docs. 259, 260; and *CD*, 5: docs. 542, 543.

in the city. In all, thirty-seven people were charged with participating in these illegal religious gatherings, and although the law would have allowed them to be fined and banished for their involvement, the city fathers chose to acquit every one of them.[20]

Over time, it became clear to the imperial rulers that the Antwerp officials were not fully cooperating in imposing the emperor's religious laws. On several occasions, therefore, Charles's queens regent (who ruled the territory in his absence) sent an imperial delegate to sit in on particularly important trials to ensure that the laws were enforced. Each time this happened, the city councilors opposed the intervention of their imperial overseers, but each time they were overruled. The historical record bears witness to the efficacy of this intrusion on the part of Charles's officials, as trials involving an imperial appointee always ended with the strictest of punishments, including execution after 1529, when the law allowed.[21]

Each of these examples reveals a local, secular authority acting in defiance of what it perceived as an excessively zealous imperial overlord. But in each case, religious tolerance was used by the city fathers of Antwerp as a tool of that defiance, not as an end in itself. In other words, they were not pursuing a policy of religious tolerance, or seeking to establish some sort of precedent for religious coexistence. Rather, these were instances of truly pragmatic toleration. The officials' motivations in each case were fundamentally nonreligious and nonideological. They were merely a form of passive resistance to unwelcome imperial oversight, and ongoing attempts to protect the common weal of their city. Nevertheless, regardless of their motivations, these instances of religious toleration happened, and therefore require a place in the broader history of the development of religious tolerance and coexistence writ large.

In many of the instances in which the Antwerp fathers opposed Charles's edicts, they did so for reasons that were motivated by economic concerns. The city was reliant on foreign merchants for much of its fiscal health, and the municipal officials worried that the stringent religious requirements of the edicts would scare away foreign guests whose religious proclivities tended in the

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20 For details of the case, see Paul Génard, *Antwerpsch Archievenblad* (hereafter cited as *AA*), 1st ser. (Antwerp: Gui. Van Merlen, 1864–93), 7:129–33.

21 For examples of cases involving imperial interventions, see *AA*, 7:270–79; and Julius Frederichs, *De Secte der Loïsten of Antwerpsche Libertijnen (1525–1545): Eligius Pruystinck (Loy de Schaliedecker) en zijne Aanhangers* (Ghent: J. Vuylsteke, 1891), appendix 34. For a more comprehensive explanation of the actions of the city fathers, and their treatment of various groups of heterodox inhabitants in the city, see Victoria Christman, *Pragmatic Toleration: The Politics of Religious Heterodoxy in Early Reformation Antwerp, 1515–1555* (Rochester: University of Rochester Press, 2015).

direction of heterodoxy. Charles was not ignorant of the financial importance of the city of Antwerp, and, as a result, he was initially open to the economic arguments of Antwerp's municipal officials. One of the groups that brought the most wealth to the city, and on whose behalf the Antwerp fathers fought with exceptional vigor, was the city's community of Portuguese New Christian merchants.

The case of Antwerp's New Christians is particularly interesting alongside Cooperman's study of Ancona, because some of Antwerp's Portuguese New Christians were actually related to Cooperman's Anconites via direct family ties. The Portuguese New Christians of Antwerp had lived as merchants in the city and participated in communal life since the early 1500s. They seem to have been well integrated into the city, and were active members of Antwerp's Catholic churches. In 1531, however, the arrival of a young boy named Loys Garcez was to change the peaceful relations between the Portuguese New Christians and Charles V in ultimately irreparable ways. Garcez had been born in Lisbon, Portugal, the son of the physician to the Portuguese king. Raised in a Christian home, he came to learn that his mother was actually a secret Jew, and when he was still a young child, she fled Portugal, leaving his father behind, but taking Garcez and his four siblings with her. The family traveled by ship to Antwerp, where they lived for one month, during which time they arranged transport to the Ottoman Empire—one of the only locales in which a converted, apostate Jew could freely follow the dictates of his or her faith without inquisitorial repercussion.[22] According to Garcez, his family's journey to the Levant was facilitated by a group of Antwerp Portuguese merchants, who were themselves secret Jews, and were renowned for such illicit transport throughout the New Christian world. With their help, he and his family made their way to Salonika (present-day Thessaloníki) in the Ottoman Empire, where the boys were circumcised and raised henceforth as Jews. Unhappy in his new life, Garcez escaped, eventually making his way back to Antwerp, where he told his dramatic story to members of the imperial court.[23]

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22   See Aryeh Shmuelevitz, *The Jews of the Ottoman Empire in the Late Fifteenth and the Sixteenth Centuries: Administrative, Economic, Legal, and Social Relations as Reflected in the Responsa* (Leiden: Brill, 1984). Although Jewish inhabitants of Ottoman lands did not possess the full rights of their Muslim neighbors, they enjoyed many legal freedoms. They were permitted to build and maintain synagogues and schools, and could administer their communities in accordance with Jewish law in all matters that did not directly affect their Muslim hosts. As determined by Islamic law, they were classified as *dhimma*, a special category of non-Muslim subjects. Although technically inferior in legal terms, the state protected them as fellow "people of the Book."

23   Garcez's story can be found in the notes of the Antwerp pensionary Adriaan Herbouts, transcribed in *AA*, 7:201–5.

Garcez's story was alarming to the imperial officials on many levels. Were his account found to be true, it would mean that at least some of the New Christian merchants who had been living in Antwerp for decades were not true Christians, but insincere converts, who maintained their adherence to Judaism in secret, thereby committing the capital offense of apostasy. Moreover, these particular converts were not just pedestrian citizens, but international traders, who were apparently using their extensive mercantile networks to shuttle fellow apostates from Charles's Christian lands to the lands of his Muslim enemy, where they shunned their Christianity and lived openly as Jews. Even more disturbing to the emperor, perhaps, was a further allegation by Garcez that these particular traders also exchanged strategic secrets with the Ottoman Turks, with whom Charles had been at war for much of his reign. Garcez provocatively claimed that through them, "the Turk knows all the secrets of Christendom."[24]

Unlike the papal rulers of Ancona, and perhaps because the Antwerp situation was complicated by accusations of wartime espionage, Charles and his governors reacted with alarm, arresting not only the four men Garcez accused of direct involvement in his own escape, but a total of thirteen Portuguese New Christians whose behavior they found suspicious. Among their number were some of the wealthiest members not only of the Portuguese community, but of Antwerp as a whole.[25]

One might assume that the municipal leaders of Antwerp would have shared some of Charles's distress at accusations of a fifth column of apostate Jews operating in their midst and trading secrets with their enemies. This concern does not, however, appear to have been the case. In all of the many documents generated by these arrests, the magistrates evinced a consistent concern for the social and economic fallout of these events, seeking the emperor's leniency for the city's New Christian inhabitants, and repeatedly imploring him

24   *AA*, 7:203.

25   On the business dealings of Diego Mendes, see Jan Albert Goris, *Étude sur les colonies marchandes méridionales (portugais, espagnols, italiens) à Anvers de 1488 à 1567: Contribution a l'histoire des débuts du capitalisme moderne* (New York: Burt Franklin, 1971). On the history of Francisco Mendes's widow, see Cecil Roth, *Doña Gracia of the House of Nasi* (Philadelphia: Jewish Publication Society of America, 1948); and Marianna D. Birnbaum, *The Long Journey of Gracia Mendes* (Budapest: Central European University Press, 2003). Perhaps the most famous of those arrested was Diego Mendes, a key member of the mercantile and banking house that bore his name, which was one of the wealthiest in Europe. He was also well connected, maintaining close ties with the Affaitati trading firm in Italy and the Fugger banking house. On at least two occasions, he had brokered loans to Charles v of up to 200,000 ducats in value. After the death of his brother, Francisco Mendes, Diego administered the family business jointly with Francisco's widow, Gracia Nasi, who went on to help establish and lead the Jewish community in Constantinople.

to consider the negative financial repercussions that would follow for the city (and therefore for his empire more generally) should he choose to treat the New Christians harshly.[26] The city officials, along with their own lawyer, composed several letters to the emperor and his counselors beseeching their imperial overlords to act with prudence in this matter. After the initial arrests were made, they informed Charles of the discontent and fear that was building among other foreign merchants, and warned him of the financial disaster that could result should he disregard their advice.

Sensitive to the importance of these wealthy traders, Charles was persuaded for some time by the arguments of the Antwerp city fathers, and released (for a significant sum of bail) this initial round of detainees. But the arrival of Loys Garcez had placed Antwerp's New Christian community on the imperial radar, and Charles's court was vigilant in its oversight of the activities of this community from thenceforth. As a result, several trials followed in the ensuing years. Some of those trials involved extremely high-profile merchants, and some lasted months and years, producing long jurisdictional battles between municipal and imperial officials. Remarkably, however, the Antwerp magistrates were able on every occasion successfully to rally political and economic arguments similar to those they first used in 1532, to convince the emperor to relent in his punishment of the city's valuable New Christian inhabitants.[27] Thus, although the Portuguese were perhaps in a more uncertain position than had been the case prior to Garcez's arrival, they continued to operate in an atmosphere of pragmatic toleration, in which the city rulers defended them tirelessly at every turn, and Charles played along, not for ideological reasons, but for the sake of economic stability.

III   From Economics to Theology

Charles's attitude to the New Christians changed permanently only in 1544, when the newly founded Portuguese Inquisition began its work.[28] In that year,

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26   The concerns of the Antwerp city fathers were well placed. On the day following the initial arrests in light of Garcez's testimony, the leaders of six merchant nations lodged a letter of protest, demanding that the Antwerp magistrates intervene on behalf of the detained merchants. For a transcription of the letter from the consul of Portugal and those of Spain, Genoa, Florence, Lucca, and Germany to the Antwerp magistrate, see *AA*, 7:205–6 (20 July 1532).

27   For a more complete overview of the city's defense of the Portuguese New Christians in the ensuing years, see Christman, *Pragmatic Toleration*, chap. 6.

28   This date coincides with the cessation of several of the emperor's military hostilities. Charles engaged in frequent military activity in the early 1540s. In 1543 he defeated the armies of Marten van Rossem in the Low Countries, capturing the territories of Gelders

twenty New Christians were executed at an auto-da-fé in Lisbon.[29] This event heralded the start of the Inquisition's activity in earnest, and caused a renewed exodus of New Christians from Portugal. The Portuguese king, Juan III, had spent many years attempting to establish an inquisition in Portugal, and he was eager to prevent apostatizing New Christians from escaping it. He issued laws on four separate occasions, forbidding anxious New Christians from fleeing the country. His stringent measures did nothing to calm the fears of these anxious converts, and they continued to seek more welcoming locations. Some fled to Italy, but more went to Antwerp, as the city saw its most concentrated influx of Portuguese New Christians in 1544.[30]

Knowing that many escapees sought refuge in the Low Countries, Juan appealed to his imperial brother-in-law, Charles V, to aid him in apprehending them.[31] Charles responded with a new edict of his own, in which he agreed that the fleeing converts were apostates, and that their ultimate goal was to travel through the Low Countries, "and on to Salonica, and other lands ruled by the Turks, enemies of our holy Christian faith. When they reach these lands, they live as Jews, enjoying the riches they gathered when they lived in Christendom."[32] A decade prior to this edict, Charles was willing to overlook the dangers posed by the potentially apostatizing New Christians because of their financial importance to his empire, particularly in trade cities like Antwerp. Once he learned that the enormous numbers who came in 1544 were escaping

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and Zutphen in the north. In 1544 Charles declared war against France, and in September of the same year, he effected the Peace of Crespy, which freed him to focus on other issues, including the fight against heresy.

29   Salomon, *Portrait of a New Christian*, 21.

30   Goris, *Étude sur les colonies marchandes*, 576.

31   See Kaspar von Greyerz, "Portuguese *Conversos* on the Upper Rhine and the *Converso* Community of Sixteenth-Century Europe," *Social History* 14, no. 1 (1989): 59–82, here at 62. Juan promulgated edicts forbidding New Christian flight in 1521, 1532, 1535, and 1547, each effective for periods from three to ten years.

32   For a full text of the 25 June 1544 edict of Charles V, see Charles Laurent, J. Lameere, and H. Simont, eds., *Recueil des Ordonnances des Pays-Bas. Deuxième Série, 1506–1700* (Brussels: J. Goemaere, 1898–1922), 5:74–75, here at 75. The allusion in the edict to the fact that the New Christian apostates take with them the great wealth they have accumulated in the city could be a veiled reference to Gracia and Brianda de Luna, the sister-in-law and wife of Diego Mendes. Mendes died in early 1543, and several months after his death the two women fled Antwerp, traveling initially to Venice and Ferrara, but eventually on to Salonica. Charles's officials in Brussels did not learn of their flight immediately, and by the time the details emerged, the two had managed to smuggle their vast wealth out of the country with them. The exact dates of both Mendes's death and the women's flight are uncertain. For details of the legal battles concerning the estate, see Stadsarchief Antwerpen, *Vierschaar* 80 (unpaginated folios).

the Portuguese Inquisition, his fears of their apostasy were confirmed, and he came to see them all as dangerous fugitives, and decided that his only recourse was to expel them. From this point on, the financial arguments of the Antwerp city councilors were no longer sufficient to persuade him otherwise.

For their part, the city fathers continued staunchly to defend the New Christian community. They responded to Charles's about-face by creatively expanding the grounds on which they advocated pragmatic toleration of the Portuguese merchants beyond mere economic justifications. But the emperor was not to be moved. Unwilling to engage the issue any further, in 1549 he redirected the remonstrations of the Antwerp officials to his trusted clerical advisor Antoon Perrenot de Granvelle, bishop of Arras.

The Antwerp authorities turned their full attention to the bishop, addressing a lengthy letter to him, in which they repeated all of their prior arguments in defense of the Portuguese traders. They rehearsed for the bishop all of the negative economic consequences that would follow for the city and the empire should he bar all New Christians without regard for the veracity of their conversions. What is new in their letter, however, is a set of pleas that were grounded not in the pragmatic considerations of money or power but, rather, in theology.

They began by evoking the parable of the wheat and the tares to argue that the New Christians should not all be tarred with the same brush. Although there may well be false Christians among them, it was incumbent upon the council members, the emperor, and indeed all Christian rulers, as responsible leaders, to distinguish among them, for it would be unfair to "reprove them all universally" on account of the transgressions of only one or two.[33] The magistrates offered to collect letters from the New Christians, written by priests and bishops in the territories from which they came, verifying their Christian orthodoxy. They added that they would admit only those New Christians in possession of such documentation and concluded that this course of action would be fairer than expelling the good with the bad.[34]

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[33] "Que pour ung mauvais dissolu prestre, moyne ou religieux, l'on ne doibt universellement réprouver toutz les prestres, moynes ou religieux." *AA*, 2:231.

[34] "Mais que par ce que l'on présuppose par cecy y pourroit estre obvyé n'admettant aulcun que l'on ne fust premièrement bien informé de sa vie, qualité et condicion, et que de ce apparut par attestation publicque de l'Évesque et diocésan du lieu d'où qu'ilz sont et ont hanté et demouré et aultres seurtez at asseurances que l'on pourroit prendre par aultres moyens, que l'on pourroit adviser en cest endroict." *AA*, 2:231. See also Lameere, *Recueil des Ordonnances des Pays-Bas*, 6:55–76. It is interesting to note that, just one year later, Charles would publish his Bloody Edict of 1550. When the council of Antwerp refused to publish this edict, it was because Charles had included the very stipulation they here suggest. Indeed, they (with the Council of Brabant) were so forceful in opposing the

The Antwerp officials went on to remind the bishop that, as Christians, they were enjoined by biblical precept to attempt the conversion of those of other faiths. Were they to expel suspected Judaizers without first providing them with the opportunity to convert, "it would directly contravene the wishes and objectives of God."[35] Their letter also contained a most serious warning concerning the biblical injunction against judging the innermost beliefs of others, advising him that only "the most shrewd of investigators would presume to judge the hearts of men."[36] These new arguments were founded not on economics, but on the theological contention that it was impossible to ascertain the sincerity of a person's faith. Moreover, it would be "unchristian" to punish these converted Jews as apostates without first attempting to verify their individual religious beliefs.

To these demands for greater theological nuance in the treatment of the New Christians, the councilmen added an attack on the very theological foundation on which the charges against the New Christians were built, opposing the designation of these individuals as "New" Christians, arguing that, "they do not deserve the name 'New' Christians because (as they have explained), they were baptized in their infancy, just as we were. Likewise, they were born of Christian fathers and mothers, for which reason, it is not fitting to designate them 'New' Christians at all."[37] What is more, they concluded, the twenty-five New Christians in Antwerp to whom the edict specifically referred (that is, those who had arrived since 1543) were indeed earnest in their faith. So confident was the city council on this count that they, in concert with these twenty-five individuals, invited the imperial authorities to investigate the matter, that they might be cleared of the charges against them.[38]

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    introduction of letters of Christian orthodoxy that Charles eventually amended the edict, freeing foreign merchants in Antwerp from exactly this requirement.

35   *AA*, 2:230–31.

36   "Laquelle comme communément l'on dict: de occultis non judicat, et que se debroeyent estre ung bien subtyl perscrutateur qui vouldroit juger du coeur de l'homme." *AA*, 2:232. On Bucer's work see Berndt Hamm, "Tolerance and Heresy: Martin Bucer's Radical New Definition of Christian Fellowship," in *Politics and Reformations: Histories and Reformations; Essays in Honor of Thomas A. Brady, Jr.*, ed. Christopher Ocker et al. (Leiden: Brill, 2007), 269–92, here at 276; and Walsham, *Charitable Hatred*, 243–44. Bucer had already used this argument, maintaining that God alone was able to judge the hearts of men. This is an argument that had been raised extremely rarely to this point in time, but that would gain traction in the coming years, as debates over the treatment of religious difference unfolded. Walsham also points to this argument, finding it in the work of Castellio in the mid-1550s, but saying that it was slow to mature in the ensuing toleration debates.

37   *AA*, 2:234.

38   Ibid.

The arguments of the Antwerp authorities were not remarkable for their originality. In fact, many of them are to be found in Christian writings on tolerance from the days of the earliest church communities, and others would be repeated by thinkers such as Erasmus and Castellio in the years immediately following. But they do evince a shrewd assessment of their audience. Although they were not founded on economic reasoning, they were no less pragmatic. When dealing with the emperor, the city fathers rallied primarily economic and political arguments to their cause. They now found themselves faced with a religious opponent, and therefore employed biblical injunctions in an effort to sway him. Theirs is an example of a situation in which a theological defense of religious tolerance did not grow out of any universal, value-based ideology. Rather, it emerged as a new pragmatic tool, motivated by nonreligious goals. Religious toleration became a political, economic, and then theological tactic rather than an end in itself.

Despite the creativity of their approach, the remonstrations of the Antwerp officials were ultimately in vain. On 17 July 1549 Charles issued a new edict that went further than any previous measure in its treatment of the New Christians. In it, he revoked the privileges previously accorded to the New Christians that had allowed them to live and trade in his lands, and ordered that, within one month of the publication of the edict, all New Christians who had arrived since the installation of the Portuguese Inquisition were to leave his territory, taking their families and all their goods with them. Over time the number of Portuguese diminished considerably. A small group of New Christians remained in Antwerp for the following six years, comprised mostly of those who had been resident there long before 1544, and who had established lives as faithful Christians within the larger community.[39] The rest emigrated to cities throughout Europe.[40]

The subsequent geographic diffusion of this group ensured that there was never again such a high concentration of New Christian commerce or wealth as had been the case in sixteenth-century Antwerp. And the city of Antwerp itself, despite a few moments of hopeful reprieve in which it seemed as though the scales of history might tip in the direction of tolerance, in fact became the

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39   Charles Rahlenbeek, "Les Juifs à Anvers," *Revue de Belgique* 8 (1871): 137–46, here at 143. Rahlenbeek goes on to trace the history of the New Christians under the reign of Philip II, during whose repressive rule many more left the city. They did not return in significant numbers until the Peace of Westphalia, after which time they paid an annual fee of 5,000,000 florins in return for security in the city.

40   Goris, *Étude sur les colonies marchandes,* 599–602. The New Christians dispersed themselves in several locations, notably Rouen in France, or later Amsterdam in the United Provinces.

scene of dramatic repression at the hands of the Duke of Alba and his Council of Troubles.[41] Under Charles's successor, Philip II of Spain, Antwerp became a bastion of Tridentine Catholicism, where all sparks of religious pluralism were definitively stamped out.

In the longer arc of history, then, the example of Antwerp serves to complicate our understanding of early forms of religious tolerance. For Antwerp's story follows neither the straight line of progression from theory to practice, nor that pointing in the other direction. Rather, the rulers saw tolerance as a tool to be employed in the service of the communal greater (in this case economic and political) good.[42] But ultimately, their efforts failed, both on the pragmatic and on the ideological level. Faced with a ruler determined to enforce religious uniformity, neither pragmatic nor ideological reasoning was sufficient to promote the cause of tolerant coexistence.

IV   Conclusion

The example of Antwerp's New Christians serves as a refutation of any sort of linearity in the development of religious tolerance. It quite clearly counters assertions of historians such as Jonathan Israel, that practice always grew out of ideology. In Antwerp, tolerant practices existed long before any ideological justifications had been voiced, and for reasons that were absolutely nonideological, but entirely pragmatic. But nor did tolerant practice lead to legal precedent in this instance. The Antwerp city fathers sought to establish such a precedent,

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41   For the history of Antwerp in the latter half of the sixteenth century, see Guido Marnef, *Antwerp in the Age of Reformation: Underground Protestantism in a Commercial Metropolis, 1550–1577* (Baltimore: Johns Hopkins University Press, 1996).

42   For a summary of Anabaptist trials in Antwerp, see the table with references to primary source documents for each case in *AA*, 2:1–104. For a more complete consideration of the meaning of their treatment of the Anabaptists for tolerance more generally, see Christman, *Pragmatic Toleration*, chap. 3. It is clear that the leaders in Antwerp had no intention of developing a policy of toleration to be universally applied. Indeed, throughout the same period in which they were extending legal generosities toward their New Christian merchant community (and indeed, other wealthy or municipally important groups in the city), they were treating their less important heterodox inhabitants with a complete lack of mercy. Their persecution of Anabaptist residents was particularly harsh. During the course of the New Christian trials (from 1532 to 1540), more than forty people were executed for Anabaptist offenses in Antwerp. During the course of Charles's reign in the territory, the city fathers of Antwerp executed 94 percent of the offenders who appeared before their bench accused of Anabaptist crimes. Clearly, theirs was not an attempt to impose a universally applicable form of religious tolerance of the sort Israel imagines.

but their attempts failed. The New Christians were expelled, and the city was forcibly returned to Catholic orthodoxy in the ensuing half century.

The case of Antwerp best affirms the recent assertion of Alexandra Walsham, that tolerance and intolerance should not be set up as mutually exclusive notions, but are perhaps best understood "as part of a complex continuum that could flow in both directions."[43] Mark Greengrass concurs that "there was no high road to toleration, signposted from the Reformation. Religious pluralism in early-modern Europe was a set of muddy and winding streets, most of them not one-way."[44] Moreover, this case study demonstrates quite clearly that the situation "on the ground" in the early modern world was far more complex than any broad historical strokes might suggest. A bird's-eye view of Antwerp's history would reveal a mercantile hub in which heterodoxy flourished only momentarily, but was successfully extinguished by a firm imperial hand. The situation on the ground, however, was far more complicated. It involved negotiations on a daily basis in which religious tolerance was practiced and defended for reasons that were fundamentally nonreligious, and in which the ground of the debate was shifting constantly, making outcomes almost impossible to anticipate. Moreover, only by examining the day-to-day developments among the inhabitants of early modern towns can we begin to construct an understanding of the lived realities of religious coexistence. Not all of these interactions took on permanent legal or ideological form, and they therefore remain invisible in many histories of religious tolerance. However, so long as they can be found in the historical record, they demand inclusion in that history, calling us to recognize the fact that this story is not linear, but is winding, halting, and enormously complex.

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43   Walsham, *Charitable Hatred*, 231, 322. She explains that the "conventional opposition of tolerance and intolerance is a false dichotomy" (231) and that, in fact, "the relationship between them is fundamentally dialectical and symbiotic" (322).

44   Mark Greengrass, "Afterword: Living Religious Diversity," in *Living with Religious Diversity in Early Modern Europe*, ed. C. Scott Dixon, Dagmar Freist, and Mark Greengrass (Aldershot: Ashgate, 2009), 281–96, here at 283.

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Resisting Biconfessionalism and Coexistence in the Common Territories of the Western Swiss Confederation*

James Blakeley

Shortly after the conclusion of the Bern Disputation, the people of Bern assembled in the Minster on 2 February 1528 and raised their hands to signal that they would obey their magistrates in both earthly and religious matters. Following this avowal, on 7 February, the magistrates issued the Reformation Mandate that, among other things, ended the Mass; seized power from the bishops of Sitten, Lausanne, Basel, and Constance; and forbade Catholic images.[1] Bern did poll its rural population that resided outside the city walls as to whether these folk wished to reform or remain Catholic, but the results were mixed, and as Bruce Gordon has pointed out, the rural folk were likely confused about the differences between the two religions.[2] Eventually, after demonstrations of Bern's military might, residents of the Bernese hinterland followed the directives of their rulers and reformed, some reluctantly.[3]

However, in the unique regions known as the Common Territories of Orbe and Grandson (*Gemeine Herrschaften*/*bailliages communs*) where the Reformed city-state shared jurisdiction with Catholic Fribourg, the city-state could not simply dictate religious change. Treaties limited Bern's ability to act alone on confessional matters: the *Erste Landfrieden*, which the Catholic and Reformed cantons of the Swiss Confederation had accepted in 1529, devolved power from the rulers. It guaranteed that male subjects could decide through a majority vote (*das Mehr*/*le plus*) to abolish the Mass. However, the terms also specified that any residents who desired could hear the Gospel, even if they

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1 Rudolf Pfister, *Kirchengeschichte der Schweiz* (Zurich: Theologischer Verlag, 1974), 2:74–77; Bruce Gordon, *The Swiss Reformation* (Manchester: Manchester University Press, 2002), 106–8.

2 Gordon, *Swiss Reformation*, 108.

3 Hermann Specker, *Die Reformationswirren im Berner Oberland 1528: Ihre Geschichte und Ihre Folgen* (Fribourg: Paulusverlag, 1951); Peter Bierbrauer, *Freiheit und Gemeinde im Berner Oberland, 1300–1700* (Bern: Historischer Verein des Kantons Bern, 1991), 244–88.

lived in a parish where the majority wished to remain Catholic.[4] The treaty stated that no subject in a common territory could be pressured to adopt the Reformation or remain Catholic by force or coercion.[5] Nonetheless, Bern did exercise its right to send Reformed pastors, such as Guillaume Farel, to introduce the new faith to its subjects throughout its own francophone holdings and later in the Common Territories.[6] Despite Reformed preaching and the influence that Bern brought to bear, the people in the Common Territories did not choose to adopt Protestantism immediately. Therefore, until 1554, residents could practice Catholicism or Reformed Christianity in a biconfessional setting.

Although the male residents of the Common Territories were empowered to decide the confessional makeup of the towns and villages in which they lived, this did not mean that authorities ceded their control and passively awaited popular decisions. Indeed, Bern used its power and right to introduce the Reformation in the shared territory and perhaps expected and hoped that residents would accept the new faith more quickly than they ultimately did. In fact, Bern was ready to force rural and village parishes to adopt its religious faith, as revealed by the many examples across its own francophone territory, where it either unilaterally banned the Mass or intensely pressured villages to reform that were slow to do so, as will be explored below. Thus, while treaties restrained Bern's ability to force the introduction of the Reformation in the Common Territories, the city-state did not simply abdicate its power. Instead,

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4   See Ferdinand Elsener, "Das Majoritätsprinzip in Konfessionellen Angelegenheiten und die Religionsverträge der Schweizerischen Eidgenossenschaft vom 16. bis 18. Jahrhundert," *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte: Kanonistische Abteilung* 86 (1969): 238–81.

5   "Des ersten, von wegen des göttlichen worts, diewyl und niemand zum glouben gezwungen sol werden daß dann die Oerter und die iren desselben ouch nit genötiget; aber die zuogwandten und vogthyen, wo man mit einandern zuo beherrschen hat, belangend, wo die selben die meß abgestellt und die Bilder verbrennt oder abgetan, daß die selben on lib, eer, guot nit gestraft söllend werden; wo aber die meß und ander ceremonia (sic) noch vorhanden, die söllent nit gezwungen, ouch deheine predicanten, so es durch den merteil nit erkannt würt, geschickt, uffgestellt oder gegeben." Johannes Strickler, ed., *Amtliche Sammlung der ältern Eidgenössischen Abschiede* (hereafter cited as EA) (Zurich: J. Schabelitz, 1876), 4.1.b: 1478–83. See also Emanuel Dupraz, *Introduction de la réforme par le "plus" dans le baillage d'Orbe-Echallens* (Fribourg: Imprimerie Saint-Paul, 1916), 3–4; and Henri Vuilleumier, *Histoire de l'église réformée du pays de vaud sous le régime bernois* (Lausanne: Éditions la Concorde, 1867), 1:52–53.

6   Robert Centlivres, "Les 'Quatres Mandements' welches de Berne et l'activité missionaire de Farel dans la seigneurie d'Aigle (mi-Novembre 1526 a fin Décembre 1527)," in *Guillaume Farel, 1489–1565: Biographie nouvelle* (Neuchâtel: Éditions Delachaux & Niestlé, 1930), 173–83, here at 173–78.

reforming the Common Territories and restoring confessional unity were its ultimate goals. To that end, Bern deployed reformed pastors, including Farel, whose inflammatory tactics it overlooked until residents and Catholic Fribourg complained repeatedly. The following case study thus underscores the intrusive power of the state even when muted.

This chapter also explores how the townsfolk of Orbe and Grandson reacted and interacted in the weeks and months after Farel arrived in 1531. It demonstrates that despite assurances from Bern and Fribourg that each man could follow his own religious conscience and peaceably worship as he chose, residents, clergy, and lay men and women were intolerant and often violent. They physically assaulted one another, disrupted worship, committed unauthorized iconoclasm, and hurled invective at each other. The evidence reveals that the reality of two faiths practiced within the walls of the same town was perceived to threaten the health of the *Corpus Christianum* that had united residents across the economic and social spectrum as Roman Catholic Christians for centuries.[7] While Bern and Fribourg officially mandated biconfessionalism and peace, it is clear that the result of Bern's confessional strategies was to undermine communal solidarity. The importance of sharing a common religious identity would be demonstrated when residents ultimately voted in 1554 to end biconfessionalism. In that year, they chose to restore the *Corpus Christianum*, now as Reformed, twenty-four years after Farel first arrived.[8]

1   Background

Bern and Fribourg had ruled the Common Territories of Orbe and Grandson jointly after seizing the land from the Duke of Savoy during the Burgundian Wars (1474–77). From the time of that victory, the two city-states shared power, and their judicial and political obligations rotated according to a five-year timetable. Thus, for five years Fribourg appointed the bailiff whose directives

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7   Nicholas Terpstra, *Religious Refugees in the Early Modern World: An Alternative History of the Reformation* (Cambridge: Cambridge University Press, 2015), 21. Throughout, I am applying Terpstra's definition of *Corpus Christianum* as the "social body of Christians" in Orbe and Grandson.

8   C. Scott Dixon, "Introduction: Living with Religious Diversity in Early-Modern Europe," in *Living with Religious Diversity in Early-Modern Europe*, ed. C. Scott Dixon, Dagmar Freist, and Mark Greengrass (Farnham: Ashgate, 2009). Dixon observes, "Confessional Christianity did not offer any latitude on this point: the best one could expect was a temporary stalemate before unity was restored" (14).

came from Bern. At the end of the five years, Bern chose the new bailiff and his orders came from Fribourg. Local authorities, including the city councils of Orbe and Grandson, governed regional matters such as keeping the peace and regulating daily life, but Bern and Fribourg were the final arbiters.[9]

From the time of the conquest until 1528, Bern and Fribourg were united in faith, and this power-sharing settlement did not generate conflict. However, the relationship became more complex when Bern banned the Mass and accepted the Reformation in 1528. At that time, a religious gulf opened that would make the city-states' ability to rule jointly in their common territories more difficult and thorny. A confessional boundary now separated Fribourg and Bern that was meant to keep out people, ideas, or printed material that the respective authorities deemed religiously dangerous.[10]

The political and confessional arrangements in the Common Territories of Bern and Fribourg stood in sharp contrast to the religious situations in the territories that these city-states governed alone—where they were not bound by power-sharing treaties. In these cases, both city-states acted as traditional, confessionalizing authorities, and they expected their respective residents to adhere to the state religion without resistance, or face punishment (both physical and monetary). Their mandates and efforts in their own territories demonstrate that, regardless of the fact that they allowed biconfessionalism in the Common Territories, religious uniformity remained an ideal. Nonetheless, not all subjects complied with the dictates; their subversion reveals the limitations of state power to enforce obedience, especially in border regions.

Several examples highlight this point. Bern ended the Mass; dismissed Catholic clerics; installed new, Reformed preachers; and ordered the removal of images and objects of veneration from the churches and landscape after the conquest of Vaud in 1536.[11] It punished rural folk who crossed into nearby Catholic territory (*Auslauf*) to celebrate the Mass, feasts, and other local religious celebrations. Similarly, in the Common Territories, Bern officially banned *Auslauf* from the towns and villages of Orbe and Grandson with the release of the Reformation Mandate on 2 December 1554. Authorities were to imprison

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9   Vuilleumier, *Histoire de l'église réformée*, 1:54.

10 This was not a physical boundary that demarcated the borders, but it was recognized and well known which villages fell within the jurisdiction of Bern or Fribourg. The border was circuitous and complicated; indeed, parts of Fribourg's holdings were totally surrounded by the territory of Bern as exclaves of Fribourg.

11 Vuilleumier, *Histoire de l'église réformée*, 1:187–89.

and fine those who disobeyed.[12] Nonetheless, even years after the mandated conversion, Bern was still dealing with recalcitrant residents. For instance, it punished thirty-six men and women from Lausanne who had walked into Attalens in Catholic territory in 1571 to receive the Eucharist, imposing monetary fines on the group.[13] Such border crossers continued to be attracted to aspects of Catholicism, particularly those that knit their religious and social communities together and punctuated the year: the Eucharist, feast days, and local celebrations (*Kilby*) that honored a parish's patron saint. Moreover, this example indicates that more than a generation after the conquest, the old faith continued to hold sway on some segments of the population, and that Bern actively policed its populace late into the sixteenth century.[14]

Fribourg, too, guarded religious unity in its own territory. The Catholic city-state banned the possession of Reformed literature as early as 1524, and mandated that all residents over the age of fifteen swear an oath of loyalty to the city and the Roman Catholic faith.[15] Interestingly, there is no evidence that Fribourg attempted to stop Catholics who resided in Bern's territory from attending the Mass in its own parishes. Indeed, after the town of Orbe had accepted the Reformation, many crossed into biconfessional or Catholic territory to attend the Mass.[16] By allowing these people to worship in its lands Fribourg actively helped ensure the survival of Catholicism in its border regions. Moreover, this demonstrates the Catholic city-state's willingness to subvert Bern's confessional authority without fearing a greater confrontation.

Thus, for the secular authorities in both Bern and Fribourg, biconfessionalism was never an acceptable solution. Ideally a religious creed was a bond between rulers and ruled. Two faiths existing side by side in the same community countered the deeply held belief that, for the spiritual well-being of residents

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12   Louis Junod, ed., *Les mémoires de Pierrefleur* (Lausanne: Editions La Concorde, 1933), 220. Men were fined 10 florins and women 5.

13   Archives cantonal vaudoises (hereafter cited as ACV), Bp 32, Lausanne: 1571–72.

14   Benjamin J. Kaplan, *Divided by Faith: Religious Conflict and the Practice of Toleration in Early Modern Europe* (Cambridge, MA: Harvard University Press, 2007). Kaplan has written, "The very existence of a neighboring jurisdiction or land with a different official religion made it impossible to eradicate religious dissent entirely. That was of course frustrating, and not just for authorities: ordinary conforming Christians often took offense at the presence of dissenters in their midst and feared its consequences if God too should take offense" (149).

15   Pfister, *Kirchengeschichte der Schweiz*, 260; Charles Holder, *Les professions de foi à Fribourg au XVI siècle: Étude sur l'histoire de la réforme et de la restauration religieuse* (Fribourg: Fragnière, 1897), 12–13. For an example see the oath mandated in 1561 of the residents of Fribourg: Archives de l'État de Fribourg (hereafter cited as AEF), Geistliche Sachen (GS), Nr. 262.

16   Junod, *Les mémoires de Pierrefleur*, 223.

and to ensure the common good, towns and villages should be bound together in faith. Moreover, a ruler defined good and obedient subjects as those who followed the ruler's faith.[17] Repeatedly, in correspondence with villages and towns where there was confessional unrest, Bern reminded residents that they must abide by their religious ordinances.[18] For example, it demanded that the inhabitants in the region of Ormonts, where resistance to the Reformation was particularly long lived and widespread, take an oath of loyalty "to obey [Bern] in all matters," which in this case meant allowing the Reformed sermon to be preached until such time as the Word of God would win the day.[19] In the same letter, the Bernese authorities praised those who were obedient and did not resist.

Fribourg and Bern were not the only members of the Swiss Confederation facing this new reality regarding territory that was jointly governed by authorities of opposing creeds. Indeed, the issue was at the heart of the negotiations that ended with the acceptance of the terms of the *Erste Landfrieden*. The free preaching of the Gospel and the right of subjects (male householders) to choose their confession was upheld in 1531 when the two city-states met at the Conference of Grandson to resolve their differences related to voting in specific villages and towns of the Common Territories. At the conference they agreed that should the eligible men of particular communes decide to adopt the Reformed faith, the Mass would end. In these cases, Catholic images and objects would be removed and the old faith could never be restored.[20]

Clearly, the terms negotiated by Bern and Fribourg in Grandson favored the Reformed cause. In a letter to Fribourg, Bern reiterated its position regarding voting: once a village decided to convert, the Mass could not be reestablished.[21] In essence, a decision to adopt the new faith by the voting members of the town or village also meant an end to biconfessionalism. While on paper Bern and Fribourg emphasized that all were free to follow their own consciences

17   See Dixon, "Introduction: Living with Religious Diversity," 13.

18   See, for example, Amié Louis Herminjard, *Correspondance des réformateurs dans le pays de langue française: Recueillie et publiée avec d'autres lettres relatives a la Réforme et des notes historiques et biographiques* (Nieuwkoop: De Graaf, 1965), 2:146–48.

19   Ibid.

20   For the full text of the decisions made at the Conference of Grandson, see *EA*, 4.1.b: 1183–85; and Dupraz, *Introduction de la réforme*, 5–6.

21   "Nous sommes informés, d'une source digne de foi, que malgré l'arrangement pris par vos députés et les nôtres, réunis dernièrement à Grandson, arrangement consigné dans un recès, à teneur duquel il a été décidé que là où la messe a été supprimée elle ne peut pas être rétablie; et là où la parole de Dieu a été acceptée, la messe et ses accessoires n'y doivent plus trouver place." The full text is provided by Dupraz, *Introduction de la réforme*, 6. I have been unable to locate this letter from Bern to Fribourg dated 8 November 1531 in the archives of Bern, Fribourg, or Vaud.

with regard to religion, biconfessionalism was never an ideal permanent solution. Instead, by allowing pastors to operate on behalf of the new faith and urging conversion even after a vote for Catholicism, Bern demonstrated its drive to eradicate the Mass eventually from the Common Territories despite Fribourg's protestations. The introduction of Reformed preaching divided communities and parishes that ultimately ended, in the cases of Orbe and Grandson, with the banning of the Mass. However, the decision to convert did not necessarily reflect the true religious sentiments of the majority of residents, but rather a desire to restore confessional unity.

These religious arrangements for the Common Territories bring into question the sincerity and motivations behind Bern's promise to allow all to freely practice their chosen faith. Although Bern's council stated that it would not implement the Reformation by coercion (*Glaubenshalb niemand zwingen*), this should not be interpreted to mean that it accepted biconfessionalism as a permanent state. Rather, it appears that for Bern this agreement was intended as a temporary state before achieving full conversion.[22] The first step was to introduce Reformed pastors. In the Common Territories, the period between the arrival of Farel in 1531 and a vote that banned the Mass in 1554 was thus an interim time during which Reformed preachers could actively proselytize even if the majority of the inhabitants wished to remain Catholic.

The terms of these agreements clearly disadvantaged Catholics in Fribourg, and historians have sought reasons as to why the Catholic city-state would have accepted them. Some have speculated that since Bern was the superior power economically, politically, and militarily, councilors in Fribourg may have believed it was the most prudent means to keep the peace.[23] One could speculate that the confessional allegiances of some members of the Fribourg Council also could have been in flux and that they may have been drawn to the Reformation or had family members with ties to the new faith. When parishes did convert, Fribourg benefited financially because it divided the valuable objects and land of churches and monasteries with Bern. Perhaps such monetary incentives could have resulted in Fribourg's reluctance to oppose Bern more forcefully. In the end, without documentation, historians are left to wonder.

22   Vuilleumier, *Histoire de l'église réformée*, 54.

23   André Maillard, *La politique fribourgeoise à l'époque de la réforme catholique (1564–1588)* (Fribourg: Frangnière Frères, 1954), 15–16.

11   Biconfessionalism and Coexistence in the Common Territories: The Clergy

Bern dispatched Guillaume Farel to preach to the population of its franco-phone town of Aigle in 1526.[24] He went there under the guise of establishing a school for boys, but began holding Reformed services soon after he arrived. A small cadre of supporters welcomed him, including some on the local council as well as Reformers in Strasbourg, Basel, and Zurich.[25] Others, however, protested against him loudly and vociferously. Although he was committed to spreading the Gospel to these folk who were far removed from Bern, he commented to the Zurich Reformer Huldrych Zwingli that they were superstitious and stubborn in their ways.[26] He persisted under the protection of Bern. According to his own reporting, he preached from the Scriptures on the consequences of sinful behavior and illuminated the path to true salvation through faith.[27] Within a few years—by 1530—a small Reformed congregation was holding services in one of the town's churches.

Farel was Bern's chief spokesman and messenger of the Reformation in French-speaking areas. He represented its religious interests on the ground and became, as demonstrated repeatedly, attuned to the political and social circumstances that he found. In return, Bern provided its Reformer with an income and lodging. Likewise, it admonished those who actively opposed him so that Farel could carry out his mission. His arrival and subsequent work in this remote rural town demonstrates not only Bern's drive to spread its own faith, but also its belief that confessional unity with its subjects, no matter how isolated, was of paramount importance.

On account of his success in Aigle, Farel was moved to Murten/Morat, which lay within the Common Territory. According to a letter dated 26 January 1530, Reformed residents in Murten/Morat had requested that Bern send Farel to minister to them.[28] From here, the Reformer also actively preached in the surrounding villages, where his presence unsettled local Catholic clergy and sparked controversy.[29] His tactics were familiar: he preached even when he was unwelcome, thereby sowing the seeds of division.

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24   Vuilleumier, *Histoire de l'église réformée*, 35–36.

25   Centlivres, "Les 'Quatres Mandements' welches de Berne," 173–78.

26   Herminjard, *Correspondance des réformateurs*, 20–21.

27   Ibid., 22–28.

28   Ibid., 230–31.

29   Henri Meylan, "Farel pasteur de Morat: L'évangélisation des baillages communs d'Orbe et de Grandson (1530–1533)," in *Guillaume Farel, 1489–1565: Biographie nouvelle* (Neuchâtel: Éditions Delachaux & Niestlé, 1930), 260–64.

Thus, even before Farel arrived in Orbe, Reformed ideas were circulating in the towns and villages of the francophone regions of the Swiss Confederation and gaining some support. Perceiving the threat that was posed, in 1531 one Catholic clergyman in Orbe, Michel Juliani, forcefully condemned Reformed preachers and refuted their views concerning religious vows and the status of marriage in his Lenten sermons.[30] Likely concerned that Juliani's sermons could incite unrest, Jost de Diesbach, the Bernese bailiff in Orbe, warned him to moderate his words. The rebuke, however, did not deter Juliani. On 25 March, Annunciation Day, he claimed that virginity was a higher state than marriage and angrily denounced those who claimed otherwise. The Reformer Christoph Hollard, an associate of Farel who later became a preacher himself, was in Juliani's congregation along with others who were advocates of reform.

Violence between Catholics and Reformed ensued when, at some point during Juliani's sermon, Hollard interrupted the cleric and called him a liar. Interestingly, Hollard's brother, Jean, was a former Catholic cleric from Fribourg. Jean Hollard recently had left the old faith when he married and was subsequently banned from Fribourg. One could speculate that Christoph Hollard had interpreted Juliani's preaching on marriage and virginity as a personal assault against the Hollard family.[31]

According to authorities, a mob of women beat and scratched Hollard. A nobleman stopped the attack by rescuing Hollard from the angry parishioners. The noble also imprisoned Hollard, perhaps because the Reformer had started the tumult by interrupting Juliani. The bailiff in nearby Echallens was alerted and arrived in the town to investigate the affair. Hollard was released and Juliani was imprisoned, undoubtedly because he had disobeyed orders to moderate his speech from the pulpit. The decision to detain Juliani and release Hollard incensed the townsfolk, who threatened to free the Catholic cleric by force if necessary. Women cried out and begged on their knees in the town square for the Catholic cleric's freedom. The bailiff reported to the town's residents that he was powerless to release Juliani from his detention on orders from Bern. Shortly afterward, Juliani was placed on trial and confronted with twenty-three controversial points that he was alleged to have preached. The jury, composed of Catholics, found him innocent and released him. Nonetheless, believing that it was untenable to remain in Orbe, Juliani quickly took leave of the Common Territories and returned to his native Franche-Comté.[32]

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30   Junod, *Les mémoires de Pierrefleur*, 10–24.

31   Vuilleumier, *Histoire de l'église réformée*, 56.

32   Junod, *Les mémoires de Pierrefleur*, 10–24.

This incident in Orbe began a series of religious conflicts involving clergy of both confessions that were central in bringing to the fore the distinctions between the two faiths. The actions of the clergy in using their words to incite violence in this setting support what historians of Common Territories in the eastern Swiss Confederation have noted, namely that they acted as agents of confessionalization in regions where state power was limited.[33] In such areas, clerics not only brought into relief confessional identities that made one Catholic or Reformed, but also identified the spiritual threat posed by the other to the entire community. Given the importance of a common religious identity for communal solidarity and spiritual safety in the early modern period, it is easy to understand why the instruction of the clerics could spark anxiety in lay folk that would result in conflict and sometimes violence. Juliani and other Catholic clerics and Reformed pastors drew those distinctions and underscored why their opponents were incorrect and posed a spiritual threat to the entire community. This dichotomy was certainly true in Juliani's attack on marriage, and when Reformed pastors like Farel highlighted the errors of Catholic teaching.

Both city-states were alerted to the religious unrest that had erupted in Orbe. Bern sent a delegation to the town to oversee the situation and restore peace. Underscoring Bern's plans to continue its efforts to spread the new faith regardless of resistance and unrest, the delegation from the capital stopped in Avenches, a town near Murten/Morat. Taking full advantage of the terms of its agreement with Fribourg that the Reformed Gospel could be freely preached, it authorized Farel to go to Orbe immediately for the express purpose of refuting Juliani.[34]

Although not obvious upon his arrival, Farel's appearance in 1531 was to mark a turning point of the Reformation in the Common Territories. His work immediately began to divide the community and rouse opposition. Only five days after he arrived, the Council of Bern wrote to the authorities in Orbe that it was displeased with the reception Farel had received. It had learned that "men, women, and children" had mocked him and called the Reformer a "devil, heretic, and dog."[35] The scene had become so heated that the authorities feared that violence would ensue; in one instance, Farel had to be escorted to safety.[36]

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33   Randolph C. Head, "Catholics and Protestants in Graubünden: Confessional Discipline and Confessional Identities without an Early Modern State?," *German History* 17, no. 3 (1999): 321–45, here at 330. Head has written that in Graubünden, clerics were responsible for creating confessional identities and leading opposition.

34   Meylan, "Farel pasteur de Morat," 266–67.

35   Herminjard, *Correspondance des réformateurs*, 327–328n2.

36   Ibid.

Bern had undoubtedly expected Farel's preaching to convert some while exposing all to the new creed, as it had in other locations. Indeed, Bern wanted residents of Orbe to hear Farel refute Juliani's positions.[37] Perhaps Bern's authorities were reasoning that since the Catholic cleric had had the chance to air his positions in a public forum, Farel should be granted the same opportunity. Aware of the power of Farel's preaching and concerned for its Catholic residents and their faith, Fribourg secretly ordered the residents to avoid the places where Farel was speaking.[38] Inherent in the directives from both states was an admission of the power of the spoken word when preached, to persuade, instruct, and potentially divide communities. On the one hand, Bern sought to introduce the Reformed faith into a new territory through Farel's mission, while on the other, Fribourg countered Bern's decrees by attempting to shield its coreligionists from the preacher's message.

Farel took up his duty to spread Reformed teachings, but the nature of his message sparked immediate controversy, as did that of later Reformed preachers. Denouncing the Catholic faith and its practices with language that disturbed local residents and authorities, these preachers identified and defined the spiritual enemy that polluted the *Corpus Christianum* and moved their supporters to take action to eradicate it. This tactic is apparent in the correspondence of local Catholics who complained to both city-states that Farel and others were stirring unrest.[39] Near the end of 1531, months after Farel had arrived, the Council of Grandson again wrote of the ongoing trouble. "Specifically and in general," the councilors wrote, "they [pastors] call some murderers, evil, mean, ruffians, thieves, and idolaters."[40] The council also accused the pastors of mocking the women of the town, perhaps because they were, and would continue to be, the ringleaders of Catholic resistance. Farel and his unnamed Reformed supporters were pointing out the errors of Catholicism to fan the flames of discontent. They called into question the social standing of lay Catholics and the clergy. The Catholics' letters to the city-states reveal that by labeling and denouncing laity and clergy alike, the Reformed preachers were fostering divisions within the community and threatening the peace.

Concerns for the peace of the community were well founded. For example, a Franciscan cleric came to the church in Grandson where Farel was preaching armed with a small hatchet hidden under his robes. When Jean-Jacques de Watteville, a Bernese lord, entered the gallery of church, the Franciscan

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37   Meylan, "Farel pasteur de Morat," 267.
38   Herminjard, *Correspondance des réformateurs*, 328n3.
39   Ibid., 367.
40   Ibid., 391.

tried to obstruct his way. The nobleman's valet stopped the cleric, spotted the weapon, and had him imprisoned.[41] Regardless of the cleric's purpose in carrying the weapon, his decision to arm himself underscores that some anticipated, prepared for, or planned to perpetrate physical violence as their towns and parishes divided into opposing religious camps. Certainly Bern and Fribourg each supported its own coreligionists, but in order to keep the peace and abide by their agreements, they showed some restraint, later ordering clergymen to moderate their language and focus instead on educating the people in the tenets of their respective creeds.[42] Their written directives reveal that the maintenance of civic peace was of paramount importance to city leaders; yet on the ground, the means by which the pastors were introducing or defending their beliefs was causing distress within the communities. It is a fair question whether Bern was tacitly sanctioning Farel's fiery preaching in the interest of rallying support for the Reformed cause. Given the limitations of the evidence, the validity of this claim cannot be answered definitively, but Bern's response to Farel's behavior supports the suspicion. For example, before coming to Orbe, Farel had preached in the villages surrounding Murten/Morat urging the residents to convene confessional elections and ban the Mass. In one notorious episode, Farel had referred to the priest of the small village of Meyriez as a murderer of souls and reportedly threw the Catholic host to the ground and trod on it.[43] Thus, Bern knew full well that Farel often provoked resistance and incited violence. Yet it continued to support him and rely on his services in spreading the Reformed Gospel in its own territory as well as in those over which it shared jurisdiction.

Since the treaties into which Bern and Fribourg entered guaranteed the right of Reformed pastors to preach even if a town was predominantly Catholic, Bern and Fribourg mandated the sharing of sacred space (*simultaneum*) according to strict timetables.[44] Undoubtedly from Bern's perspective, moving preaching from the streets, where Farel had sometimes held forth, to the pulpits of the town's churches made clear that the Reformed services were as legitimate and sanctioned as those of the Catholics. Sharing sacred space was intended to foster concord, allow both Catholics and Reformed to worship as they chose, and demonstrate that the services of each faith could be openly practiced within

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41   Vuilleumier, *Histoire de l'église réformée*, 68–69.
42   AEF, GS, Nr. 1706.
43   EA, 4.1.b, 598–99; 621–22.
44   Herminjard, *Correspondance des réformateurs*, 399n3; AEF, GS, 1706. In their January 1532 ordinance, the authorities of Bern and Fribourg would clarify the timetables for the various churches meant to allow both faiths the time to worship.

the walls of the towns' churches.[45] The intent did not match the result: the reality of *simultaneum* was that sacred spaces became flashpoints for hostilities in the Common Territories. Churches became the sites of unrest and protest as both sides claimed exclusive rights over them and demonstrated their willingness to fight for those rights. For example, some Catholics barred the native Swiss preacher Pierre Viret from taking the pulpit and threatened him with imprisonment if he continued to assert his right to preach. This reaction caused Farel to complain to Bern.[46] When Reformers did gain access to church pulpits, Catholics reportedly interrupted their sermons with noise and jeering that on a number of occasions forced Reformed preachers to stop their sermons and leave.

Likewise, the Benedictine monks and Catholics of Grandson charged in a letter to the Council of Fribourg that the Bernese authorities were complicit in violating their own *simultaneum* regulations. Writing in mid-January 1532, they declared that "last Thursday, the ambassadors of the very honorable Lords of Bern expressly commanded and forbade us to sing, attend, or say the ancient offices of the church which we have done for seven or eight hundred years."[47] According to the authors of this letter, the officials from Bern were putting their souls in great peril. They called on Fribourg to intercede with Bern to remove the restrictions. The Catholic complainants stated that they had no intention of stopping the Reformed sermon entirely, but rather wished that they would be provided with the opportunity to worship in their own manner.[48] Thus the Catholics evinced a willingness to tolerate the use of the church by the Reformed so long as they were also given time to worship there as well. In doing so, they demonstrated a pragmatic acceptance of biconfessionalism if it served to secure their use of the church.

Both of the above cases underscore the power that Bern brought to bear during the Reformation in the Common Territories. For example, it eliminated any exclusive rights that Catholics claimed over the use of cathedrals and churches. At the city's insistence, religious space was now provided to preachers regardless of the size of their congregations. Likewise, even less prominent places of worship, such as the Benedictine monastery's church, were within Bern's grasp. In a sense, the Reformed city was demonstrating its ability to

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45   There is a vast literature on simultaneum, but for a comprehensive overview of these arrangements as related to coexistence and tolerance across Reformation Europe and other parts of the Swiss Confederation, see Kaplan, *Divided by Faith*, 213–17.

46   Herminjard, *Correspondance des réformateurs*, 372–73.

47   Ibid., 399–400.

48   Ibid., 400–401.

wield power and assert its right to determine what took place within all the town's churches.

Even the interior settings of churches were contested, as is evident in several ways. Iconoclastic episodes became increasingly common in Grandson, Orbe, and the surrounding rural territory despite the fact that such actions were forbidden by the city-states. Only after a vote for the Reformation had succeeded could the sanctioned removal of Catholic altars, statuary, and crucifixes commence. Catholics complained to both city-states that their churches were being "cleansed" of objects of veneration ahead of such votes. The Reformed preacher Christoph Hollard was the principal ringleader of iconoclastic violence. According to the chronicler Pierrefleur, Hollard led one of the first iconoclastic riots in 1531 by secretly tearing down an altar in the church of Notre-Dame in Orbe. Hollard was accused of destroying altars in seven churches during the course of the rampage.[49] Around the time of an early Reformed baptism in Orbe, conducted by Viret, Hollard took the opportunity to throw a large stone cross to the ground.[50] Farel denied some allegations of iconoclasm when he wrote to Bern that "no one had destroyed altars."[51] Farel's denial notwithstanding, Fribourg charged him and his compatriot, Antoine Froment, and others from Yvonand and Grandson of participating in the destruction of Catholic churches.[52]

The specific configuration of the interior of churches was an important means of representation of one's faith for both groups. Therefore, both sides sought to demarcate church interiors with the inclusion of specific symbols. In this context, acts of iconoclasm became a form of the appropriation of space by Reformed congregations just as the maintenance of objects served the same role for Catholics. Moreover, any attack on images was an act of disobedience against the city-states that had expressly forbidden iconoclasm. Reformed clergy and their congregants were revealing the limits of mandated tolerance and peace by showing that even without legal sanction they would take matters into their own hands to further their beliefs. Likewise, such violent behavior demonstrated the growing separation between Catholic and Reformed residents.

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49   Junod, *Les mémoires de Pierrefleur*, 37–38.

50   Ibid., 56.

51   Herminjard, *Correspondance des réformateurs*, 374.

52   Vuilleumier, *Histoire de l'église réformée*, 69.

III   The Laity

Clerics of both creeds used their positions of authority to attack their spiritual opponents, which encouraged residents to perceive religious differences as dangerous and unacceptable. In other words, everyday folk were becoming increasingly aware of the spiritual gulf between faiths and were ever more intolerant and resistant to biconfessionalism. While preachers highlighted the differences in faith and theology, residents, who were not as equipped with religious knowledge nor had access to pulpits from which to speak, nonetheless took matters into their own hands and acted.

Lay folk who engaged in this war of words left no room for doubt which side of the confessional divide they occupied. Some confronted Farel and called him, among other terms, a "devil."[53] Catholic residents, including even children, interrupted Farel's sermons. In one instance, youngsters who were pretending to sleep in the church pews before the Reformed sermon started, woke up, taunted Farel loudly, and walked out.[54] During another of Farel's sermons, a Catholic procession that had walked into the countryside returned to the main church where he was preaching. The procession entered; the children in the train mocked Farel; and the accompanying priests chanted loudly so as to drown out the Reformer. The noise was great enough that Farel had to give up the pulpit and cease preaching to his small congregation of ten.[55] These incidents reveal that Catholics perceived Reformed preaching as a threat to their community; they therefore acted to silence Farel. It is telling that this gathering included children, representative of a future generation that was impacted by the events in their communities and on whom the survival of Catholicism depended. Moreover, such protests demonstrate the residents' willingness to stand up to the authority of their superiors in Bern. Thus, such expressions of discontent were political acts.

Despite the protests, Reformed preachers continued to occupy the pulpits of the local churches, but all clerics were governed by strict time constraints, and each faith was supposed to make room for the other. Catholics complained that the Reformed clerics overstayed their time in the shared places of worship. Pierrefleur records that Reformed pastors in Grandson would not vacate the church, in order to delay the Catholic Mass. Rather, the Reformed preachers gave three sermons consecutively, cutting into the time reserved for the

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53   Herminjard, *Correspondance des réformateurs*, 327–328n2.

54   Junod, *Les mémoires de Pierrefleur*, 25–26.

55   Ibid., 26.

Mass.[56] In one case, they were chased away only after an attack led by Catholic women of the town, after which the Mass convened.[57] Everyday folk sought to enforce these rules that were meant to preserve their ability to worship when state power was passive or unwilling to enforce the rules.

Residents became increasingly hostile toward members of the opposing faith as time passed and the size of the Reformed community grew. Dispensing with any pretense to religious or theological sophistication, they labeled fellow residents with harsh vernacular monikers. Pierrefleur related that when the bells sounded for Catholic services, the residents would flood into the streets armed.[58] The Council of Grandson complained to Bern that this behavior was so out of hand that it was as if law and order had completely broken down and the town was without social cohesion. The situation so concerned members of the local council that they called on their Bernese superiors to restore order. The councilors wrote:

> But without any thought of justice, and disobediently the Reformed disregard all of the [previous] ordinances and rules, it is as if they are people without restraint, without order and reason. They say "you pass by here, yes or no?" They wish to govern according to their own appetites and violate here and in the city of Grandson the customs and liberties of our commune with vituperation and dishonor. It causes sadness and regret for people living here, for the reasons following and many others that we cannot name for the sake of brevity.[59]

The regional authorities' plea to Bern reveals their inability to keep the peace. Indeed, based on their correspondence in 1531, they feared that religious unrest threatened to destroy the town.

The laity, motivated by a belief that clergymen were encouraging and inciting conflict, as well as by religious intolerance, not only tried to silence pastors; they sometimes physically assaulted them. In one case, laywomen threw Hollard to the ground in the middle of the street, abusing and scratching him until authorities rescued him.[60] Indeed, this attack on Hollard is one of many instances in which women were identified as chief perpetrators of violence and resistance.

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56   Ibid., 50.
57   Ibid., 50–51.
58   Ibid., 39.
59   Herminjard, *Correspondance des réformateurs*, 390.
60   Vuilleumier, *Histoire de l'église réformée*, 56.

As has been noted in the examples above, women often took part in the demonstrations against clerics and were accused of organizing protests, such as when "sleeping" children awoke during one of Farel's sermons as described above. Their resistance reveals that they, too, were uneasy with and threatened by biconfessionalism. One can speculate whether the authorities were particularly worried about female involvement and therefore singled women out.

Although it is impossible to say with certainty, several possibilities exist to explain why women figure so prominently in episodes of unrest and violence. First, women were shut out of the voting process and their voices were not officially heard. Nonetheless, they were frequent actors in the occurrences of conflict. They found a way through protest to participate and make their opinions known. Such actions demonstrate that women were not simply passive and acted upon by religious and secular authorities, as research on women and the Reformation from across Europe has revealed. Rather, they had agency.[61]

Second, as was the case in other parts of Europe, women were punished at half the rate of men, both in terms of monetary fines and time in prison, and this significant discrepancy was reaffirmed in the ordinances of 1532.[62] It is conceivable that the less rigorous punishments applied to women opened a space for them to speak for the rest of the community with the knowledge that their sentences would not be as severe as men's.[63] Heide Wunder notes that women received these lighter sentences because "they were not held fully responsible because of their 'imbecility' (*Torheit*)."[64] Undoubtedly, officials in the Common Territories considered women's behavior and crimes in these cases as motivated partially by weakness of mind. Ulinka Rublack cautions, however, that "we must regard with skepticism the assumption that women in early modern Germany were generally as a matter of principle treated more

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61   Kirsi Stjerna, *Women and the Reformation* (Oxford: Blackwell Publishing, 2009), 213–14.

62   Susan C. Karant-Nunn, *Zwickau in Transition, 1500–1547: The Reformation as Agent of Change* (Columbus: Ohio State University Press, 1987), 227–28. Karant-Nunn has found a similar situation existed in German territory.

63   Ulinka Rublack, "State-Formation, Gender and the Experience of Governance in Early Modern Württemberg," in *Gender in Early Modern German History*, ed. Ulinka Rublack (Cambridge: Cambridge University Press, 2002), 200–217. Rublack draws a similar conclusion from her study of a Swabian town where women acted as "go-betweens" in relations involving authorities and residents and therefore "held an important position in the informal politics of this town" (200).

64   Heide Wunder, "Gender Norms and Their Enforcement in Early Modern Germany," in *Gender Relations in German History: Power, Agency, and Experience from the Sixteenth to the Twentieth Century*, ed. Lynn Abrams and Elizabeth Harvey (Durham, NC: Duke University Press, 1997), 39–56, here at 43–44. See also Merry E. Wiesner, *Women and Gender in Early Modern Europe*, 2nd ed. (New York: Cambridge University Press, 2000), 38.

leniently than men."[65] Women's constant appearances in these records reveal they certainly were influential in events in their parishes.

A clear demonstration that the Catholic community in Orbe sensed that it was in jeopardy came in 1531 when the religious community of the Sisters of St. Clare left the town in response to the confessional strife that was engulfing Orbe. The reaction of the residents to this departure was intense. Once the convent was empty, Catholic residents sought entry to the church and cloister to venerate a sacred space that they believed belonged to them. The Reformed bailiff, once he learned of the sisters' departure, ordered a group of Reformed men of the town to block the doors. The Catholic crowd was so angry that violence nearly broke out. Several Catholic nobles were alerted and ordered the garrison to leave and allow Catholics free access to the sacred space. The bailiff refused to dismiss the guards, to the dismay of the Catholic population. Realizing that a melee was about to ensue over the situation, however, he relented and called off his men. The local authorities allowed the Catholics to pray in the church and do their devotion. Later that day, a vigil was held in honor of St. Germain, the patron saint of Orbe, during which time more strife between Catholics and Reformed took place. On account of their threatening behavior during the unrest, some residents were imprisoned for eight days and fined 100 écus, although it is unclear whether those sanctioned were Reformed or Catholic. The monetary fine was later lifted.[66]

These episodes show that several factors were at work in Orbe. First, evidence of the dissolving of the Catholic community, as represented by the sisters' departure, was deeply disturbing to many Catholic residents. Their actions reveal that the exodus of the nuns was perceived as a loss and that the Catholics' faith was threatened by the growth and intolerance of the Reformed congregation, whose leadership included civic authorities, such as the bailiff from Bern. Second, the Catholic citizens were determined, regardless of the orders of Bern's representatives, to demand the right to worship according to their consciences in a space they deemed sacred. Third, the involvement of the local Catholic noblemen underscored the fact that divisions in Orbe ran deep, even through the upper echelons of the community. No longer were the Catholic nobles obeyed on account of their position and status—both Catholics and Reformed were willing to disobey their commands when it came to matters of faith.

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65   Ulinka Rublack, *The Crimes of Women in Early Modern Germany* (Oxford: Clarendon Press, 1999), 90. Rublack also notes, "Their [women's] 'weakness' could thus be as much interpreted as a reason for firm treatment as it could for mild treatment" (60).

66   Junod, *Les mémoires de Pierrefleur*, 48–50.

IV   1532 Ordinance of Bern and Fribourg

Following months of unrest and violence, Fribourg and Bern took joint action in an attempt to reestablish peace in the Common Territories while at the same time maintaining biconfessionalism. On 30 January 1532, the city-states issued an edict for Grandson and Orbe, making it clear that they were concerned about the "tumult, sedition, physical violence and unrest" in both town and countryside on account of religious conflict.[67] They stated their wish to reestablish "peace, tranquility, friendship, and civil union between subjects and to abolish all hatred, enmity, regrets, and differences."[68] In doing so, they strove to ensure peaceful coexistence. To accomplish this objective, they declared that peaceful coexistence should bind the community. In essence, residents' respect for religious freedom would become the glue that united the community. To that end, the authorities reiterated that all were free to follow their consciences and worship as they chose. Both in the countryside and in the towns, people were to have access to the Mass and the sermon. In those places where the Mass had been abolished, however, the authorities made it clear that it was not to be reestablished. Once again, these terms ultimately disadvantaged those who wished to remain Catholic and underscored the prevailing belief that a divided religious community was not an ideal.

To accomplish shared space without conflict, the city-states restricted inflammatory speech. They admonished preachers to limit their public speaking to edifying their flocks through preaching and instructed them to use moderate and careful language. The city-states explicitly told clergy to refrain from attacking clergy of another faith. Clearly preachers and clergy were seen as fanning the flames of intolerance and being the major source of unrest. Likewise, in addressing the laity, the authorities warned residents that no man or woman was to harass or mock adherents of the other faith. In this same edict, they ordered all to interact in a cordial and polite manner.

The same process of accommodation and civility can be seen in efforts to regulate how churches themselves were shared. To ensure that both Catholics and Reformed had access to sacred space, the authorities specified the times when the two sides could use the towns' churches. Similarly, to preserve the sanctity of churches for Catholics and prevent further violence, iconography was to remain in place until such time as a vote of the people abolished the Mass. They pardoned all who had been involved in previous acts of unauthorized iconoclasm.

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67   AEF, GS, 1706.
68   Ibid.

The city-states demonstrated their seriousness in restoring order and calm in the region when they prescribed the punishments that would be inflicted on those who disobeyed. Once again, disobedience in the religious realm was interpreted as insubordination to worldly authority and merited censure. Men who violated the above provisions were to be fined and imprisoned for three days and nights. Women were fined at half the rate of men.[69] The mandate did not immediately put an end to the religious violence and unrest, but it clarified the positions of the city-states toward strife. At the same time, it reconfirmed that no matter the wishes of the majority of Catholic residents, Reformed preaching and services could continue.

v   Conclusion

In order to preserve the peace between their two states, Fribourg and Bern continued to allow both faiths to exist publicly. Moreover, they allowed the men of their common territories to determine the confession of their communities through plebiscite. From the perspective of modern conceptions of religious tolerance, one might imagine that such edicts would have created the conditions necessary for peaceful coexistence as all were free to decide for themselves which creed to adopt, yet residents could not imagine a cohesive and peaceful community without the glue of a shared confession.

Regardless of the fact that male residents of voting age ultimately decided whether to remain confessionally divided or to unite as Reformed Christians, Bern did not relinquish its authority and influence. Just as lay folk and clergy rejected biconfessionalism, it was not an ideal situation for the Bernese authorities. The Reformed city-state demanded that its pastors operate freely in the common territories despite the wishes of the majority of residents. Similarly, it insisted that votes it believed would favor the Reformation should take place quickly despite the protests and delaying tactics of Fribourg. The actions of Bern reveal that it did not intend for coexistence to endure long.

The experiment of biconfessionalism in Orbe and Grandson lasted twenty-four years. From 1530 to 1554, Catholic and Reformed communities worshipped within the walls of the same towns and sometimes within the same church buildings. In the end, rather than allowing Catholic residents to worship as they chose, the men of Orbe and Grandson voted to end the Mass and ban the Catholic faith. During the interim, the memory of a united Catholic community faded, but the belief that residents should be bound in faith did not.

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69   Stjerna, *Women and the Reformation*, 213–14.

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The Persecution of Witches and the Discourse on Toleration in Early Modern Germany

William Bradford Smith

At the beginning of his 1626 treatise *Panoplia Armaturae Dei*, Friedrich Förner described his role as a preacher in terms of God's instructions to the prophet Ezekiel (Ezek. 33:1–9). As a "watchman" appointed by God, the preacher's obligation "if he sees the sword coming upon the land" was to "blow the trumpet and warn the people." Reflecting on God's charge to Ezekiel, Förner noted "how great is the burden of the preacher, great the loss if through his fault and irresponsibility one single soul is captured and destroyed by the Enemy."[1] In this case, the "sword" hanging over the land was witchcraft. Given the conception of witchcraft as an insidious form of devil worship, it would seem scarcely possible that any argument could be made for the toleration of witches. Insofar as it was the responsibility of Christians to promote the correct worship of God, militant *in*tolerance would indeed appear to constitute the highest form of piety in dealing with witchcraft.[2] Nevertheless, a distinct discourse of toleration rooted in pragmatism and the idea of prudence did emerge during the great witch hunts of the sixteenth and seventeenth centuries. Moreover, these pleas for even limited toleration of witches had potentially radical implications given the severity of the crime.

The persecution of witches of the sixteenth and seventeenth centuries marks perhaps one of the most dramatic expressions of intolerance of the Reformation era. In Germany, the witch hunts witnessed the greatest slaughter, outside of war, inflicted by individuals on their fellow human beings before the Holocaust.[3] Not surprisingly, the subject is scarcely mentioned in studies of

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1 Friedrich Förner, *Panoplia Armaturae Dei, Adversus Omnem Superstitionum, Divinationum, Excantationum, Daemonolatriam, et Universas Magorum, Veneficorum, & Sagarum, & ipsiusmet Sathanae Insidias, Praestigias & Infestationes: Concionibus Bambergae Habitis, Instructa & Adornata, et Reverendissimo atque Illustrissimo Principi ac Domino, Domino Ioanni Christophoro Episcopo Aichstettensi, nuncupata atque inscripta* (Ingolstadt: Gregor Hänlin, 1626), 1.

2 Benjamin J. Kaplan, Prologue, 1–2.

3 Gerhard Schormann, *Hexenprozesse in Deutschland* (Göttingen: Vandenhoek & Ruprecht, 1981), 22.

toleration.[4] As John Coffey noted, although the witch hunts of the sixteenth and seventeenth centuries constitute "one of the most remarkable manifestations of religious intolerance in the early modern period," he found it "impossible to integrate" that topic into his study of religious persecution and toleration in England.[5] Although scholars have noted growing skepticism toward witch trials among theologians and jurists, those discussions have focused primarily on issues of judicial practice and tensions between jurists and demonologists.[6] The question remains open, whether opposition to the witch hunts ought to be considered within the larger early modern discourse on toleration rooted as they were primarily in debates over juridical practice.

There was near unanimity among sixteenth-century political theorists that political order was only possible where there was one religion. Heresy was a crime of the highest order, damnable before God and odious to the state, on par with atheism and Machiavellianism and deserving of the severest of punishments. Toleration, meanwhile, was seen as neither virtuous nor just.[7] Conversely, "intolerance and indeed persecution were viewed as positive values, both theologically and eschatologically in the sense that they were

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4   See, for example, Benjamin J. Kaplan, *Divided by Faith: Religious Conflict and the Practice of Toleration in Early Modern Europe* (Cambridge, MA: Harvard University Press, 2007); Alexandra Walsham, *Charitable Hatred: Tolerance and Intolerance in England 1500–1700* (Manchester: University of Manchester Press, 2006); Joseph LeCler, *Toleration and the Reformation*, trans. T. L. Westow, 2 vols. (London: Longman, 1960); and Henry Kamen, *The Rise of Toleration* (New York: World University Press, 1967). None of these works mention witchcraft at all.

5   John Coffey, *Persecution and Toleration in Protestant England, 1558–1689* (London: Pearson Education, 2000), 15.

6   Peter Oestmann, *Hexenprozesse am Reichskammergericht* (Cologne: Böhlau, 1997); Wolfgang Behringer, *Witchcraft Persecutions in Bavaria: Popular Magic, Religious Zealotry, and Reason of State in Early Modern Europe*, trans. J. C. Grayson and David Lederer (Cambridge: Cambridge University Press, 1997), esp. chap. 4; Alfred Soman, "The Parlement of Paris and the Great Witch-Hunt (1565–1640)," *Sixteenth Century Journal* 9 (1978): 31–44; Jonathan Pearl, "French Catholic Demonologists and Their Enemies in the Late Sixteenth and Early Seventeenth Centuries," *Church History* 52 (1983): 457–67; Jonathan Pearl, *The Crime of Crimes: Demonology and Politics in France, 1560–1620* (Waterloo, ON: Wilfrid Laurier University Press, 1999); Malcolm Gaskill, "Witchcraft and Evidence in Early Modern England," *Past and Present* 198 (2008): 33–70; Edward Bever, "Witchcraft Prosecutions and the Decline of Magic," *Journal of Interdisciplinary History* 40 (2009): 263–93.

7   Antonio Possevino, *Iudicium de Nuae Militis Galli Scriptis, quae ille Discursus Politcos, et Militares Inscripti* (Rome: Vaticana, 1592); Antonio Possevino, *De Sectariorum Nostri Temporis Atheismis Liber* (Cologne: Mylius 1586); Harro Höpfl, *Jesuit Political Thought: The Society of Jesus and the State, c. 1540–1630* (Cambridge: Cambridge University Press, 2004), 105–7.

positive actions taken in order to remedy the effects of a false or harmful faith."[8] For Catholic authors, it was manifestly clear that the Roman Church was the best and most proven buttress of the social order. Heresy, by contrast, had always shown itself to be a divisive and destructive force. Experience had shown that coexistence between rival faiths is impossible. As Juan de Mariana put it, "however tightly blood-ties, similarity of manners and mode of life, or common homeland may bind wills to benevolence, diversity of religion will make such benevolence collapse."[9] Robert Bellarmine was even more pointed: "freedom of belief is pernicious even to the temporal welfare of kingdoms and the public peace."[10] Adam Tanner noted the moral decay that necessarily followed toleration of heresy.[11] It follows, therefore, that except in extreme circumstances, "toleration is not only irreligious and immoral, but bad policy."[12] Martin Becan argued that regardless of the confession of the prince, heretical subjects would prove ungovernable.[13] Ultimately, "the peace of the commonwealth [*Reipublicae*] cannot be preserved without unity of religion."[14]

Since the fifteenth century, demonic witchcraft had been seen as the most extreme form of heresy. Much of the learned mythology surrounding demonic witchcraft was lifted from traditional stereotypes of heretics, inherited from the medieval church and refined in the wake of the first major trials in Switzerland in the early fifteenth century.[15] Late-sixteenth- and seventeenth-century authors, Catholic and Protestant alike, tended to group demonic witches with

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8   C. Scott Dixon, "Introduction," in *Living with Religious Diversity in Early-Modern Europe*, edited by C. Scott Dixon, Dagmar Freist, and Mark Greengrass (Farnham: Ashgate, 2009), 7.

9   Juan de Mariana, *De Rege et Regis Institutione, Libri III* (Hanover: Wechelianus, 1605), III.17, 354; Höpfl, *Jesuit Political Thought*, 118.

10   Robert Bellarmine, *De Officio Principis Christiani: Libri Tres* (Lyon: Horatius Cardon, 1619), 335.

11   Adam Tanner, *Amuletum Castrense Sive Antidotum Adversus Pernitiosos Calumniarum Afflatus, Tristes, Que Bellorum Motus, ex Boëmico Tumultu Enatos* (Ingolstadt: Eder, 1623); Francesco Gui, *I Gesuiti e la Rivoluzione Boema: Alle Origini della Guerra Dei Trent'anni* (Milan: Franco Angeli, 1989), 18–20.

12   Höpfl, *Jesuit Political Thought*, 113.

13   Martin Becan, *Disputatio Theologica, De Fide Haereticis Servanda cum Appendice in Libellum, Cui Titulus: Foederatorum Inferioris Germaniae Defensio Tertia contra Calumniam Pacis Perturbatae &c.* (Mainz: Johannes Albinus, 1607), vii, 7.

14   Martin Becan, *R. P. Martini Becani Iesu Theologi Theologiae Scholasticae pars Tertia, Tractatus Secundus, De Sacramentis Ecclesia* (Mainz: Antonius Strohecker, 1628), II.2, cap. 15, q. 6, 224–25; Gui, *I Gesuiti e la Rivoluzione Boema*, 16.

15   See Wolfgang Behringer, "How Waldensians Became Witches: Heretics and Their Journey to the Other World," in *Communicating with the Spirits*, ed. Gábor Klaniczay and Éva Pócs (Budapest: Central European University Press, 2005), 155–92; Martin Ostorero, "The Concept of the Witches' Sabbath in the Alpine Region (1430–1440): Text and Context," in

sectarians. So while English Protestant authors at times conflated witches with Quakers, Catholic authors identified them with Anabaptists, Schwenkfelders, and other nonconformists.[16] To some extent, these comparisons rested on a traditional taxonomy of heresy. Jean Boucher saw witches as standing in a line of heretics that stretched back to Simon Magus and included not only Cathars and Waldensians, but Calvinists and Sir Walter Raleigh.[17] Förner, the principal architect of the witch hunts in Bamberg, likewise linked magic with a range of heretics including John Wyclif, Jan Hus, the Anabaptists, and even the Rosicrucians.[18] Some authors, such as Martin Del Rio, drew connections between the sectarian's belief in being moved by the Spirit and popular forms of divination.[19]

Still, difficulties arise when one attempts to compare witchcraft to other forms of religious nonconformity. In the confessional conflicts of Reformation Europe, each side viewed its opponents not merely as being foolish or misguided, but frequently saw them as "actively demonic."[20] In the case of witches, the demonization was complete. Although heretics might have been unwilling allies of Satan, the essence of witchcraft, as it was understood in the mass trials, was the intentional pact with demons.[21] But here we are faced with a problem. In the most basic sense, witches did not exist, or at least not in the ways in which the inquisitors imagined them. There were people who practiced magic

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Witchcraft Mythologies and Persecutions, ed. Gábor Klanisczy and Éva Pócs (Budapest: Central European University Press, 2008), 15–34.

16   See, for example, Martin Antonia Del Rio, *Disquisitionum Magicarum Libri Sex Quibus Continetur Accurata Curiosarum Artium, et Vanarum Superstitionum Confutatio, Utilis Theologis, Iurisconsultis, Medicis, Philologis* (Mainz: Peter Henning, 1617), prologue; Walsham, *Charitable Hatred*, 146–47; and William Bradford Smith, "Friedrich Förner, the Catholic Reformation, and Witch-Hunting in Bamberg," *Sixteenth Century Journal* 36 (2005): 115–28.

17   Jean Boucher, *Couronne Mystique, ou Dessein de Chevallerie Chrestienne, Pour Exciter les Princes Chrestiens à rendre le debvoir à la piété Chrestienne contre les ennemis d'icelle: et Principalement Contre le Turc* (Tournai: Adrian Quinque, 1623), 541–42, 549.

18   William Bradford Smith, "Resisting the Rosicrucians: Theories on the Occult Origins of the Thirty Years' War," *Church History and Religious Culture* 94 (2014): 413–43, here at 429–31; Smith, "Friedrich Förner," 122–27.

19   Del Rio, *Disquisitionum Magicarum*, 210, 595. See also Gary K. Waite, *Eradicating the Devil's Minions: Anabaptists and Witches in Reformation Europe, 1535–1600* (Toronto: University of Toronto Press, 2007).

20   Randolph Head, "Introduction: The Transformations of the Long Sixteenth Century," in *Beyond the Persecuting Society: Religious Toleration before the Enlightenment*, ed. John Christian Lauren and Cary J. Nederman (Philadelphia: University of Pennsylvania Press, 1998), 95–106, here at 104; Kaplan, *Divided by Faith*, 77.

21   Del Rio, *Disquisitionum Magicarum*, 1.2, 3; Martin Del Rio, *Investigations into Magic*, ed. and trans. P. G. Maxwell-Stuart (Manchester: Manchester University Press, 2000), 32.

of some sort or another, and on occasion such individuals do appear before the courts. In the main, however, the large-scale persecutions that typified the European "witch craze" were directed at a nonexistent satanic cult, which in the eyes of the officials was active in opposition to the right order of church, state, and society.

Since there was no sect or organized atheistic demonic cult of the form imagined by the demonologists, the persecution of witches appears to modern observers to be "criminal proceedings without a crime."[22] Nevertheless, early modern people were with few exceptions convinced of the reality of witchcraft. In the words of Peter Binsfeld, witches had "set themselves against man's health and welfare" and must therefore "be appraised as disturbers of the common good and alien to human nature." It was the task of officials, secular and ecclesiastical, "to release the Fatherland from the Devil's power and bring those who had been seduced by the Devil back on the road to truth and salvation."[23]

But even though most sixteenth- and early-seventeenth-century writers were convinced of both the reality and seriousness of the crime of witchcraft, there were some who spoke out against the trials. The earliest dissenters, such as Johann Weyer and Johann-Georg Gödelmann, were Protestants, but Catholic voices soon joined in protesting against the witch hunts.[24] Catholic critics, in particular Adam Tanner, Paul Laymann, and Friedrich von Spee, stressed not merely practical but moral reasons why persecution should be avoided. These arguments were not only to be found in the writings of theologians, however. In a number of texts written in Bamberg at the height of the witch trials in the 1620s, we can see similar arguments against witch-hunting that parallel those put forward by the theologians. The Bamberg documents, moreover, were contemporary to and hence not influenced by the writings of Tanner, Laymann, and Spee. To the extent that they emerged independently, they may point to the existence of a more generally held idea of toleration shared among Catholic clergy and laity that developed in response to the horrors of the witch trials.

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22   Behringer, *Witchcraft Persecutions in Bavaria*, 14; Schormann, *Hexenprozesse in Deutschland*, 22–29; Ingrid Ahrendt-Schulte, *Weise Frauen—Böse Weiber: Die Geschichte der Hexen in der Frühen Neuzeit* (Freiburg: Herder, 1994), 947.

23   Peter Binsfeld, *Tractat von Bekanntnuß der Zauberer vnd Hexen: Ob vnd Wie Viel Denselben zu Glauben* (Munich: Adam Berg, 1592), a4f.

24   Johann Weyer, *De Praestigiis Daemonum et Incantationibus ac Veneficiis* (Basel: Operiniana, 1568); Johann-Georg Gödelmann, *Tractatus de Magis, Veneficis, et Lamiis, deque his Recte Cognoscendis et Puniendis* (Frankfurt: Johannes Sauer, 1591); Behringer, *Witchcraft Persecutions in Bavaria*, 212–14.

The argument found throughout these texts might be termed "procedural toleration." This was a principle of imperial public law, developed over the course of the sixteenth and seventeenth centuries in the context of maintaining the peace and tranquility in the empire in an age of religious controversy.[25] The essential idea was the suspension of legal action by the ruling authorities, understood as a temporary measure to forestall disruption of the body politic. Within the Holy Roman Empire, this involved granting parity de jure between the states ascribing to rival confessions even where neither side recognized the other as being of equal stature. Effectively it marked the extension of a fundamental principle of federalism into the realm of religious politics.[26] On a philosophical level, procedural toleration was rooted in the doctrine of reason of state. As articulated by both Catholic and Protestant authors, it arose as a means of maintaining good faith between rival religious factions and minimizing the disruptive potential of doctrinal divisions.[27] Catholic arguments against witch-hunting show a kinship to the principle of procedural toleration, applied in a context far removed from the one in which it was first developed.

1   Catholic Arguments against Witch-Hunting in Germany

In the 1620s three prominent Jesuits—Adam Tanner, Paul Laymann, and Friedrich von Spee—published critiques of witch-hunting. Their works may

25   Martin Heckel, "Autonomia und Pacis Compositio: Der Augsburger Religionsfriede in der Deutung der Gegenreformation," *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte: Kanonistische Abteilung* 45 (1959): 141–248, esp. 240–43; Heinrich Bornkamm, "Die Religiösen und Politischen Problematik im Verhältnis der Konfessionen im Reich," in Lutz, *Zur Geschichte der Toleranz und Religionsfreiheit*, 257–58; Fritz Dickmann, "Problem der Gleichberechtigung der Konfessionen im Reich im 16. und 17. Jahrhundert," in Lutz, *Zur Geschichte der Toleranz und Religionsfreiheit*, 205.

26   Heckel, "Autonomia und Pacis Compositio," 240–44; Dickmann, "Problem der Gleichberechtigung," 211–16.

27   Dickmann, "Problem der Gleichberechtigung," 231–33; Bornkamm, "Die religiösen und politischen Problematik," 256–58. For early presentations of the idea, see Giovanni Botero, *Della Ragion di Stato, Libri Dieci* (Venice: Giolito, 1589); Martin Becan, *Compendium Manualis Controversiarum huius Temporis, de Fide, ac Religione* (Würzburg: Johannes Volmer, 1626); Martin Becan, *Disputatio Theologica, De Fide Haereticis Servanda cum Appendice in Libellum, Cui Titulus: Foederatorum Inferioris Germaniae Defensio Tertia contra Calumniam Pacis Perturbatae &c.* (Mainz: Johannes Albus, 1607); Bogislav Philipp von Chemnitz, *Dissertatio de Ratione Status in Imperio Nostro Romano-Germanico In qua, tum, Qualisnam Revera in eo Status sit; tum, Quae Ratio Status Observanda Quidem, sed Magno cum Patriae Libertatis Detrimento, Neglecta hucusque Fuerit; tum Denique, Quibusnam Mediis Antiquus Status Restaurari ac Firmari Poßit, Dilucide Explicatur* (Freistadt, 1647).

be seen as part of a broader Catholic discourse on toleration that had emerged in the later part of the sixteenth century. Although no Catholic author supported blanket toleration for heretics or witches, they did identify certain conditions under which limited toleration might be granted. The arguments were mostly practical, focusing on the social, political, and economic distress that persecution might cause to a people.[28] Since none could call for anything approaching active toleration of witches, all three authors presented their ideas mainly within the context of a thorough critique of criminal procedure. Although none of the authors make explicit reference to the concept of procedural toleration in the context of witch-hunting, it nevertheless underlies their arguments for the suspension of witch trials in Germany.

On the surface, it would appear difficult to imagine any early modern author calling for toleration of demonic witchcraft. In the eyes of learned demonologists, witchcraft was the worst of crimes, the most extreme form of heresy. Witchcraft was a public crime—witches injured the commonwealth through bringing on storms and bad harvests, inflicting sickness on men and beasts, and generally subverting the civil and religious order. It ranked with treason as one of the most heinous crimes, meriting the strictest punishments.[29] For these authors, witchcraft was the summation of all previous heresies. Del Rio, Förner, and De Maldanado argued that witches were the heirs of the Hussites in Bohemia, Lutherans in Germany, and Calvinists in France, England, and the Netherlands.[30] The great champion of witch-burning in Bamberg, Friedrich Förner, saw witches as a satanic fifth column, destroying the state from within while Calvinist armies attacked it from the outside. Indeed, he argued that it

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28   On the Catholic (mainly Jesuit) discourse on toleration in early modern Germany, see Höpfl, *Jesuit Political Thought*, 4, 54–67; Hans R. Guggisberg, "Wandel der Argumente für religiöse Toleranz und Glaubensfreiheit im 16. und 17. Jahrhundert," in Lutz, *Zur Geschichte der Toleranz und Religionsfreiheit*, 455–81; Erich Hassinger, "Wirtschaftliche Motive und Argumente fur Duldsamkeit im 16. und 17. Jahrhundert," *Archiv für Reformationsgeschichte* 49 (1958): 226–45; Robert Bireley, S. J., *The Counter-Reformation Prince: Anti-Machiavellianism or Catholic Statecraft in Early Modern Europe* (Chapel Hill: University of North Carolina Press, 1990); and Stefania Tutino, *Empire of Souls: Robert Bellarmine and the Christian Commonwealth* (Oxford: Oxford University 2010).

29   Theodosian Code, cap. 16; Adam Tanner, *Universa Theologia Scholastica, Speculativa, Practica: De Fide, Spe, Charitate, Iustitia, Religione, Caeterisq[ue] Virtutibus & Vitiis: ac Variis Hominum Statibus* (Ingolstadt: Eder, 1627), Disp. IV, De Iustitia, Quaestio V, cols. 981–83; Del Rio, *Disquisitionum Magicarum*, 695–96, 775.

30   Del Rio, *Disquisitionum Magicarum*, prologue; Förner, *Panoplia Armaturae Dei*, 2; Juan de Maldonado, *Eruditissimi Domini Joannis Maldonati ... Disputatio de Daemonum Distinctione et de Praestigiis, hoc est, de Potestate, Actione et Fallacia Eorundem* (Paris, 1572), 3r.

was on account of Catholic victories over the Protestant sects that the devil had raised up this new threat to harass the True Church.[31]

No author raised the question of recognizing witchcraft as a legitimate confession. Unlike heretics, who at least affected the worship of the one God, witches actively worshipped the devil and bound themselves to him. In the process, they profaned the holy sacraments and rejected the Holy Trinity.[32] Consequently, witches had to be understood as apostates, if not atheists.[33] Several authors stressed the responsibility of the ruling authorities to punish witchcraft with the utmost severity.[34] Adam Contzen even wrote a "political novel" praising an imaginary Abyssinian king for his relentless persecution of witches. Faced with floods and famines brought on by witches, that king works to stamp out the demonic scourge, despite the opposition of Machiavellian *politiques* at his court who claim that the tales of witchcraft are nothing but empty fantasies.[35] Förner likewise expounded on the responsibility of magistrates, claiming that any failure to persecute witches vigorously posed grave danger to the commonwealth. Witches were analogous to ravaging armies, thieves, and pirates; the state had a responsibility to use all means necessary to eliminate witchcraft just as it did to guard its subjects against these other threats.[36] The godly magistrate should be mindful of God, who neither sleeps nor slumbers. He should, in the words of the Psalm, gird his sword on his thigh and ride forth victoriously for the cause of truth and in defense of the right.[37] As both the law and scripture had made manifest, magistrates were absolutely required to eliminate witches with fire and sword in order to secure the peace and welfare of the commonwealth.[38]

Despite the vehemence of their condemnation of witchcraft, Catholic authors in the seventeenth century were deeply divided on the question of witch-hunting. Two significant early critics were Paul Laymann and Adam Tanner.

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31   Friedrich Förner, *Duo Specula Principis Ecclesiastici* (Ingolstadt: Hänlin, 1623), 29–35; Förner, *Panoplia Armaturae Dei*, 14, 19, 108; Smith, "Friedrich Förner," 125–27.

32   Del Rio, *Disquisitionum Magicarum*, 103–13; Binsfeld, *Tractat von Bekanntnuß der Zauberer vnd Hexen*, A2v.

33   Del Rio, *Disquisitionum Magicarum*, 432, 775–82, 1021; Boucher, *Couronne Mystique*, 436–43.

34   Behringer, *Witchcraft Persecutions in Bavaria*, 216–24.

35   Adam Contzen, *Methodus Doctrinae Civilis, seu Abissini Regis Historia* (Cologne: Johann Kinck, 1628), esp. dedicatory epistle addressed to Maximilian I of Bavaria; Behringer, *Witchcraft Persecutions in Bavaria*, 222.

36   Förner, *Panoplia Armaturae Dei*, 190.

37   Ibid., 28–29: Ps. 45:3–4 (Vulgate, 44:4), and Ps. 120:4 (Vulgate 121:4).

38   Förner, *Panoplia Armaturae Dei*, 4, 1214, 80; Behringer, *Witchcraft Persecutions in Bavaria*, 324–25.

One striking characteristic of both authors is that they were strongly opposed to granting even limited toleration to Protestants. Both were outspoken in their support of persecution on religious grounds. Tanner's *Amuletum Castrense*, published in 1620 following the revolt in Bohemia, urged the emperor to take up the sword and suppress the Calvinist heresy.[39] Laymann's *Pacis Compositio*, written in defense of the Edict of Restitution of 1629, constituted one of the most thorough and acerbic critiques of the Religious Peace of Augsburg.[40] Both authors were champions of the concept of providential war, the idea that religious war could be seen as an opportunity provided by God for the extension of the faith in the here and now.[41] Nevertheless, in their writings, both expressed grave doubts about witch-hunting. Their arguments reflected, in part, a more critical reading of the criminal code promulgated by Emperor Charles v, the *Carolina*, in light of the works of the Italian jurist Prospero Farinacci as well as their own personal experiences.[42] Though heavily focused on questions of legal procedure, Tanner's and Laymann's critiques point to more general philosophical and theological principles of toleration. The devil, so to speak, was in the details of legal procedure.

Adam Tanner (1572–1632), a prominent theologian and, after 1627, rector of the University of Prague, was the most important Catholic opponent of witch trials in Germany before Friedrich von Spee.[43] Tanner had been a student of Gregor of Valentia, one of the main proponents of witchcraft persecution in Bavaria.[44] Tanner's opposition to witch trials emerged from his own experiences as a witness to trials and a confessor to condemned witches. He was shocked by the brutality of the inquisitors, and particularly distressed by the number of socially respectable people hauled before the courts. Based on confessions

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39   Head, "Introduction," 95–106, here at 104; Kaplan, *Divided by Faith*, 77.

40   Paul Laymann, *Pacis Compositio inter Principes et Ordines Imperii Romani Catholicos atque Augustanae Confessioni Adhaerentes in Comitiis Augustae Anno M.D.LV Edita* (Dillingen: Caspar Sutoris, 1629).

41   Dieter Albrecht, *Die Deutsche Politik Papst Gregors XV: Die Einwirkung der päpstlichen Diplomatie auf die Politik der Häuser Habsburg und Wittelsbach, 1621–1623* (Munich: Beck, 1956), 4:107–8; Robert Bireley, *The Jesuits and the Thirty Years War: Kings, Courts, and Confessors* (Cambridge: Cambridge University Press, 2003), 59–62.

42   Prospero Farinacci, *Praxis et Theoricae Criminalis, Libri Duo* (Frankfurt am Main: Zacharias Palthenius, 1597); Niccolò Del Re, *Prospero Farinacci: Giureconsulto Romano (1544–1618)* (Rome: Fondazione Marco Besso, 1999).

43   Behringer, *Witchcraft Persecutions in Bavaria*, 245–46, 324.

44   Sigmund Riezler, *Geschichte der Hexenprozesse in Bayern* (Stuttgart: J. G. Cotta, 1896), 248–59; Hans-Peter Kneubühler, *Die Überwindung von Hexenwahn und Hexenprozess* (Diessenhofen: Rüegger, 1977). For more on Gregor of Valentia, see Behringer, *Witchcraft Persecutions in Bavaria*, 219–22.

he heard and conversations with other confessors, he concluded that the overwhelming majority of victims were innocent.[45] Consequently, he devoted a section of his 1627 treatise on scholastic theology specifically to witch trials. Following Del Rio, Tanner stressed the moral principle that it would be better for ten guilty to go free than for one innocent life to be lost.[46] He presumed that prudent men, especially those who have had any experience with the witch trials in Germany, must conclude that many innocent people have been wrongly condemned and executed. The reason lies in the fact that the trials were conducted on the basis of false premises and false evidence, contrary to reason and right authority.[47] At the heart of the problem for Tanner was the indiscriminate use of torture. Roman law and the *Carolina* placed limits on the use of torture. Suspects could not be tortured on the testimony of people of bad reputation or those who had been found guilty of the same offense. Torture could be applied no more than three times.[48] Tanner closely followed the limitations placed on torture by Farinacci, who argued that no one may be tortured on the basis of a single witness, especially in cases of "occult and difficult crimes."[49] If such denunciations of criminals were inadmissible, Tanner concluded that this clearly prohibited torturing suspects based on the denunciations of condemned witches. If witches were as false and demonic as everyone assumed, why should anyone trust their testimony, much less subject individuals to extreme torment based solely on their words?[50]

Tanner argued that under the immense pain of torture, people are willing to admit to anything. It is not surprising that prisoners cough up dozens if not hundreds of names of coconspirators—people will say anything just to stop the agony. Beyond that, it is more likely than not that even if individuals believe what they confess, in truth they are reporting the contents of dreams or demonic illusions. Why should the innocent be brought into doubt and danger on the basis of such phantasms?[51] None of the evidence brought forward in these trials can possibly justify the extremity of suffering the accused are subject to. Ultimately this level of cruelty and barbarity cannot be called just. Far from securing the commonwealth, Tanner posited that the persecution of

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45   Riezler, *Hexenprozesse*, 249–50; Kneubühler, *Überwindung*, 144–45; Behringer, *Witchcraft Persecutions in Bavaria*, 245.

46   Tanner, *Universa Theologiae Scholastica*, col. 985; Del Rio, *Disquisitionum Magicarum*, V.4.4, 728.

47   Tanner, *Universa Theologiae Scholastica*, cols. 985–86.

48   Ibid., cols. 985–89.

49   Farinacci, *Praxis et Theoricae*, 1. Tit. 5, q. 37, 39, 40, 75, 577, 581, 637–39, 688.

50   Tanner, *Universa Theologiae Scholastica*, cols. 987–91.

51   Ibid., col. 993.

so many innocent people undermined political order and was injurious to the Catholic cause.[52]

The position of Tanner's contemporary and fellow Jesuit Paul Laymann (1574–1635) has long been a subject of dispute. In 1629 a manual on criminal procedure in witch hunts was published in Cologne with Laymann as the author. The *Processus Iuridicus contra Sagas et Veneficos* ranks as one of the most vehement defenses of persecution.[53] The question of authorship was the focus of a spirited debate at the end of the nineteenth century; general opinion now holds that Laymann was not the author of the treatise.[54] This conclusion is strengthened by the fact that Laymann did in fact publish two works critical of witch trials. The first was a section added to the 1630 edition of his treatise on moral theology. The revised text includes an almost verbatim transcription of the relevant chapters of Tanner's *Theologiae Scholastica.*[55] An earlier work, published in 1629, addressed a series of common arguments in favor of persecution and provided advice to confessors in witch trials.[56] Laymann condemned the indiscriminate use of torture in witch trials, comparing some judges to a cat playing with a mouse before killing it.[57] Torture should be seen as a last resort, not the first method of interrogation, and should be applied only if there was sufficient evidence of wrongdoing.[58] No one should be tortured more than twice; three times is the absolute limit, and the tortures should not be excessively cruel.[59] Laymann suggested that some forms of torture were in and of themselves rooted in superstition and blasphemy. The water probe as well as other forms of the ordeal had been specifically forbidden by popes and councils since they constituted not a test of the accused, but rather of God and his willingness to work miracles. Extreme measures of these sorts were inspired

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52 Ibid., cols. 993–96.

53 Paul Laymann, *Processus Iuridicus contra Sagas et Veneficos: Das ist, Ein Rechlicher Proceß gegen die Unholden und Zauberische Personen* (Cologne: Peter Metternich, 1629).

54 Sigmund Riezler, "Paul Laymann und die Hexenprozesse: Zum Abwehr," *Historische Zeitschrift* 94 (1900): 244–56; Bernard Duhr, "Paul Laymann und die Hexenprozesse," *Zeitschrift für katholische Theologie* 23 (1899): 733–44; Behringer, *Witchcraft Persecutions in Bavaria*, 245–46n124.

55 Paul Laymann, *Theologia Moralis in quinque libros partita* (Munich: Henricus, 1625), vol. 3, *De Iusticia*, Tract. VI, Cap. V, De Sagis.

56 Paul Laymann, *Ein Kurtzer Doch Gründlicher Bericht, wie vnd was Gestalt: So Woln bey dem Rechtlichen Process, als auch der Beicht, mit den Hexen Zuuerfahren Seye* (Würzburg: Stephan Fleischmann, 1629).

57 Laymann, *Gründlicher Bericht*, 31; Behringer, *Witchcraft Persecutions in Bavaria*, 322–33.

58 Laymann, *Gründlicher Bericht*, 5–15.

59 Ibid., 28–29.

by Satan.[60] Likewise, the use of sleep deprivation was to be avoided, since after going days without sleep even the wisest person would say that white was black.[61] Judges were obligated to exercise due caution, and to use all means possible to ensure that the innocent were not injured.[62]

Tanner's and Laymann's concerns formed the foundation of the most important assault on witch-hunting, the *Cautio Criminalis* (1632) of Friedrich von Spee.[63] Spee drew on both authors in his tract, but went much further than his predecessors. Where Tanner and Laymann carefully couched their arguments in the language of academic scholasticism, Spee's tract was unapologetically polemical. In the preface, he noted that although he wrote it for the rulers of Germany, "those [princes] who will not read it, should read it; those who will, should not."[64] He began with the assertion that many innocent people had been executed as witches, that "not all those who have flown away in ashes until now were witches."[65] Though he would not go so far as claim that there were no witches at all, he insisted that the vast majority of accused were innocent, victims of the ignorance, jealousy, and ill-will of the common people and unlearned, unscrupulous judges.[66] In any event, no amount of burning could eliminate all witches. Following Tanner, he advised milder measures.[67] Spee reminded his readers that princes served their subjects poorly when they "proceed without caution, prudence and circumspection," failing to weigh carefully the dangers attending to persecution along with the perceived benefits of ensuring that they do not pull up the wheat with the tares.[68]

Spee found fault with the systematic persecution of witches, asserting that it was better to try individual cases when they arise than to go digging around for accusations. The welfare of the state is not served by prying too much into hidden matters; indeed, it is "most perilous" (*periculosissimis*) to the commonwealth.[69] Much of the problem has to do with corrupt judges and officials for whom confiscation of goods provides a ready motive for expanding trials. If

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60   Ibid., 16–17.

61   Ibid., 18–19.

62   Ibid., 46–47.

63   Friedrich von Spee, *Cautio Criminalis, seu de Processibus contra Sagas Liber*, 2nd ed. (Frankfurt am Main: Johannes Groen, 1632); Friedrich von Spee, *Cautio Criminalis, or a Book on Witch Trials*, trans. Marcus Hellyer (Charlottesville: University of Virginia Press, 2003). Unless otherwise noted, references are to the English translation.

64   Spee, *Cautio Criminalis*, 7.

65   Ibid., 15.

66   Ibid., 16–18.

67   Ibid., 21–22; cf. Tanner, *Universa Theologiae Scholastica*, cols. 1007–15.

68   Spee, *Cautio Criminalis*, 23–24, 45–46.

69   Ibid., 47; Latin ed., 66.

confiscation were disallowed, he had no doubt that the trials would quickly come to an end.[70] Princes must curtail the activities of their judges lest they themselves obtain a reputation for cruelty. Spee wonders how many of the professional witch-hunters, those who call most vocally for the persecution of witches, might themselves actually be sorcerers.[71]

The largest portion of the treatise is devoted to condemning the excessive use of torture. One of the major problems in witch trials was providing proof. Since witchcraft was a secret crime, "occult" in all ways, it was nearly impossible to prove without confessions. Torture was employed to secure the confessions of accused witches, but as the trials spread, the limitations placed on torture in Roman law and the *Carolina* were frequently ignored.[72] Spee based much of his discussion of torture on Tanner and Farinacci,[73] but went beyond either in the severity of his condemnation. Spee echoes the latter in his characterization of the judges as butchers, finding "there is not a German nobleman who could bear to see his hunting dog mangled like this."[74] He goes on to explain that experience clearly showed that people will say anything under torture: "who would not prefer to die and ransom himself from such pain with six hundred lies?" Many "prefer to lie than to suffer," death being a far gentler thing.[75] As for the confessions, Spee confidently asserted that he would maintain under oath that he had not yet seen one woman go to the stake who "all things considered, I could prudently state was guilty."[76] Their confessions were nothing more than words put into their mouths by their tormenters. Reflecting on the likelihood that the confessions are lies and fabrications he asserts that he cannot place any trust in the standard authorities—Nicholas Rémy, Binsfeld, and Del Rio in particular—insofar as "virtually every one of their teachings concerning witches is based on no other foundation than fables or confessions extracted through torture."[77] Were torture eliminated, the trials would end. No torture, no bonfires.[78]

At the very end of his treatise, Spee noted that if rulers continue conducting trials in the way they had in the past, "no one of any sex, fortune, condition,

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70   Spee, *Cautio Criminalis*, 25, 55.

71   Ibid., 50–51.

72   Behringer, *Witchcraft Persecutions in Bavaria*, 183–86, 200–203.

73   Farinacci, *Praxis et Theoricae*, 1.5, q. 38, 601–17; Tanner, *Universa Theologiae Scholastica*, 996.

74   Spee, *Cautio Criminalis*, 85–87; Farinacci, *Praxis et Theoricae*, 1.5, q. 38, 96, 614.

75   Spee, *Cautio Criminalis*, 76, 105.

76   Ibid., 126.

77   Ibid., 83.

78   Ibid., 89, 112–13.

or rank whatsoever who has earned himself even one enemy or slanderer who can drag him into the suspicion and reputation for witchcraft can be sufficiently safe." The princes placed "their eternal salvation in great danger" if they continued such trials.[79] This final appeal contained two arguments, one practical and the other religious, that are expressed throughout the text. On the political and practical side, Spee frequently cautioned against the social and political dangers of continuing the trials. Great evils will rebound on the state if more innocent lives are sacrificed. Justice will be undermined and the prince's reputation, indeed the reputation of the German nation, will suffer grievous injury and forever be tainted with the stain of injustice.[80] In any event, the trials could never accomplish their stated end: "however many witches the princes burn, they will never burn out the evil unless they burn everything. They are ravaging their own lands worse than any war could, and yet they achieve nothing."[81] Moreover, the Catholic cause was undermined by the ferocity of the persecutions, which "cause the greatest contempt for the Catholic faith among the heretics."[82] Spee argued that any judge who turns over suspects for torture without sufficient proof "sins greatly." Indeed, the use of torture in these cases is contrary to the Gospel and "manifestly contradicts Christian charity and natural justice."[83]

Ultimately, Spee places the decision in the hands of the princes, whom he charges to examine their consciences. "There is no shortage," he says, "of beautiful and convenient inventions to justify new tortures and hiding the light of one's conscience for a moment."[84] Nevertheless, "we will all go before the tribunal of eternity. If it is the law there to account for every casual word, what will it consider to be equal to human blood? Love burns me and vexes me like an internal fire if I do not resist those other fires with every effort, which I fear some sinister wind will blow upon the undeserving."[85] The very mechanism of the trial precluded any sort of defense: whoever is accused is doomed, and to resist the inquisitors only prolongs the victim's agony. This, he says, is the "catastrophe of Germany's zeal."[86] Against the unfettered zeal of the judges, Spee proposes the use of "milder" methods. These softer means would prove a greater boon to the commonwealth than the excesses counseled by others

79   Ibid., 221.
80   Ibid., 24, 29, 112–13.
81   Ibid., 21.
82   Ibid., 210.
83   Ibid., 135, 146–47.
84   Ibid., 91.
85   Ibid., 113.
86   Ibid., 219.

insofar as they "tolerate (*tolerat*) a few guilty people in order not to expose many innocent people to mortal danger."[87]

Spee, Tanner, and Laymann all were outspoken in their call for restraint in the persecution of witches. Although their position was contentious in the 1620s, after 1630 Catholic opinion turned, in part because of their writings. Tanner's work, being more reserved than Spee's, was the first to be cited by later authors. Other critics followed, and by the middle third of the seventeenth century, the tide had turned against mass witch trials. Although Spee's treatise had been published anonymously, authorship was never in serious doubt, and by the 1640s he was being regularly cited by opponents of witch-hunting. Though individuals were still occasionally charged and tried, the large-scale persecutions that had typified the period from 1590 to 1630 had come to an end.[88]

Tanner, Laymann, and Spee's reasoning was essentially pragmatic: the crime of witchcraft was difficult to prove; consequently, the greatest diligence was called for on the part of judges. All three authors derived their reasoning on this point from their reading of the *Carolina* and the commentaries of contemporary jurists, mainly Farinacci.[89] Spee's condemnation of confiscation of goods represents an economic argument, though one with distinct political implications. The desire for the victims' property could not only provide an impetus for more trials, but was a recipe for corruption. The arguments regarding reputation, of both the prince and the church, likewise are practical in nature.

Still, there was a moral character to their argument that went beyond simple pragmatism. The most obvious is Spee's appeal to divine judgment, but a more subtle argument may also be discerned. Here it is worth considering comments that Paul Laymann made in a very different context: his 1629 critique of the Religious Peace of Augsburg. In this work, Laymann argued that the religious peace ought not to be seen as a provision of the imperial constitution. It was a compromise, an improvisation, to deal with an immediate problem. Since it was not a law in the strictest sense, the Religious Peace was then effectively an agreement on how to *proceed* in dealing with religious disputes. It did not, therefore, grant toleration in the absolute so much as it granted procedural tolerance.[90] Procedural tolerance, as defined by Laymann, was the willing

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87   Ibid., 213; Latin ed., 432.
88   Behringer, *Witchcraft Persecutions in Bavaria*, 322–27; H. C. Erik Midelfort, *Witch Hunting in Southwestern Germany, 1562–1684: The Social and Intellectual Foundations* (Stanford, CA: Stanford University Press, 1972), 25–29.
89   Spee, *Cautio Criminalis*, xx.
90   Heckel, "Autonomia und Pacis Compositio," 234.

and thoughtful "suspension of action" on the part of the emperor and estates, agreed to on practical grounds.[91]

The argument for procedural tolerance, involving a deliberate suspension of action on account of the uncertainty that surrounded the crime of witchcraft, underlies Spee and Tanner's pleas for moderation in witch trials. All three authors—Spee directly, Tanner and Laymann (insofar as he repeats Tanner's arguments) less so—also call for a suspension of action based on moral and religious grounds. They argued that mass witch trials founded on the indiscriminate use of torture were and are sinful, inhumane, and contrary to the Gospel and the rules of Christian charity. None of them denied that there are witches, though all three did register their doubts. Spee said that for every fifty women accused of witchcraft, no more than two of them, in his estimation, were guilty of any crime.[92] In his advice to confessors, Laymann went so far as to compare women who had confessed to the crime of witchcraft on pain of torture to the early Christian martyrs.[93] None of them deny the severity of the crime or the need to punish offenders. But the irregularities in the conduct of the trials has produced more ill than good insofar as wicked means have been employed toward a good end: "*non sunt autem facienda mala ut eveniat bona*" (one must not do evil in order to bring about good).[94]

Spee's use of the verb "*tolerare*" toward the end of his treatise must be understood within this context. It is not witchcraft per se that is to be tolerated, but rather that mercy and caution should define the treatment of individuals accused of the crime. What for Tanner and Laymann is essentially a question of due process assumes a more explicitly moral tenor in Spee's reformulation of their arguments. As he presents it, suspension of action is itself a moral act if for no other reason than that the alternative—vehement persecution—will likely result in myriad immoral acts. The corruption of judges and officials is not an anomaly for Spee but a necessary consequence of persecution. Though without saying so directly, Spee seems to echo Laymann's assertion that many of the victims were in fact martyrs. If that is true, then the witch-hunters are the true enemies of the faith.

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91   Laymann, *Pacis Compositio*, cap. 6, q. 31, 135–40; q. 40, 176–87; q. 49, 235–39; Heckel, "Autonomia und Pacis Compositio," 241; Dickmann, "Problem der Gleichberechtigung," 211–12.

92   Spee, *Cautio Criminalis*, 31. Spee referred to his and Tanner's personal experience as witnesses to trials.

93   Laymann, *Gründlicher Bericht*, 17.

94   Spee, *Cautio Criminalis*, 43; Latin ed., 59.

11   Appeals for De Facto Toleration in Witch Trials in Bamberg Based on New Legal Protocol

The prince-bishopric of Bamberg was host to one of the most ferocious witch hunts in history. Between 1610 and 1632, three waves of trials claimed perhaps as many as 1,000 victims.[95] The bulk of the trials were conducted in the city of Bamberg and the town of Zeil. Several letters written toward the end of the persecutions articulate arguments against witch-hunting. These arguments are similar to those found in the works of Tanner, Laymann, and Spee. What is significant is that the texts from Bamberg either predate or are contemporary with the writings of the three Jesuit critics. Here again, a variety of procedural toleration appears, not simply as an argument against witch-hunting, but as a policy recommendation from the highest authority.

Several points need to be made at the outset concerning the documents from Bamberg. First of all, the texts discussed here were written by Catholics and directed to a Catholic audience. All of the works were occasional pieces composed (for the most part) in response to the trials of individuals. Consequently, they tend to focus more on the particulars of those cases than on general legal or moral factors. Nonetheless, one can see in the discussion of individual cases a number of common elements. Moreover, in their immediacy and urgency, they reveal the deep scars that witch trials left on individuals and society as well as the strength of conscience on the part of those who were willing to challenge the wisdom of officials and the opinion of the community.

The most famous dissent to emerge from Bamberg is the letter written by Mayor Johannes Junius to his daughter on 24 July 1628.[96] After being tortured, Junius declared that anyone who was brought to the prison as a suspected heretic would be made into one through the severity of torture. His account of his ordeal provides dramatic support for Spee's later assertions. He described how the inquisitors kept torturing him until he would talk. While he was suspended in the air, they would run through the names of every street in Bamberg, asking him who on that street he knew who was a witch. The pain was more than

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95   William Bradford Smith, *Reformation and the German Territorial State: Upper Franconia, 1300–1630* (Rochester, NY: University of Rochester Press, 2008), chap. 10; Britta Gehm, *Die Hexenverfolgung im Hochstift Bamberg und das Eingreifen des Reichshofrates zu ihrer Beendigung* (Hildesheim: Georg Olms, 2000); Friedrich Merzbacher, *Die Hexenprozesse in Franken* (Munich: Beck, 1970); Pius Wittmann, "Die Bamberger Hexen-Justiz (1595–1631)," *Archiv für das katholische Kirchenrecht* 50 (1883): 177–223.

96   Staatsbibliothek Bamberg, RB. Msc. 148, 300; RB Msc. 148, 299, 301 (includes trial and sentence); Lara Apps and Andrew Gow, *Male Witches in Early Modern Europe* (Manchester: Manchester University Press, 2003), 159–65 (includes a translation of the letter).

he could endure, and so he not only cooperated but even offered more than he was asked. His contempt for his tormenters is clear. He states several times that everything to which he had confessed was a lie, containing not a single word of truth. One gets the impression that by lying he felt that, in some way, he had gained an advantage over his tormenters. Nevertheless, his account makes it clear what a sham the process really was. Torture did not produce truth; quite the opposite—it encouraged and even rewarded lies.

A more extensive and formal critique of the way witch trials were conducted appeared in a letter written to Emperor Ferdinand II by Wilhelm Dümler, a jurist educated at the Jesuit colleges in Bamberg and Würzburg.[97] After his wife had been tried and executed for witchcraft in 1628, Dümler fell under suspicion and fled Bamberg.[98] In his letter, most likely composed in 1630, Dümler decried the "pitiable, distressing lamentation and most desperate situation" that had arisen on account of the "unprecedented" inquisition the bishop had established. He recounted how the prisoners suspected of witchcraft were taken to a specially constructed prison, the witch house, and were given over to torture without a proper hearing. The inquisition was headed by "two foreigners, who are not only totally alien and consequently in many ways irreputable, [but also] merciless, tyrannical conspirators." The accused, once taken to the witch house, never left. Meanwhile, the commissioners seized their property and conducted trials in secret in direct violation of the *Carolina* and the *Bambergensis*.[99] Dümler notes the following provisions of the law that were not honored: "even *in criminalibus exeptis* suspects are given ample time to demonstrate their innocence, formal proceedings taken against them, the charges communicated, the defendant granted an advocate, and when indeed torture is applied [it is] conducted in the presence of the judge, two members of the court and the court secretary." None of this happened. Rather, using "newly discovered instruments and new forms of torment," suspects were subjected to multiple rounds of torture and not left in peace "until confessions and denunciations are pressed out of them." The result was a "bloodbath" in which scores of innocent people had been accused, tortured, and executed.[100]

Dümler protested his innocence, pointing to his Catholic piety and noting how he had been raised from his youth "by my parents, and above all by the Jesuit fathers … in the fear of God, correct doctrine." Despite his faith and

97   Cornell University Library, Division of Rare Books and Manuscripts (hereafter cited as CUL), Witchcraft Collection, 4261, ++ Bd. Msc., 38, 41.
98   Gehm, *Hexenverfolgung im Hochstift*, 334, 365.
99   CUL Witchcraft Collection, 4261, ++ Bd. Msc., 38, 41, 1r.
100   CUL Witchcraft Collection, 4261, ++ Bd. Msc., 38, 41, 1r–3v.

devotion, he and his family had been made to suffer. His pregnant wife had been snatched from their very doorstep and tortured so badly that "her unborn child … was completely lost and done to death."[101]

Dümler pleaded with the emperor to bring an end to these trials, "conducted contrary to all laws and criminal practices lest the 'greedy mouths' and 'avaricious bloodsuckers of the common weal' … lead the city to the brink of ruin" and "bring the entire honorably citizenry to the ground." Were the emperor to act, "through repression of this inquisition, this inordinate butchery, this unbridled audacity" and overthrow "the press gangs of insatiable avarice and filth," he would earn the undying praise of his subjects and enjoy a long and happy reign. More than that, "true patriots" such as Dümler would have "ever more cause" to love and support the emperor—an interesting sentiment given that the letter most likely had been composed shortly after the landing of Gustavus Adolphus of Sweden in Germany on 4 July 1630.[102]

Similar points appear in a letter by Barbara Schwarz, innkeeper of the *Haus zu Gans* in Bamberg, probably composed in 1630.[103] She stated that "now for nearly three entire years I have laid in hard and heavy imprisonment and bondage in Zeil in the [prince-bishopric of] Bamberg, subsisting miserably on water and bread."[104] Based on the denunciation of her neighbor, with whom she had been involved in a dispute over an easement, she had been arrested. Her case had been conducted "without respect to Imperial law and the Papal canons, in particular the Criminal Ordinance of His Majesty Charles V," which require "great caution in such cases." She had been tortured eight times with thumbscrews and on the rack "even though the previously mentioned laws most clearly insist that such a person, once through such application of pain has cleared herself of the accusations" should be immediately released.[105] She identified three problems with the procedures. First of all, she was tortured on the basis of the deposition of a single witness who was himself indicted for the same crime. Secondly, she had been turned over for torture in the absence of sufficient evidence. Finally, after demonstrating her innocence through the initial round of torture, she was submitted to further torments "without further new evidence [*sine novice indiciis*]." On account of the severity of her treatment, as well as the illegality of the court's actions, she asked the emperor to grant her a letter of protection and to direct "a sharply worded penal mandate

101   CUL Witchcraft Collection, 4261, ++ Bd. Msc., 38, 41, 3v–3r.
102   CUL Witchcraft Collection, 4261, ++Bd, Msc., 38, 41, 3r–5r.
103   Staatsbibliothek Bamberg, RB. Msc. 148, 174.
104   Staatsbibliothek Bamberg, RB. Msc. 148, 174, 1r.
105   Staatsbibliothek Bamberg, RB. Msc. 148, 174, 1v.

or some such with particular seriousness" to the bishop and officials to ensure both her safety and that of other innocent people. She would be willing to submit to any verdict an "unpartisan court would decide through a properly conducted trial" so long as she was provided with an advocate and charged on the basis of properly obtained evidence.[106]

An undated catalog of grievances from Zeil presents a somewhat different set of arguments. The text focuses on the results of one particular trial, that of an unnamed servant (*Knecht*) whose arrest had led to a wave of denunciations. The author complains about the level of secrecy surrounding the trials. The unwillingness of officials to make public trial documents raised suspicions about the entire affair. The presiding officer of the witch commission had claimed that there were over four hundred active witches in one small *Amt*. This was patently absurd, as anyone could see. Yet, despite the fact that the official's claims beggared belief, many innocent lives had been lost. The "common man" had begun to lose hope—it appeared as if no one would be safe from prosecution. The trials were plainly contrary to divine mercy and common sense. Consequently, the author appealed to the emperor to intervene and prevent the further shedding of innocent blood.[107]

The trial of one particular woman, Dorothea Flockhin, produced a number of complaints against the trials. Flockhin was arrested on 16 December 1629. At the time, she was pregnant, and she delivered her child, a girl, in prison. Despite the fact that Emperor Ferdinand II had ordered a suspension of her trial, Flockhin was tried and executed in May 1630. Her family, living in Nuremberg, wrote to the emperor protesting her treatment. She had been arrested and taken to the witch house, then tortured. They complained that an advocate was not provided to her at any point, even though the *Carolina* allowed the accused representation in such cases. Members of her own family were not allowed access to her, and the charges were not made public. She was convicted on the basis of "false opinions and satanic illusions," her defenders claimed, citing the canon *Episcopi*. Her goods were confiscated, contrary to the law; all in all, the process was "defective."[108]

A Capuchin priest, Father Paris, wrote on behalf of the family. He reiterated concerns about the irregularities of the case but also stressed the response of Nurembergers to news of the trial. At the time, the bishop of Bamberg was attempting to enforce the terms of the Edict of Restitution, calling for the

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106   Staatsbibliothek Bamberg, RB. Msc. 148, 174, 2r.
107   CUL Witchcraft Collection, 4261, ++Bd, Msc. 38, 20. The date is unclear: there are two dates, 1630 and 1631, written in different hands and then crossed out.
108   CUL Witchcraft Collection, 4261, ++ Bd. Msc., 38, 25.

return of church property that had been secularized since 1553.[109] Father Paris complained that the notoriety of the trials was making his work more difficult. It was commonly said in Nuremberg that "in Bamberg no one is redeemed." Moreover, people claimed that the reason Dorothea Flockhin had been subjected to so much pain was because she had converted to Catholicism. Overall, the trials were intensifying political tensions with Nuremberg at a critical moment and endangering the position of Catholics within the city.[110]

The letters of protest against the witch trials in Bamberg on the whole follow the arguments presented by Spee and his predecessors. Central to all of them is the condemnation of the indiscriminate use of torture. Dümler and Schwarz make explicit reference to the *Carolina*, pointing out the irregularities of the trials. All three letters also blame corrupt officials—"blood-suckers," according to Dümler—for the judicial excesses. Failure to allow the accused an advocate before the court is a point of contention in all three letters, as is the confiscation of goods. Finally, all three letters express shock and horror over the maltreatment of "good people" of high social standing and sterling reputation by the courts. Father Paris adds an additional concern, one voiced by Spee and Tanner: the witch trials in Bamberg were injurious to the Catholic cause. The coincidence of the witch hunts with attempts to enforce the Edict of Restitution was not merely unfortunate but seemed to give credence to those who would represent the Catholic forces as agents of tyranny. These comments are particularly striking insofar as earlier critics of witch-hunting had almost without exception been Protestants. By contrast, unapologetic persecution of witches had practically become dogma among Catholic demonologists, Friedrich Förner among them.[111] Against the hardline position championed by the majority of Catholic demonologists, the arguments of the authors from Bamberg were rooted in an appeal to law, but also common humanity and the Christian faith.

It is noteworthy that the responses from the imperial court are consistent with these views. On several occasions Ferdinand II ordered the bishop of Bamberg to suspend the trials, release those incarcerated, and send all pertinent trial documents to be reviewed by the Imperial Aulic Council

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109   Friedrich Förner, *Norimberga in Flore Aviae Romano-Catholicae Religionis, ex Antiqvissimis Monasteriorvm, Bibliothecis veteribus*[que] *Monumentis, graphicè delineate & expicta* (Ingolstadt: Eder, 1629); Friedrich Förner, *Relatio Historico-Paranetica de Sacrosanctis, Sacri Romani Imperii, Reliquiis, et Ornamentis* (Ingolstadt: Eder, 1629). Bamberg's claims were documented in these two treatises by Förner, published pseudonymously, in preparation for the meeting of the Imperial Diet in Regensburg.

110   CUL Witchcraft Collection, 4261, ++ Bd. Msc., 38, 29.

111   Behringer, *Witchcraft Persecutions in Bavaria*, 216–24; Smith, "Friedrich Förner."

(*Reichshofrat*). A minor court official charged with reviewing the trial records wrote to Ferdinand on 6 July 1631 expressing his horror. Although he said that he could not trust to his pen all that he had seen, he condemned the manifest cruelty of the trials. More than that: should the trials be allowed to continue, the emperor's reputation would suffer "irremediable harm and great *despect*."[112] The tone of the imperial letters is consistent with the idea of procedural tolerance. Without condemning the prosecution of witches or calling for toleration of witchcraft, they clearly insist on a reasoned suspension of action on several grounds: the uncertainty of the crime, the cruelty and corruption surrounding the trials, the intensity of public outcry, and the general erosion of faith in law, the state, and God that the persecution had brought in its wake.

III   Conclusion

The sixteenth- and seventeenth-century discourse on toleration has been described as "an uneasy combination of principle, prudence, and practicality."[113] These words sum up nicely the arguments directed against the mass witch trials. At one level, opposition to witch-hunting, at least among Catholic authors, followed standard arguments for toleration, especially those founded on practical political concerns. This points to something never stated, but seemingly implied, in a number of texts. Jesuit authors—here including Tanner, Laymann, and Spee as well as the Jesuit-educated Dümler—found it hard to avoid the conclusion that "not only was legitimate political authority morally limited, but that at least *in extremis* those limits were enforceable on its holders by the community or its agents."[114] As it turned out, in Bamberg it was the emperor himself who insisted on the limits of princely authority and demanded the trials be stopped. Nevertheless, in the age of religious wars, the tacit appeal to resistance ought not to be taken lightly. It implies a mode of toleration that goes beyond a passive unwillingness to suppress dissent—the negative argument for toleration contained in the medieval virtue of forbearance—to the active elevation of dissent as a moral imperative.[115]

The opponents of witch-hunting all seem to agree with most of the basic principles articulated by Catholic defenders of toleration. Particularly striking are the references to the social and economic costs of persecution, as well as

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112   CUL Witchcraft Collection, 4261, ++Bd, Msc. 38, 2, 3, 23.
113   Head, "Introduction," 104.
114   Höpfl, *Jesuit Political Thought*, 261.
115   See Amy Nelson Burnett, Epilogue, 248.

the idea that violent suppression undermines faith in the prince. True, none of the critics of the witch trials explicitly argues that popular rebellion might ensue if the persecutions continue. Still, the authors are rather pointed in their warnings concerning the dire consequences awaiting states that continued to persecute witches. Catholic authors consistently stepped back from overtly articulating a theory of resistance, but it is implied in several cases. In a treatise on the English monarchy, Martin Becan stated that the sovereign and the people are linked by mutual responsibilities, and should the sovereign violate the trust placed in him by his people, they were, at least potentially, relieved of their obligation to obey. A prince who breaks faith with his subjects should expect the same from them: "*frangenti fidem, fides fragatur eidem*."[116] The authors here considered would all seem to agree with that sentiment. Further, they implicitly asked the question: how could a prince maintain the trust of his people when he had violated their faith in his goodness and justice through the application of illicit and arguably illegal means in the persecution of witches? Though none posed the question directly, it clearly lurks behind their dissent. The persecution of witches was more than merely imprudent or impractical. Such actions, for these authors, represented a violation of the accepted norms of justice and natural right.

The arguments against witch-hunting went beyond standard Catholic arguments in another way. Though nearly all Catholic authors accepted in principle that there might be practical reasons to suspend active persecution of heretics, they rarely raised this to the level of a moral or religious argument except to maintain that one could not use evil means to accomplish good ends.[117] In imperial public law, the concept of procedural toleration was the practical manifestation of this general principle. In the debate over witch-hunting, however, suspension of action presented itself as a moral act for several of the later authors. Given the uncertainty surrounding the crime, better to follow principles of Christian charity and mercy than subject potentially innocent victims to the horror of the rack and the stake. This argument was made at a time when belief in witches and in their power to do grave injury to the commonwealth was not in doubt. Unlike Protestants, who at least thought themselves in some way to be Christian, witches were devoted followers of Satan himself. In other words, it took a greater leap of faith to tolerate witches than heretics.

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116   Martin Becan, *Controversia Anglicana de Potestate Regis et Pontificis Contra Lancellottum, Sacellanum Regis Angliae, qui se Episcopum Eliensem vocat; Ubi etiam defenditur Illustrissimus Cardinalis Bellarminus, &c.* (Mainz: Johann Albinus, 1613), 151; Tutino, *Empire of Souls*, 211–20; Höpfl, *Jesuit Political Thought*, 262.

117   Spee, *Cautio Criminalis*, 43; Höpfl, *Jesuit Political Thought*, 133–34.

Benjamin Kaplan speculated that the end of the witch trials resulted from the gradual refusal of elites to prosecute suspected witches. Over time, he says, the attitude of the elites provided a model that "non-elites, especially the middling sorts who aspired to rise in society, might imitate."[118] As the documents from Bamberg suggest, under the stress of the witch hunts, some of the "middling sorts" were themselves articulating the main points voiced by learned elites such as Tanner and Spee. Moreover, they appear to have drawn these conclusions on their own, responding independently to the same circumstances that inspired their more learned contemporaries. Perhaps in their letters of protest we might see the critical moment in the transformation of a persecuting society to one that would embrace toleration not merely as prudence, but as a matter of principle.

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118   Kaplan, *Divided by Faith*, 355.

Status Observanda Quidem, sed Magno cum Patriae Libertatis Detrimento, Neglecta hucusque Fuerit; tum Denique, Quibusnam Mediis Antiquus Status Restaurari ac Firmari Poßit, Dilucide Explicatur. Freistadt, 1647.

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Coexistence and Confessionalization
Emden's Topography of Religious Pluralism

Timothy G. Fehler

For more than three decades now, the East Frisian town of Emden has drawn the attention of early modern scholars due to its place in the evolution of Reformed Protestantism. Andrew Pettegree has analyzed Emden's role as the "Geneva of the North" for the fledgling Reformed churches during the Dutch Revolt.[1] Heinz Schilling's conception of "Calvinist Confessantism" developed from a long-running confrontation between an orthodox Lutheran territorial count and the increasingly rigid Calvinism of the leadership of the "Calvinist urban Republic" of Emden.[2] The bulk of scholarly attention has focused on the position of Emden's Calvinists, from the massive influx of Dutch Reformed refugees in the 1550s and 1560s to the confessional battles of the 1580s and 1590s between Emden's Calvinist pastors and nearby Lutherans. Viewing the range of religious options taken by Emden's residents, however, offers an important perspective on the difficulties in establishing confessional homogeneity *even during* the "successful" confessionalization of the late sixteenth century.

Moving beyond the conflicts that culminated in a politically triumphant Calvinist confessionalization, more recent studies have investigated the relationship between religious minorities, such as varieties of Anabaptists, and Emden's Reformed congregation, and in so doing have offered new insights into the reality of East Frisia's diverse religious situation.[3] By focusing on the

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1 Andrew Pettegree, *Emden and the Dutch Revolt: Exile and the Development of Reformed Protestantism* (Oxford: Clarendon Press, 1992).

2 Heinz Schilling, *Civic Calvinism in Northwestern Germany and the Netherlands: Sixteenth to Nineteenth Centuries* (Kirksville, MO: Sixteenth Century Journal Publishers, 1992), 11–68. Schilling's analysis of Reformed church discipline grew especially from careful scrutiny of the consistory records of Emden. The consistory was the Reformed church council composed of the pastors and elders that oversaw church discipline and other congregational matters.

3 Timothy Fehler, "Anabaptism and Calvinism around Emden: Disputation and Discipline," in *Politics, Gender, and Belief: The Long-Term Impact of the Reformation*, ed. Amy Nelson Burnett, Kathleen Comerford, and Karin Maag (Geneva: Droz, 2014), 179–205; Samme Zijlstra, "Anabaptists, Spiritualists and the Reformed Church in East Frisia," *Mennonite Quarterly Review* 75, no. 1 (2001): 57–74; and Timothy Fehler, Review of *Indifferenz und Dissens in der Grafschaft Ostfriesland im 16. und 17. Jahrhundert*, by Nicole Grochowina, *H-German*

doctrinal disputations between Calvinists and Anabaptists in East Frisia during the third quarter of the sixteenth century, Pettegree, for example, saw what he called "the struggle for an orthodox church."[4] He argued that by being forced to "face up to the challenge of the Anabaptist congregations" in the region, "the Emden church achieved a much clearer definition of its own beliefs and doctrine; and with it a position of towering influence among the growing Reformed congregations in the Netherlands."[5] This perspective is important in revealing the role played by religious minorities not merely as obstacles or hindrances to the confession-building process, but as shapers of the settlements. By adjusting the focus of the lens from theological disputations to the level of personal interactions, we become more aware of the ways in which people coped with or experienced religious pluralism as they interacted fairly regularly with adherents of different confessions.

The more traditional focus on Calvinist confession-building might capture the winners and losers of the legal and political conflicts over religious status, but it overlooks the interactions that were almost certainly commonplace between adherents of different confessions. Evidence from Emden shows a complex combination of religious, political, economic, and personal motivations for tolerance and intolerance. Goals and methods of coexistence changed over the course of the sixteenth century depending on the particular contexts. Thus, what worked or was attempted in one set of circumstances might not be pursued in the next confrontation in dealing with a rival religious adherent. Sources from the second half of the sixteenth century document the presence in and around Emden of Calvinists, Lutherans, Jews, Catholics, Anabaptists, and a variety of other radical religious groups. Moreover, there were at least three sizable refugee communities, largely in the Reformed Protestant religious camp: Dutch-speaking, French-speaking, and for a short time, English-speaking.

This essay will lay out an introductory topography of the city's development during this period of religious change and occasional conflict. The city itself more than doubled its geographic size, while its population had, it is estimated, grown by over 400 percent in the second half of the sixteenth century.[6] Although the fragmentary nature of surviving sources makes complete reconstruction

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(H-Net Reviews, June 2005): http://www.h-net.org/reviews/showrev.php?id=10650 (accessed March 24, 2018).

4   Andrew Pettegree, "The Struggle for an Orthodox Church: Calvinists and Anabaptists in East Friesland, 1554–1578," *Bulletin of the John Rylands University Library* 70 (1988): 45–59.

5   Ibid., 59.

6   Schilling, *Civic Calvinism*, 21; Hermann de Buhr, "Die Entwicklung Emdens in der zweiten Hälfte des 16. Jahrhunderts" (Ph.D. diss., University of Hamburg, 1967), 53.

impossible, consistory records, business contracts, poor relief books, and tax records do allow a depiction of provisional topographical trends in residence and business patterns among these various groups in Emden. Such an exploration supplements and adds nuance to the more traditional understanding of confessional territorial boundaries between dominant religious groups. If we observe only the major confessional conflicts and official religious settlements, we may fail to see the regular, daily existence of numerous religious minorities and the porous boundaries that existed among the religious groups. Moreover, complicated relationships existed between the political, social, and religious interests of Emden's residents: for instance, economic concerns could both exacerbate tensions toward religious minorities and facilitate toleration.

1   Confessionalization and Religious Boundaries in the Evolving Urban Landscape

The dominant focus on the political structures that supported confession-building, and on the confessional majorities that developed in a particular region, has impacted the ways in which the religious landscape of the early modern period is usually seen. Since the Peace of Augsburg dictated official religious settlements in particular territories, visual representations typically depict a single confession in each political territory, and thus confessional maps of this era tend to be overly simplified, with territories shaded as either Lutheran or Catholic or Calvinist only. Occasionally, maps use additional dots or stripes to indicate large religious minorities.[7]

This traditional cartographic depiction of German confessional identity is problematic in the case of East Frisia. The late-century confessional fight between the city of Emden and the territorial count created an illicit biconfessional territory in the Holy Roman Empire. Map 4.1 illustrates the complicated confessional boundaries in East Frisia in the seventeenth century.[8] Much of the western portion of East Frisia, including Emden, is depicted with the stripes indicating the "Reformed region," and the northeastern portion of East

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7   See, for example, AP history textbook maps "Religious Divisions about 1600" and "The Holy Roman Empire about 1618" in Donald Kagan et al., *The Western Heritage, since 1300*, 11th ed. (Boston: Pearson Education, 2014), 158, 160. Although the maps visually demonstrate dominant confessional settlements, the map captions do point out "the existence of large religious minorities, both Catholic and Protestant" and caution that the maps are "somewhat simplified."

8   Menno Smid, *Ostfriesische Kirchengeschichte* (Pewsum: Deichacht Krummhörn, 1974), 309.
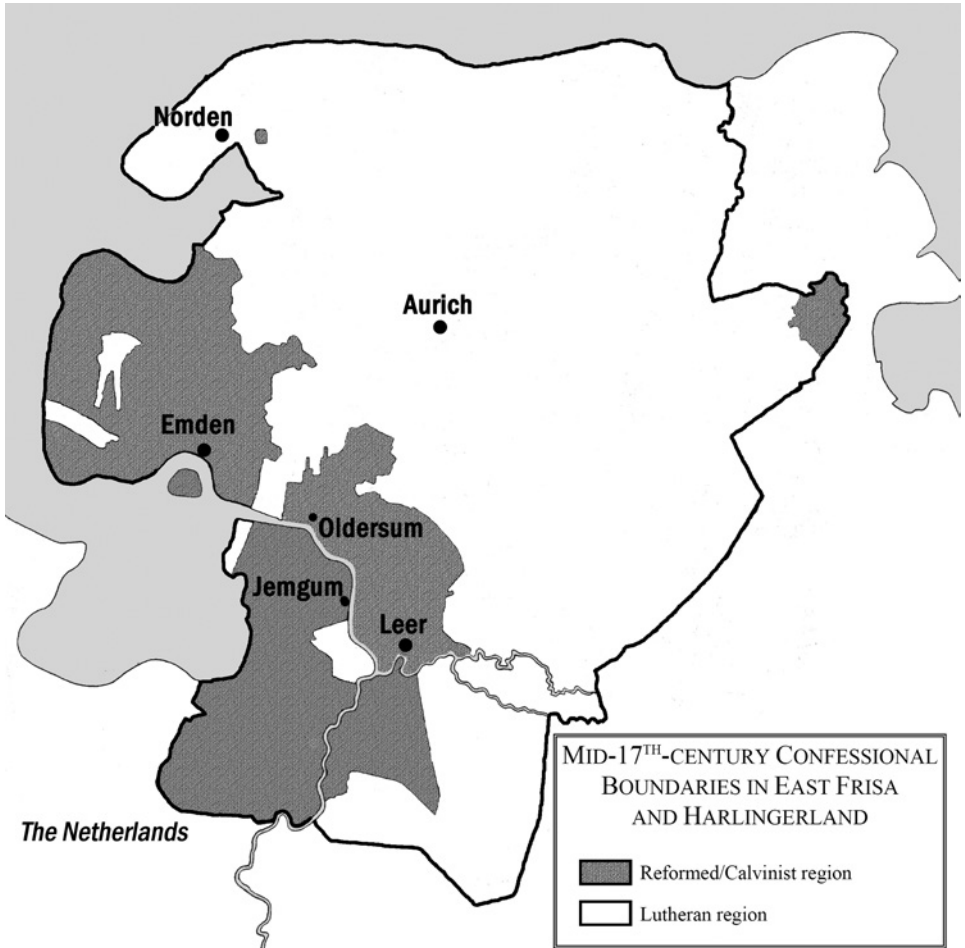
MAP 4.1   Confessional boundaries in East Frisia around 1660

Frisia is distinguished by the solid white of the "Lutheran region." While this geographic division depicts the general political realities of the religious alignments, it leaves out the realities of religious pluralism on the ground, which remained even after Emden was officially "Calvinist."

Such erasure of religious minorities in the topographical depictions frequently causes scholars to marginalize them as exceptions to the confessionalizing process whether or not they played a larger role in this process, and to ignore on what terms they survived and functioned both during and after confessionalization. Of course, they were marginalized at the time as well, but by

stepping beyond questions of confessional politics to investigate the religious landscape of social networks and neighbors, scholars can better write them into the story as full historical actors.

Even at the height of Emden's "Calvinization" in the last quarter of the sixteenth century under the pastor Menso Alting, where scholarly attention is usually focused, religious pluralism or coexistence shaped day-to-day life in the city to some extent. This religious diversity was noted by contemporaries such as the Protestant chronicler Abel Eppens, who criticized the religious conditions in Emden in the mid-1580s despite the work of Alting, whom he praised. Eppens described the city as flooded with religious malcontents, Libertines, Anabaptists, and followers of the Spiritualist David Joris, along with Jews who were allowed to live in the city. Moreover, Eppens went further to criticize corrupting economic influences: most of Emden's leading citizens, he claimed, would rather pursue commerce than attend communion, and "commerce was more procured than the scripture was examined."[9] Implicit in this contemporary claim is a critique of a pragmatic toleration in which Emdeners were willing to do business regardless of confession.[10]

In order to better understand the religious topography that had emerged during the confessional era by the end of the sixteenth century, it will help to observe the significant changes that occurred in Emden across the century. The town's religious developments took place concurrently with a dramatic expansion of Emden's physical boundaries and walls over the course of the sixteenth century. The town's geographic extension provides an important context for Emden's evolving religious identities.

In the late fifteenth century, Emden was a small shipping town at the mouth of the Ems River with a population perhaps between one thousand and three thousand.[11] Using economic and shipping sources, Bernhard Hagedorn has estimated that over the first eight decades of the sixteenth century, Emden's population increased by at least six times and perhaps as much as tenfold.[12] Over

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9   Abel Eppens, *De kroniek van Abel Eppens tho equart, uitgegeven en met kritische aanteekenigen vorzien*, ed. J. A. Feith and H. Brugmans (Amsterdam: Johannes Müller, 1911), pt. 2, 29–30, 153.

10 Later examples in this chapter will also illustrate cross-confessional economic interactions.

11 Timothy Fehler, *Poor Relief and Protestantism: The Evolution of Social Welfare in Sixteenth-Century Emden* (Aldershot: Ashgate, 1999), 29; de Buhr, "Entwicklung Emdens," 53. This estimate is based on Emden's topographical development around 1500 and a survey of surviving property contracts in light of de Buhr's estimate of five thousand inhabitants in 1550.

12 Bernhard Hagedorn, *Ostfrieslands Handel und Schiffahrt vom Ausgang des 16. Jahrhunderts bis zum Westfälischen Frieden (1580–1648)* (Berlin: Karl Curtius, 1912), 2:3.
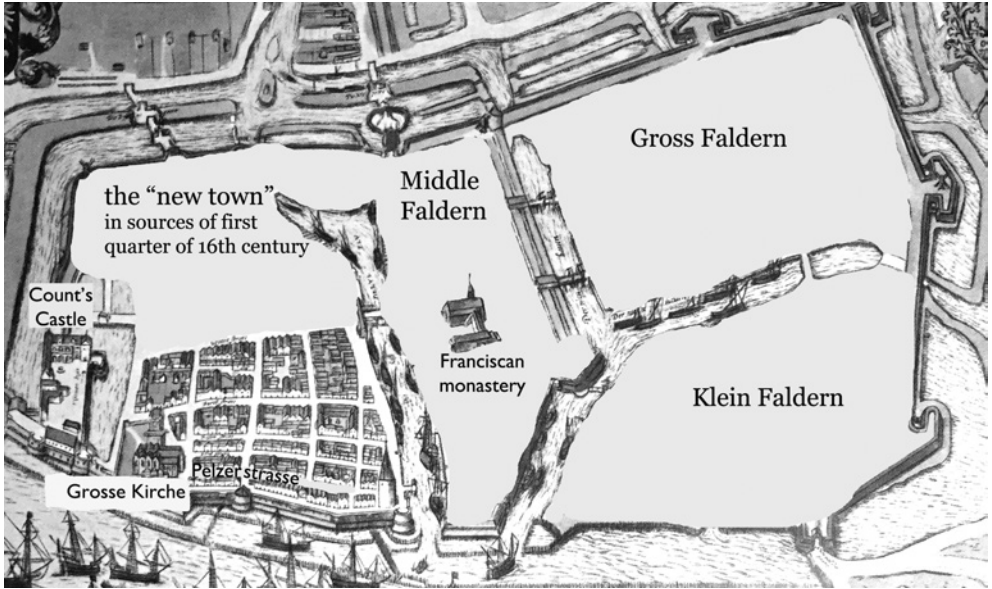
MAP 4.2   Emden in the early sixteenth century
IMAGE CREATED USING THE 1575 MAP OF EMDEN BY G. BRAUN AND
F. HOGENBERG, *CIVITATES ORBIS TERRARUM*

the course of the Middle Ages, the heart of the old town had grown up around Pelzerstrasse, which ran on the north side of the wall along the Ems, and the city church (the so-called *Grosse Kirche*) on the southwestern corner of town, on the river and adjacent to the count's castle (see map 4.2). The Faldern suburbs lay to the east of town, with the Franciscan monastery in Middle Faldern and apparently little settlement in either Gross Faldern or Klein Faldern still farther to the east. By the mid-sixteenth century, sources even named Middle Faldern as the "new city."[13] Population growth altered the topography of the city, and the expansion into these eastern suburbs opened fertile circumstances for religious diversity away from the authorities in the old center of Emden.

By 1529 and through the 1530s, as the new Lutheran count of East Frisia, Enno II, attempted to institute Lutheran church ordinances for the territory, there was already a diverse religious climate. His 1529 territorial church ordinances drew the ire of more Zwinglian-leaning pastors in East Frisia, who wrote urging the count to stay out of the communion question.[14] Moreover,

13   Fehler, *Poor Relief and Protestantism*, 155.
14   Smid, *Ostfriesische Kirchengeschichte*, 115, 119.

concern about a more radical presence in the territory, including among the political elite, led the new count to outlaw Anabaptism with threats of execution and property forfeiture in January 1530.[15] The edict even forced the radical Andreas Bodenstein von Karlstadt to leave East Frisia, where he had been living under the protection of a local nobleman who had been a prominent adviser to Enno's father during the latter's rule.[16] The edict, however, does not seem to have been implemented thoroughly enough. After a short stay in the summer of 1529, Melchior Hoffmann returned later in 1530 to Emden, where he allegedly baptized three hundred adults in the sacristy of the Grosse Kirche. This one ceremony in the city church involved "both burgher and peasant, lord and servant."[17] Such events as this contributed further to Emden's reputation for religious heterodoxy. Therefore, despite the count's attempted crackdown on East Frisia's Zwinglians and Anabaptists, Martin Luther complained the following year of the count's acquiescence to the "victorious trickery of the Sacramentarians" and condemned East Frisia as a place where the Sacramentarians' faithlessness "predominates without restraint" and where "the count is now allowing everyone to teach what he wants."[18] The growing Protestant radicalism can be seen in the East Frisian count's subsequent 1535 Lutheran church ordinance, which, in an interesting explanatory comment, blamed the current religious pluralism on the "the foolish and unlearned preachers [roaming the territory during the last decade], especially the rotten Anabaptists and similar wicked people."[19]

By the 1540s, Enno's widow, the Countess Anna, further sought to bring some religious order to the pluralistic territory by hiring the Polish Reformer Johannes a Lasco as superintendent of the East Frisian church, where he remained for about seven years before leaving for exile in England in 1549.[20]

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15   Fehler, *Poor Relief and Protestantism*, 74–75; Klaus Deppermann, *Melchior Hoffman: Social Unrest and Apocalyptic Visions in the Age of the Reformation* (Edinburgh: T. & T. Clark Publishers, 1987), 153–59, 312–20; Ernst Kochs, "Die Anfänge der ostfriesischen Reformation, III," *Jahrbuch der Gesellschaft für bildende Kunst und vaterländische Altertümer zu Emden* 20 (1920): 74n5.

16   Deppermann, *Melchior Hoffman*, 155. Karlstadt left East Frisia for Zurich. The East Frisian Junker Ulrich van Dornum, whom Zwingli had early referred to as his "alter ego," had been protecting Karlstadt at his residence in Oldersum.

17   Ibid., 316.

18   Martin Luther, *D. Martin Luthers Werke: Kritische Gesamtausgabe, Briefwechsel VI* (Weimar: H. Böhlau, 1935), 16.

19   Emil Sehling, ed., *Die evangelischen Kirchenordnungen des XVI. Jahrhunderts*. Vol. 7: *Niedersachsen*, II. Hälfte: *Die außerwelfischen Lande*, 1. Halbband (Tübingen: Mohr, 1963), 386.

20   Henning P. Jürgens, *Johannes a Lasco in Ostfriesland: Der Werdegang eines europäischen Reformators* (Tübingen: Mohr Siebeck, 2002), 159. Lasco's theological development

Though it was not a formal break with the Lutheran ordinances of the ruling house, Countess Anna's appointment of Lasco and the admission of Dutch refugees in subsequent decades introduced a Reformed confessional development both to Emden and to the dynasty. Lasco was sorely disappointed with the level of church discipline in the city when he arrived. He thus created several new institutional structures, such as a consistory for enhancing church discipline within the Emden congregation, and worked toward having the altars and images removed from East Frisia's churches.[21] Lasco also held disputations with radical Protestant leaders within the region, meeting with the followers of David Joris in 1543 and holding a public debate in Emden with Menno Simons in 1544.[22] Lasco's activities and concerns demonstrate the continued religious pluralism—from Catholics to a mix of more radical Protestants such as Jorists and Mennonites—in the town and throughout the region. His institutional reactions, especially with the consistory to regulate congregational discipline, introduced a Reformed confessional approach that proved to be central in shaping Emden's development for the rest of the century and beyond.

Besides the foothold that the Anabaptists and other radicals had gained in Emden, Lasco was concerned that too many citizens and "most of the city council" were still entangled in "the old superstitions" of Catholicism. While the previous count held unlearned radical preachers responsible for religious diversity apart from officially sanctioned practices, Lasco placed much of the blame on the "wicked practices of the friars in the Franciscan cloister."[23] The Franciscan monastery in the adjacent Faldern suburb was the one traditional Catholic space in East Frisia explicitly exempted from the territorial prohibition of the Mass in the earlier Lutheran church ordinances of the 1530s. Although Lasco could not get the countess to approve the expulsion of the Faldern Franciscans, he did receive permission to order the friars to stop their public activities in Emden, such as baptizing children, visiting the sick, and writing testaments.[24]

The friars, however, protested the order to Countess Anna and her advisers with appeals to imperial law and local tradition, and the Franciscans

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ultimately placed him in the Reformed confessional camp, connected to that of Melanchthon, Bucer, and Bullinger.

21 Ibid., 167, 346–48; Smid, *Ostfriesische Kirchengeschichte*, 158–60.

22 Smid, *Ostfriesische Kirchengeschichte*, 161–65; Jürgens, *Johannes a Lasco*, 245–71.

23 Ubbo Emmius, *Rerum Frisicarum Historia* (Leiden, 1616), LIX, 916–17. This passage was cited in and translated by Joachim Christian Ihering, *Ausführliche Kirchen-Historie von Ostfriesland* (ca. 1710), 2:220v. Ihering's manuscript is in the Niedersächsisches Landesarchiv Aurich [hereafter NLA AU], Rep. 135, #147, 219v–221.

24 Emmius, *Rerum Frisicarum Historia*, LIX, 917; Ihering, *Ausführliche Kirchen-Historie*, 2:221v–225.

continued to frustrate Lasco's attempt to convince the countess to expel them. Their grounds against Lasco's complaints began with an appeal to the imperial decrees from Speyer. Further, they argued that their rules allowed them to administer sacraments and make testaments when given permission by a pastor of the church. Here, they harkened back to the memory of Dr. Poppo Manninga, who had been provost and an adviser during the reign of Anna's husband, Count Enno, and had issued the initial Lutheran church ordinances, which had exempted the Faldern monastery from the territorial secularization of monasteries. The friars indicated that they had sworn an oath to Provost Manninga, who had permitted them these activities. Since his death they were not aware of any pastor in the town who had the authority to judge the matter. Certainly, the Franciscans argued, this person was not Lasco, who they pointed out "is a foreign, unknown person, about whom no one knows where he is from; he also wears a beard, with which [he] can in no way be recognized as a rightful pastor."[25]

From Lasco's complaints about Emdeners—prominent citizens and commoners alike—one can clearly imagine a number of Emden residents taking advantage of devotional services and rituals within the monastery's grounds in the suburbs away from the heart of old Emden. From traditional rituals such as baptism to creation of testaments, the surviving Catholic presence in Emden's suburbs, despite its prohibition elsewhere in East Frisia, prevented the unified church settlement that Lasco sought. By midcentury, the friars' presence exerted a greater influence on Emden's residents as its population expanded to where the monastery was located in Middle Faldern. Lasco's effort to consolidate Protestant changes in the East Frisian churches and to institutionalize them across the laity through a more intentional, rigorous, and Reformed church discipline in Emden was cut short by the Augsburg Interim in 1548. He quickly left Emden for England, where he became superintendent of the Dutch refugee churches in London during the reign of King Edward VI.

11   Immigration, Discipline, and the Development of a Reformed Church

Although sources from the first half of the sixteenth century do not provide many specifics regarding Emden's religious topography, at midcentury, Emden's religious landscape remained a thorny collection of religious options, which the political and religious authorities had been unable to unify. After

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25   Ibid.

years of steady population growth and urban expansion coupled with unrelated religious pluralism, the first of the truly dramatic shifts in urban development began in the 1550s following the massive immigration of people, whose numbers were predominately in one confessional camp. After 1554 Emden experienced the beginnings of a major influx of Dutch refugees. This demographic expansion was exacerbated by a socioeconomic crisis around 1557 triggered by bad harvests, food and housing shortages, and inflation. The combination of these factors led to political upheaval, geographic expansion, social welfare reform, and a shifting confessional identity, trends that would be magnified with the outbreak of the Dutch Revolt in the mid-1560s.

The 1554 arrival of the Reformed refugees from the Netherlands, who had left their prior English refuge with the accession of Mary Tudor to the throne in 1553, was merely the beginning of the influx of refugees into Emden. Soon large numbers of Dutch-speaking exiles, a group of French-speaking Walloon refugees, and members of a small English Reformed church also came to the city. Indeed, Emden's growing trade and tax rolls caused some in Amsterdam to fear growing economic competition from the small port to the east, to the point that the Amsterdam city council commissioned two travelers to report on activities in Emden in 1555. Among the many details in their letter back to Amsterdam, the travelers confirmed the housing situation in the booming Emden suburbs. They reported that the Faldern suburbs to the east of town, "in which mostly the foreign nations live, which have recently come here," were now being developed with the construction of some two hundred houses and newly laid out streets. Such houses now cost "half again as much as they had cost five or six years ago," with some particular houses specified as having even quadrupled in price in a mere two to three years.[26] The economic and housing turmoil of these years corresponded as well to a period of food shortages in the late 1550s.[27]

This economic crisis set the stage for the expulsion of the remaining Franciscan friars from their monastery in the Faldern suburb and thus a shift in the religious balance in the town. Despite her own Protestant commitment, Countess Anna had not been convinced by Lasco's religious arguments urging the friars' expulsion in the 1540s. Instead, the countess now articulated that "because our town Emden daily multiplies and takes into itself both rich and

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26 Their letter to the Amsterdam city council was published in Rudolf Häpke, ed., *Niederländische Akten und Urkunden zur Geschichte der Hanse und zur deutschen Seegeschichte* (Munich: Duncker & Humblot, 1913), 1:576–78.

27 On the social welfare changes triggered especially during and after the economic crises around 1557, see Fehler, *Poor Relief and Protestantism*, chap. 4.

poor out of other and foreign lands," she was seizing the monastic properties "to the advancement of the glory of God and according to the opportunity of the common use and emergency needs of this city"—creating a Gasthaus that would include provision for those needs, namely, an orphanage, hospital, school, church, and cemetery.[28] In effect, she kept the last remaining Catholic friars around until they had outlived their social usefulness. The Franciscans' departure ended any evidence of remaining conflict with local Catholics. From this point forward, the visible confessional disputes were between various Protestant groups. This episode demonstrates that, just as pragmatic reasons existed for tolerance, nonreligious motivations arose to end such practices of toleration.

As the Dutch Revolt faced setbacks by Spanish forces by early 1567, a widespread explosion of emigration of largely Protestant refugees took place along with stories of persecution by advancing Spanish Catholic troops. Dutch exiles flooded into refugee communities across western Germany and England. No fewer than four thousand people sought refuge in Emden at this time. Indeed, thousands of poor relief recipients were recorded each year in the account books of the refugee deacons in Emden, as the bookkeeper scrambled to keep up with the massive influx of people.[29] An immigration of this size put massive pressure on the economic resources and housing of the small town, and many exiles ended up in the expanding Faldern suburbs. Yet the account books of the deacons administering relief to the poor immigrants reveal that a sizable number found accommodation in the houses of longer-established residents of the town. Some lived in the homes of fellow immigrants, but many lived with local families. Just as Jesse Spohnholz found in his investigation of the refugee community in Wesel, the Dutch immigrants in Emden were spread throughout the city. The refugees in Emden, however, appear to have been housed proportionally more in its suburbs than those in Wesel, where the immigrants' housing distribution was more even between the town and suburbs.[30]

Institutionally, the new Dutch-speaking immigrants, numbering probably well over ten thousand by 1570, propelled the town's move toward Reformed Protestantism. They were largely integrated into the local Reformed congregation, while the much smaller group of French-speaking Calvinist refugees were allowed their own church and consistory.[31] Many of the minority

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28   Ibid., 137–42. The letter from the countess is in NLA AU, Rep. 135, no. 12, 3–4.

29   Fehler, *Poor Relief and Protestantism*, 185–89, 277.

30   Jesse Spohnholz, *The Tactics of Toleration: A Refugee Community in the Age of Religious Wars* (Newark: University of Delaware Press, 2011), 191–93.

31   On the refugees' impact on Emden's Reformed Protestant development, see Pettegree, *Emden and the Dutch Revolt*. On the Walloon French congregation, see Timothy Fehler, "The French Congregation's Struggle for Acceptance in Emden, Germany," in *Memory and*

Lutheran exiles among the earlier waves arriving in Emden were from Antwerp and included wealthy merchants and social elites.[32] The amount of time these Dutch immigrants lived in Emden was highly fluid. Some refugees spent years or ended up settling permanently, while Emden was only a short stopover for others before moving on to another exile community. Some war refugees, of course, fled their homes for a multitude of reasons that might or might not have included explicit theological conflicts. Thus, they did not necessarily arrive in Emden with commitments to particular doctrines of Reformed Protestantism. Nevertheless, the scale of the migration fostered the growth of a Reformed exile identity within a strong community and network—in Emden and beyond—as immigrants were drawn into like-minded congregations.[33]

The period around 1570 certainly marked the high point in the social and economic development of Emden. In the aftermath of the 1568 Battle of Jemgum, in which the Spanish Duke of Alba had pursued Dutch rebel forces all the way onto East Frisian soil, many in Emden and across East Frisia feared the possible further advance of Alba with his army into the territory. Intense anxiety inspired days of prayers and thanksgiving. The scale of migration into the city impacted the religious tenor and the politics of Emden. The experience of exile enhanced the confessional identity of the refugees, and their presence impacted Emden's confessional development as the town moved in an increasingly Calvinist direction throughout the 1560s and 1570s. Moreover, the Emden government used this moment for a building project to expand the fortifications around the city, and by the middle of the 1570s the full Faldern suburbs had been incorporated officially into the city itself.

III   Religious Pluralism in the "Geneva of the North"

Although large-scale migrations ended before 1575 and many immigrants moved on to the coreligious Netherlands,[34] it is not surprising to see a topographic awareness among Emden's Reformed church leadership after 1575 as they worked both to strengthen their congregation and to counter the influence

Identity: Minority Survival among the Huguenots in France and the Atlantic Diaspora, ed. Bertrand van Ruymbeke and Randy Sparks (Columbia: University of South Carolina Press, 2003), 73–89.

32   Hagedorn, _Ostfrieslands Handel und Schiffahrt_, 2:128–30; Smid, _Ostfriesische Kirchengeschichte_, 215–18; Pettegree, _Emden and the Dutch Revolt_, 220–23.

33   Pettegree, _Emden and the Dutch Revolt,_ 243–51.

34   Hagedorn, _Ostfrieslands Handel und Schiffahrt_, 1:251. Hagedorn's study of Emden's trade placed the shipping capacity of the fleet of ships registered in Emden in 1570 as greater than that of the entire kingdom of England.

of what they considered pernicious religious rivals. In October 1575 the influential Calvinist pastor Menso Alting became the lead minister in Emden, where he served until his death in 1612. Under Alting's direction, the consistory expanded the influence of the church to establishing proper moral behavior throughout the city, an objective confirmed by a number of the ecclesiastical developments early in Alting's ministry. Just two months after his arrival, the consistory began negotiations to allow the ministers to hold Sunday services in the *Gasthaus* church as well as the Grosse Kirche. The topographic reality of Emden's religious landscape suggests a practical reason behind Alting's initiative. Over the course of the sixteenth century, the town had expanded far to the east to include the former Faldern suburbs, with many residents and much activity far removed from the town church, the Grosse Kirche, which was located in the far southwestern corner of the city. By holding regular sermons in the Gasthaus church, now located more or less in the exact topographic center of Emden, the Reformed ministers could extend the church's influence more directly into new parts of town where they believed sectarians were enticing their members.

In February 1576 the city redrew the town church's poor relief districts (so-called *Kluften*) to include new parts of town, which were geographically much larger than the old town, in order to further enhance church discipline. Emden's previous three poor relief districts had extended into Middle Faldern. Under Alting's leadership, the consistory now carefully divided the developed parts of Emden, including all three Faldern suburbs, into five such districts demarcated by specific streets and houses across town (see map 4.3).[35] Each Kluft was assigned six deacons (for poor relief), three elders (for church discipline), and a pastor.[36] The consistory thus made it institutionally clear that it was claiming pastoral responsibility over all of the town, both old town and former suburbs. The deacons' account books of expenses indicate that concentrations of poverty were highest in Gross and Klein Faldern and lowest in the oldest settlements of the town by the Grosse Kirche to the west. [37] With the support of the Bürgermeister and city council, the consistory expressed the Reformed church's authority over the entire town, with hopes that this poor relief would

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35   Heinz Schilling and Klaus-Dieter Schreiber, eds., *Die Kirchenratsprotokolle der reformierten Gemeinde Emden, 1557–1620* (hereafter cited as *KRP*) (Cologne: Böhlau, 1989–92), 2:660–62 (17 February 1576).

36   Emden had only four pastors, so the church's "visitor" (an elder) was assigned to the pastoral role over the third Kluft.

37   Timothy Fehler, "Social Welfare in Early Modern Emden: The Evolution of Poor Relief in the Age of the Reformation and Confessionalization" (Ph.D. diss., University of Wisconsin–Madison, 1995), 395.
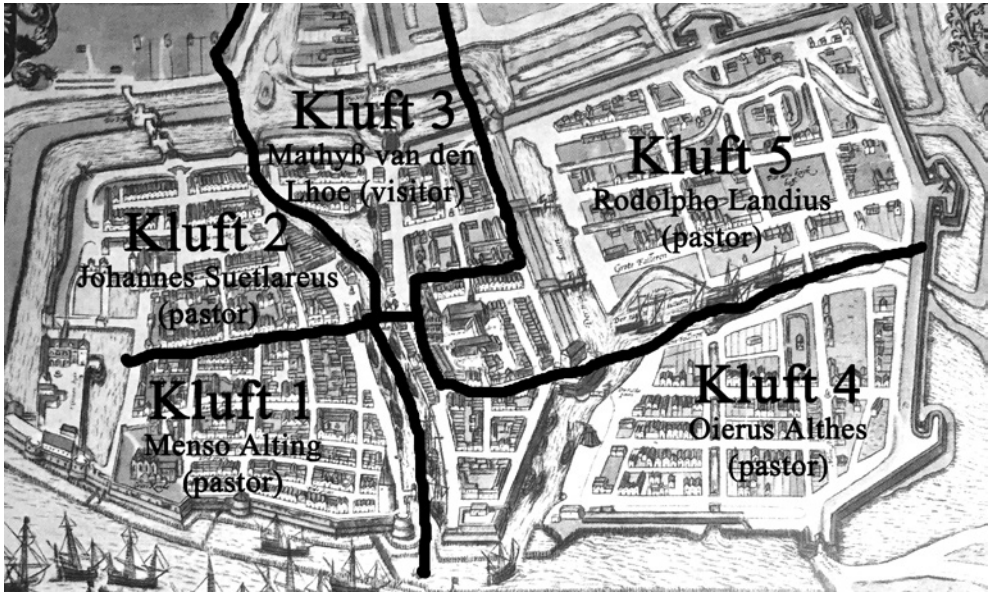
MAP 4.3   Emden consistory's New Kluft (neighborhood) divisions for church discipline and poor relief administration
IMAGE CREATED USING THE 1575 MAP OF EMDEN BY G. BRAUN AND F. HOGENBERG, *CIVITATES ORBIS TERRARUM*

lessen social disorder in the newer parts of town, and that organized church discipline would ideally reduce the remaining religious pluralism.[38]

Despite the growing Calvinist nature of Emden's leadership and congregation, the town and region maintained their earlier reputation for a vibrant Anabaptist culture. Indeed, the culture was vibrant enough in 1567 that two Dutch refugee pastors proposed an intriguing idea to Emden's consistory: namely, they would attempt to surreptitiously work their way into local Anabaptist meetings in hopes of countering their teachings.[39] Such planned subterfuge among Emden's Calvinist leadership to cross religious boundaries further indicates the reality of the area's religious diversity. The exceptional flood of refugees that packed Emden, especially its growing suburbs, enabled these two

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38   Sehling, *Kirchenordnungen*, vol. 7/II/1, 455–63; Johannes a Lasco Bibliothek (Emden), Archiv #3001, 1–32. The deacons provided relief to non-church members, but they were expected to maintain Reformed church discipline such as that described in Emden's 1576 Poor Relief Ordinance.

39   *KRP*, 1:291–92 (1 December 1567).

Dutch ministers to expect that they could go unrecognized when they gained access to the illicit, but not particularly secret, Anabaptist meetings. Perhaps infiltration, they reasoned, might work to confute the Anabaptists, who were apparently attracting a growing number of Dutch refugees into their services both inside and outside Emden.

Interestingly, although we have no subsequent report of their visit, the fact that it was pastors who proposed attending Anabaptist meetings perhaps made the proposal more acceptable to the Reformed consistory. The interaction of Reformed laity with Anabaptists certainly remained a point of contention within the consistory.[40] They feared seduction of congregants into false teachings as well as accusations of hypocrisy or misbehavior by Anabaptist critics, and thus they sought to limit exposure despite the religious diversity across the town. For instance, a decade after the proposal of the two Dutch pastors, the consistory discouraged Reformed members from attending Anabaptist sermons even if they firmly held Anabaptist teachings to be false and Reformed teachings to be true, for one should "not let oneself willingly be ensnared with false teachings."[41] In 1615 Coert Jansen, who lived by the Apfelmarkt in Gross Faldern, was reprimanded for being seen in an Anabaptist meeting. In his defense, Jansen explained that he did not hold to any of their teachings and had visited just once.[42]

The consistory also intervened when the behavior of Reformed congregants besmirched the congregation in the eyes of non-Reformed residents of town. In 1570 Garrelt, a shipper who lived outside the New Gate, was brought to the consistory's attention because he lived an unedifying and strife-filled life with his wife. Church leaders were concerned because he beat her "to the anger of the neighbors who were Mennonites and on account of him slandered our congregation."[43] The following month, Garrelt appeared before the consistory and apologized for having beaten his wife once in anger. In response, the consistory ordered him to be once again reconciled "with the neighbors whom he has angered; in the meantime he shall behave peacefully with his wife."[44] Here, for the good of the Reformed congregation's reputation, the consistory urged peaceful coexistence with Anabaptists, including reconciliation with those

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40   For several specific Emden consistory cases relating to tolerance and interaction with Anabaptists, see Fehler, "Anabaptism and Calvinism around Emden," 194–201.

41   *KRP*, 2:666 (29 April 1577).

42   The pastoral admonition was sufficient to get Jensen's pledge that he indeed would remain by the teachings of the Reformed Church; *KRP*, 2:1078 (18 September, 2 October 1615).

43   *KRP*, 1:379 (28 March 1570).

44   *KRP*, 1:381–82 (24 April 1570).

non-coreligious neighbors offended by familial misbehavior and domestic abuse in Reformed households.

Records of attempts to regulate cross-confessional interactions reveal Anabaptist connections among some of Emden's wealthy citizens. For instance, the Emden notary in 1578 recorded the bequest of the prominent Emden citizen Hinrich van Coeßvelde and his wife, in which they bequeathed the massive sum of 250 gulden to the Mennonite poor in Emden.[45] The couple made this bequest at an interesting moment. The Emden consistory had just completed a famous three-month-long public disputation with Anabaptists, which Calvinist pastor Menso Alting saw as a victory for the Calvinist congregation. Indeed, Alting optimistically wrote to Theodore Beza describing the ways that the disputation had strengthened his Reformed community.[46] That a prominent citizen publicly bequeathed to Anabaptists one of the largest poor relief bequests from any surviving sixteenth-century testament complicates the optimistic claim made by Alting. Although the sheer scale of the Coeßvelde bequest is astounding, another testament, with much smaller amounts, offers an amazing combination of bequest recipients. In 1583 Emden citizens Johan Claesen and his wife, Schwane, each divided bequests equally in three parts among the poor in Emden's (Reformed) *Gasthaus*, the poor of the Reformed diaconate, and the Mennonite poor.[47] The story of Calvinist confessionalization in this period does not traditionally allow space for such boundary crossings, which seemingly approve equally of both Calvinist and Anabaptist social welfare institutions.

Such prominent individuals as the Coeßveldes typically lived in the older parts of Emden, where property was more expensive. Yet, tax sources and property contracts reveal Anabaptists living in all parts of town, including the wealthy "old town."[48] The greatest complaints about wild and undisciplined religious pluralism, however, were targeted at the fringes of town—the former suburbs of Faldern, which were undergoing such major development. Indeed, in 1569 the consistory heard a report that the Mennonites "in Faldern were

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45   *Emden Kontraktenprotokolle*, (NLA AU, Rep. 234), 14:673.

46   H. Klugkist Hesse, *Menso Alting: Eine Gestalt aus der Kampfzeit der calvinischen Kirche* (Berlin: Furche-Verlag, 1928), 230–44.

47   *Emden Kontraktenprotokolle*, 15: 498–498v.

48   Fehler, "Anabaptism and Calvinism around Emden," 200–201. Moreover, there were business interactions between Mennonites and Emden's Reformed. The convoluted case following Jacob Tymmermann's ban from the congregation over a bad business deal with Mennonites indicates similar economic interactions between the Reformed and Mennonites, and it also shows some degree of conflict between the approaches taken by the church council and the city council.

holding great disorderly meetings and that they were diligently enticing our members from us."[49] That this remained the case throughout the remainder of the century is clear in the case of Peter van Winsum, a shoemaker who lived on Bruckstrasse in Gross Faldern. In 1599 a pastor reported to the consistory that he had spoken with Peter and found him wavering in his beliefs, that he was being contested and seduced by the Anabaptists. The consistory instructed that he should thus receive pastoral correction. Yet, by 1604 the Anabaptists had won a convert, and Menso Alting and the consistory banned Peter from the Reformed congregation, "whose member he has been for a while," because he had fallen to the Anabaptists.[50] Although no one single meeting place existed for Emden Mennonites in the second half of the sixteenth century, the Faldern suburbs proved a difficult area of town for Emden's officials to oversee new buildings, residents, and property transactions.[51]

The unmarked Braun & Hogenberg map (which is the basis for maps 4.2, 4.3, and 4.4) with its walls and gates seems to delineate the limits and boundaries of Emden, but the reality for many people involved regular interaction and movement throughout and beyond the city, across waterways and through gates. Indeed, reading consistory accounts or drawing the new 1576 Kluft boundaries onto a map provides a reminder of the divisions that do not correspond neatly to walls and canals. So, too, the consistory cases serve as a reminder of the fluid confessional realities that the fixed city map tends to obscure. Records indicate numerous resettlements into the town and out into the suburbs or back again, as well as economic and religiously motivated movement, such as *Auslauf* to attend local Mennonite meetings that were available in neighboring villages as well as in the Faldern suburbs. For example, in 1576 the consistory took up the case of Engele Wiers, who had "betaken herself to the Anabaptists" outside of Emden for over a decade, but who now sought to rejoin the Reformed communion; others also caught the consistory's attention for similar movement between confessions.[52]

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49   *KRP*, 1:337 (24 January 1569). Lenaert Bouwens, one of the Anabaptist elders who lived in Faldern between 1551 and 1565, kept a list of all of those he baptized. Of the 604 people he baptized in East Frisia, 80 lived in Emden. Karel Vos, "De dooplijst van Leenaert Bouwens," *Bijdrage en Mededeelingen van het Historisch Genootschap* 36 (1915): 65.

50   *KRP*, 2:924 (12 February 1599), 2:946 (13 May 1604).

51   Interestingly, Emden's present-day Mennonite congregation still has its meetinghouse in Gross Faldern, located at Brückstraße 74, diagonally across the street from the seventeenth-century Calvinist church (Neue Kirche).

52   *KRP*, 2:643 (22 October 1576); *KRP*, 1:112, 114, 119, 124, 130–31, 159. The Dutch refugee couple Jacob and Proene went back and forth between the town church and local Anabaptist congregations several times between 1560 and 1563.

   To this point, this essay has focused exclusively on the Christian groups involved in the traditional analysis of confessional conflicts. It is important to note, however, that Jews also became a presence in Emden. After 1570 increasing references to personal interactions between Jews and Christians survive, and questions emerged in the political realm about the Jewish population. Jews had previously lived outside the city gates of Emden, in the suburbs. As the population expansion led the city to incorporate Gross Faldern, a debate emerged about whether to allow Jews to live inside the new walls of the city being constructed in the 1570s. In early 1570 the consistory informed the city council that to "allow the Jews into the city with residences is not agreed to everywhere."[53]

   As with other religious groups, topographic changes in the city after the period of economic growth had an impact on relations between Jews and Christians. In 1589 the Emden citizenry constructed a *Judenstrasse* on the northeastern edge of Gross Faldern where they sought to isolate the Jewish residents in a particular part of the city. To complicate matters, Count Edzard offered the Jewish community protection at this same time even as he was in a political dispute with Emden's leadership. This situation led many in Emden to recognize that they could not require the Jews to live outside the city walls. Nevertheless, their concern about close personal interaction between Christians and Jews caused some citizens to argue that Jews in Emden should not be permitted to live in "the best streets" with "eminent neighborhoods."[54]

   As previous examples have illustrated, the consistory was often upset with congregants' interactions with those outside the Reformed community, and this concern came also to include Jews. In May and June 1582, the consistory instructed Aelke Wittbacker, a widow, to cease renting her house to a Jew, whom the council described as a "Jew, who, like all of them, without doubt gravely blasphemes the Lord Jesus Christ." In her defense, she argued that she had taken him in only out of economic necessity, "in order to receive a little more rent, because otherwise she had no means in order to live." But to no avail. The consistory ordered her to get her accounts in order as soon as possible, giving her until winter to honor her contracts. The leaders ruled that she must let the Jew go "because a Christian is not free to have any fellowship with such blasphemers of Jesus Christ."[55] Of course, the fact that the consistory dealt with

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53   *KRP*, 1:375 (27 February 1570).

54   Jan Lokers, *Die Juden in Emden 1530–1806: Eine sozial- und wirtschaftsgeschichtliche Studie zur Geschichte der Juden in Norddeutschland vom ausgehenden Mittelalter bis zur Emanzipationsgesetzgebung* (Aurich: Verlag Ostfriesische Gesellschaft, 1990), 23, 31.

55   *KRP*, 2:778–80 (7 May, 18 June, 25 June 1582). For additional consistorial interventions between 1576 and 1594 with the congregation over issues ranging from business dealings

the incident reveals that such "fellowship," in this case in the form of economic interaction, did indeed take place. The decision to build the *Judenstrasse* might have been a product of concerns with cases of personal interactions with Jews like that of Wittbacker's. Unfortunately, Emden's surviving sources provide no further clue as to how such situations might have been changed after the *Judenstrasse* was constructed.

IV   Institutional Worship Locations

In the last quarter of the sixteenth century, Emden's institutional religious topography looks something like Map 4.4. Reformed services were held at the Grosse Kirche and newly in the Gasthaus church, and the French-speaking (Walloon) Reformed congregation was given use of the *Stadthalle*, not far from the *Gasthaus*. Meanwhile, Lutherans overfilled the New Mint (*Neue Münze*) during their services. Beyond these formal meeting places, the previously described scattering of Anabaptist meetings in Faldern and outside the northern gates caused further consternation for Emden's town church. And the newly constructed *Judenstrasse* at the northern edge of Faldern became the location for Jewish worship.

The history of East Frisia in the closing decades of the sixteenth century typically focuses primarily on the polemical, theological, and political confessional struggles between Lutheranism and Calvinism. As seen in the general map of East Frisia (map 4.1), most of the territory was Lutheran while the western portion, including Emden, was Calvinist. Confessional splits occurred not simply among congregants and theologians. The ruling house itself was split confessionally, as Countess Anna's two sons struggled with each other over both authority and theology.[56] As the Emden town church became increasingly rigid in its Calvinism over the final quarter of the century, the stage was set for a major political and religious confrontation with Lutherans. Although the Emden Calvinists ultimately won in this conflict and serve as an example of successful "Calvinist confessionalization," a closer investigation of the religious lay of the land indicates that the story is not that straightforward.

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to mere conversations, see *KRP*, 2:640, 658, 691–92, 878, 897–98 (24 September 1576, 4 February 1577, 9 April, 2 June 1578, 20 March 1592, 11 January, 8 February 1594).

56   Count Johan provided some protection for the Reformed in and around Emden until his death in 1591; his older brother Count Edzard, however, ruled the territory from Emden and had shifted to a Lutheran orthodoxy. For an English summary of Emden's "Calvinist Confessionalization and Civic Revolution," see Schilling, *Civic Calvinism*, 28–39.
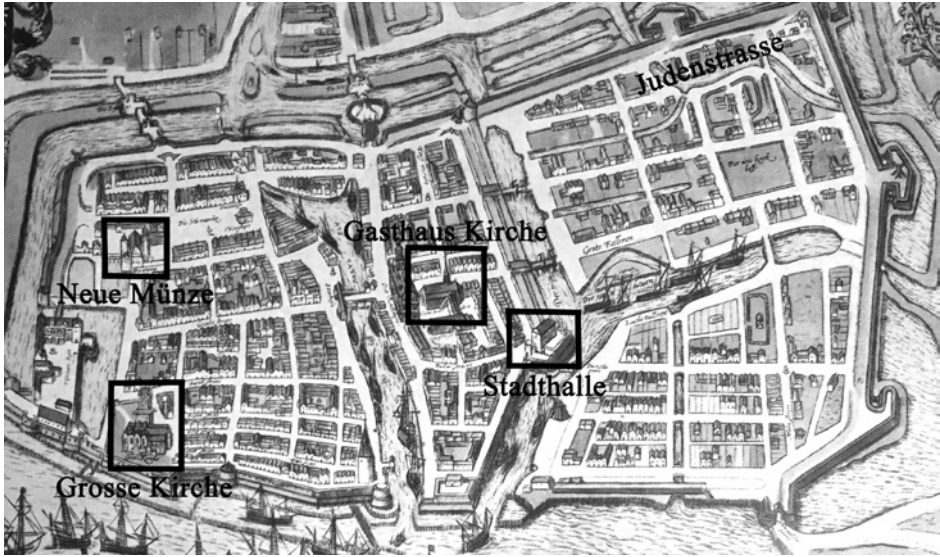
While the Calvinist church leadership began in the mid-1570s to use the
Gasthaus church as a location for sermons and catechism now in the center
of the town, Count Edzard demanded that Emden's Lutherans also be allowed
to worship there. The count could not, however, overcome opposition from
the Emden magistracy to the question of Lutheran services in the Gasthaus
church. When the count was forced to back down, he gave the use of his own
New Mint near his castle to the Emden Lutheran congregation along with his
own Lutheran court preacher in 1586.[57] That this minority religious group
had official sanction from the count clearly chafed the increasingly domi-
nant Calvinist-leaning Emdeners. Over the next several years, the consistory
recorded several complaints made by the Reformed church leadership about
the polemical Lutheran services taking place with the count's imprimatur at
the New Mint, in which the Reformed pastors and teachings were mocked and
criticized.[58] Though the Lutherans were now a small minority in Emden,
Reformed Emdeners complained that the powerful political support of the

57   Smid, *Ostfriesische Kirchengeschichte*, 222, 230.
58   *KRP*, 2:835–37 (30 December 1587; 2 January, 22 January 1588).

count for the Lutherans "without doubt miserably divides both subjects and citizens against each other."[59]

The diversity of religious expressions certainly heightened the sources of conflict. The services at the New Mint illustrate the fight over public worship in the conflict between count and city. At the other end of the spectrum, we have also seen a number of private, individual religious interactions between members of different confessions. Perhaps between these two categories a number of formal (if unofficial or even illegal) institutional structures had been created within various religious communities that facilitated a public expression or practice of religion beyond the officially established religion. Of course, there was a growing fight between the city and the count as to what the official religion should be. Indeed, in 1590 the regional East Frisian Diet was presented with the following "ecclesiastical grievances of the common citizenry of Emden":

> That [the counts of East Frisia] retain the true Christian religion, which they have had from the beginning of the Reformation for seventy years now, through God's exceptional grace in unity and peace…. And that everything which is contrary to the true Christian Religion might be abolished—namely the Jewish synagogue, the [Lutheran] separation [which meets] in the *Neue Münze*, and various gatherings of the Anabaptists.[60]

In the increasingly confessionally Calvinist city of Emden, the town representatives' greatest religious grievances were thus the apparently tolerated public worship of Jews, Lutherans, and Anabaptists in the city. Though it is not

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59   For the letter sent to Count Edzard on 24 April 1589 by the "subservient, obedient, and common citizenry of Emden," see Eduard Meiners, *Oostvrieschlandts Kerkelyke Geschiedenisse of een historisch en oordeelkundig verhaal van het gene nopens het Kerkelyke in Oostvrieschlandt, en byzonder te Emden, is voorgevallen, zedert den tydt der Hervorminge, of de Jaren 1519, en 1520, tot op den huidigen dag* (Groningen, 1738), 2:274, 275. Count Edzard also transferred lands and endowments to provide financial stability to the Lutheran congregation. Many of these endowments had been under the oversight of the Grosse Kirche, and hence recently under the Reformed church leadership, since the count's father had confiscated these lands and properties from the Catholic church in the early decades of the Reformation. For complaints about the count's property transfers during the late 1580s and early 1590s, see ibid., 2:271–73, 276–78.

60   Stadtarchiv Emden, 1. Registratur 910, 19. Another complaint, the so-called Emden Apology, was presented to the Landtag in 1593; it also opens with the same grievances and is printed by E. R. Brenneysen, ed., *Ost-Friesische Historie und Landes-Verfassung* (Aurich: Samuel Böttger, 1720), 1:413.

clear that the authors of this protestation indeed spoke for the full "common citizenry," the list of grievances evinces a frustration toward religious diversity expressed here toward the count's practices, some of which would actually later be adopted in the city council's seventeenth-century policies toward Anabaptists and Jews.

Animosity, even if rooted in religious arguments, could be expressed in economic terms. The dichotomy between religious and economic concerns has already been witnessed in the decision to oust the Franciscans and in the case of Aelke Wittbacker's Jewish renter. The 1590 Emden grievances also included the following claim in its "proof article" supporting its accusations against the Jews:

> 20 years ago there were only one or two Jews living here in Emden— outside the city gates, and not in the city—and otherwise none in the whole territory. However, from around the year 1570, the Jews were not only admitted [into Emden] abundantly with their grave usury to suck out the poor subjects, but also allowed their public exercise of religion and to hold synagogue.[61]

Emden's complainants clearly sought to paint Count Edzard negatively by making accusations of toleration, both economic and religious, of alleged enemies of "the true Christian religion." Of course, to Emden's Calvinists, it was not merely Jews who filled this category as enemies, but Lutherans and Anabaptists too.

Count Edzard's patronage, however, elevated Emden's Lutherans to a position as privileged rival and greatest threat to the Reformed church leadership. The polemics and the tensions mounted during the early 1590s between the Calvinist Emden town officials, under Alting's leadership, and the Lutheran Count Edzard. In addition to theological problems caused by Lutheran sermons, Alting spent much of his December 1592 letter to the count's son highlighting economic conflict created by toleration of the Lutherans. Emden's long-standing poor relief ordinances (which had been approved by the count's representative) forbade alms collections around town without consent of the town church's deacons. According to Alting, the Lutherans left "nothing undone that might bring the good order to demolition." They were openly circulating around Emden's private houses collecting alms and hanging their pouches for donations in the town's taverns and inns. Unwilling to "content themselves with that," Lutherans also had formed their own special schools

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61   Stadtarchiv Emden, I. Registratur 910, 3.

without the magistrates' consent.[62] Though Emden's Anabaptists and Jews apparently maintained their separate, illicit institutions, the Lutherans were able to flaunt the count's patronage and thereby claim a public exercise of their practices.

Emden's dominant Reformed congregation was thus encountering polemical attacks on the town church's leadership and theology alongside economic rivalries caused by the Lutheran poor relief administrators making their presence publicly known throughout town, well beyond their worship location. As the tensions escalated, Count Edzard placed restrictions on Emden's autonomy, and an armed, though bloodless, uprising occurred in 1595. The count lost this so-called Emden Revolution to the Emden citizenry and was forced to concede. When the count moved his residence from Emden to Aurich, the Lutherans in Emden completely lost their right to worship in the city.[63] With the hardening of the confessional lines between Lutherans and Calvinists in the midst of this long-running political conflict, toleration of Lutheran public worship was no longer an option once the count lost. For the next ninety years, Lutherans living in Emden would need to leave Emden to attend Lutheran worship services north or east of town in parts of East Frisia that remained committed to the count's confessional alignment.

The first article of the resulting treaty of 1595 between the Lutheran count and the Reformed city stipulated that:

> in the old city of Emden, in Faldern, and in the suburbs, be it in the Mint or anywhere else, there should publicly be no other Religion taught, practiced or tolerated than that which is presently preached in the *Grossen* and the *Gasthaus* Churches. Nevertheless, no one should be encumbered or investigated in his conscience. The Count is permitted, when he holds court in his castle, to allow his court preacher to preach.[64]

Henceforth, only the Reformed religion was to be practiced in the town, and both the city and church administrations were to function independently of the count.[65]

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62 Brenneysen, *Ost-Friesische Historie*, 1:411. The consistory records indicate that the city council investigated whether the Lutherans were hanging their alms-pouches in violation of the Poor Relief Ordinance; *KRP*, 2:891 (14 May 1593).

63 Schilling, *Civic Calvinism*, 36, 38.

64 *Delfzyler Vertrag* (15 July 1595) reprinted in Sehling, *Kirchenordnungen*, vol. 7/II/1, 414–15.

65 Fehler, *Poor Relief and Protestantism*, 236. Indeed, when the Emden government finally authorized Lutheran worship again, in 1685, it was under limited, tightly controlled

Although the count's protection of Jews had been one of the charges raised by Emdeners against him, the Emden magistracy began to collect *Schutzgeld* (protection money) from Mennonites and Jews living in the city by 1601.[66] In the immediate aftermath of the Emden Revolution, as the count's authority was eliminated in the city, at least three Jewish families left the city out of uncertainty for their future protection. The Jewish community was small, and sources do not allow a detailed reconstruction of its size. In 1593 the count had asserted that he was offering protection to "not more than six" Jewish families in Emden. When Emden began its own *Schutzgeld* policy, it included a single list for both Mennonites and Jews. Emden's *Schutzgeld* policy toward Mennonites differed from the rest of the territory, as they were still officially outlawed throughout East Frisia, except during the reign of Count Rudolph Christian (1625–28), who imposed *Schutzgeld* throughout the territory. Surviving *Schutzgeld* lists in the town archives allow a partial glance at apparent housing patterns as they list the names and areas of town along with the amount paid (or "pauper," if nothing was paid) by identified Mennonites and Jews.[67] There were only seven Jewish names (or heads of household) listed in 1601, with eight in 1602, at least a couple of whom did not reside on the *Judenstrasse*.[68] More than 150 recorded Mennonite families were spread throughout the town, but in the older parts of the town the lists of names are shorter with generally larger amounts assessed to them; in the new, eastern parts of town there are more names in the lists of Mennonites but with the individual *Schutzgeld* payments much lower.[69] Thus, these lists match the other data that show a wealthier social status among the old town residents as well as the criticisms of church leaders that pointed to the suburbs as sources of religious diversity and propagation of heterodox teachings. It is interesting that shortly after the Calvinist city's confessional triumph over the Lutherans in 1595 Emden Revolution, Emden's leaders instituted a new means of toleration for some of the religious minorities. *Schutzgeld* did not allow a public place of worship, but Jews and Anabaptists continued to gather unofficially, and the

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circumstances: only four Lutheran services could be held per year, attended by a Reformed pastor with alms collected by Reformed deacons.

66 Stadtarchiv Emden, I. Registratur 415.

67 For the partially transcribed *Schutzgeld* lists, see Erich von Reeken, *Zur Geschichte der Emder Taufgesinnten (Mennoniten) 1529–1750* (Aurich: Ostfriesische Landschaft, 1986), 20–24 (1601 list), 25–31 (1602 list).

68 Two of the eight Jews listed in the 1602 list were identified as "pauper" and paid no *Schutzgeld*.

69 The 1601 list contains 158 Mennonite names. Despite the fact that 24 from that list had left by 1602 (19 had moved away, and 5 had died), the 1602 list counted 171 (of which 4 were identified as "pauper" and 7 more paid no *Schutzgeld*).

city's policy of official toleration for these two minorities ensured that such religious dissenters remained a regular presence in Emden at a time when the official confessional status of the town otherwise became legally more exclusive than ever.

V   Conclusion

Living next to each other in the city and its environs created possibilities for conflict while, at the same time, requiring strategies for religious coexistence. Political, economic, and religious conditions were often in flux. Immigration, in addition to bringing economic benefits to the shipping city, also enhanced diversity and fluidity as well as an increased degree of potential anonymity; the expanding topographic boundaries of the city magnified the difficulty of effective oversight. Living near and interacting personally and economically with foreign immigrants or dissenting religious groups likely expanded an individual's acquaintance with, and sometimes affinity toward, ideas and practices that might not fit within the dominant Reformed confessional model. This reality seen in Emden's complicated confessional topography required religious and political authorities to interact frequently with those potentially outside the confessional norms.

The case of Emden demonstrates that there is no single formula to disentangle the political and economic concerns, let alone the personal and family relationships, that intersected with religious tolerance and intolerance. Even when sources are not as direct as Abel Eppens's critique of the money-loving Emden residents, economic associations are often not far beneath the surface, such as Countess Anna's justifications for ceasing to tolerate the Franciscans, the widow Wittbacker's resorting to a Jewish rental agreement for her own sustenance, Emden citizens' complaints about Jewish usury, and the magistracy's *Schutzgeld* policy (after having protested the count's protection). Under some circumstances, economic interactions facilitated coexistence, but many of these Emden cases highlight how economics could also be a point of contention. Official policies and practices, no doubt, generally reflected Emden's deepening Calvinist identity. Yet, the city's different reactions toward allowing three despised religious groups to worship in the city at the turn of the seventeenth century—Lutherans (patron expelled; public activities strongly prohibited) and Mennonites and Jews (tolerated with a *Schutzgeld* payment)—suggest that policy was driven not just by simply religious or economic or political concerns, but by a complicated combination of all three. Despite the predominant historiographic emphasis on Calvinist

confession-building in Emden, especially during the last quarter of the century after Alting's arrival, the religious topography of Emden's population serves as a useful reminder of the practical limits of the church leadership's attempt to impose a particular orthodox Reformed settlement. Many of the laity, even if members of or sympathizers with the Calvinist congregation, could often be far more tolerant of the religious heterodoxy that continued even as the confessional boundaries became officially more rigid.

Recent scholarship has begun to emphasize more explicitly these multiconfessional realities in the aftermath of the Reformations.[70] Rather than seeing religious pluralism and asking about the "success" or "failure" of confessionalization, a shift of attention is needed. One method would be to investigate the social interactions of adherents of different beliefs at the level of everyday decision making in a particular town. Recognizing the reality of religious coexistence, rather than categorizing it as confessional failure, enables fuller investigation into the ways in which people coped with the realities of this religious diversity and the strategies that they developed to manage the often porous boundaries that emerged as a result of the religious changes.[71] A careful investigation of the individual reactions and strategies of those living in multiconfessional societies would deepen understanding of individual people's particular relationships to their respective confessions. It would also uncover their relations with their non-coreligious neighbors. Further work building on the topographical reconstruction of housing, occupational, and worship patterns will expand the analysis of the day-to-day interactions and strategies among Emden's neighbors supposedly "divided by faith."

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70   See, for example, Benjamin J. Kaplan, *Divided by Faith: Religious Conflict and the Practice of Toleration in Early Modern Europe* (Cambridge, MA: Harvard University Press, 2007).

71   Jesse Spohnholz, "Confessional Coexistence in the Early Modern Low Countries," in *A Companion to Multiconfessionalism in the Early Modern World*, ed. Thomas Max Safley (Leiden: Brill, 2011), 47–73.

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Concubinaries as Citizens
Mediating Confessional Plurality in Westphalian Towns, 1550–1650

David M. Luebke

In a succinct 1972 essay titled "Clergymen as Citizens," the Göttingen church historian Bernd Moeller analyzed what he saw as the long-term historical tension in the towns of medieval Europe, as well as its place among the social causes of sixteenth-century reformation—namely, the strain between two socially exclusive corporations: the clerical estate and the privileged community of urban citizenry. The former were crucial, obviously, to the "sacral" operations of the latter. But for equally obvious reasons, clergy were beholden to hierarchies of authority that rendered problematic their status as residents within town walls. As clergymen, how strong were their commitments to the common good? Could they be called on to defend the town in case of attack? What if the attacker were a prince-bishop and, as such, the priest's spiritual overlord? Moeller argued that this latent tension impelled German magistrates to integrate clergy, as far as possible, into the citizenry, or short of that, to subordinate them to municipal jurisdiction and taxation. These efforts to integrate clergy as citizens culminated during the Reformation in the magistrates' embrace of the "priesthood of all believers," which achieved the "integration (*Einbeziehung*) of clergy into the community of citizens."[1] By legitimating clerical marriage, moreover, the doctrine also facilitated the integration of clergy into networks of family and kinship. In theory, at least, marriage sealed the bond between clergy and citizenry more tightly than any oath or tax schedule ever could.[2]

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1   Bernd Moeller, "Kleriker als Bürger," in *Die Reformation und das Mittelalter: Kirchenhistorische Aufsätze*, ed. Johannes Schilling (Göttingen: Vandenhoeck & Ruprecht, 1991), 35–52, here at 45, 47.

2   For the recent historical literature on concubinage, see Marjorie Elizabeth Plummer, *From Priest's Whore to Pastor's Wife: Clerical Marriage and the Process of Reform in the Early German Reformation* (Farnham: Ashgate, 2012). See also Antje Flüchter, *Der Zölibat zwischen Devianz und Norm: Kirchenpolitik und Gemeindealltag in den Herzogtümern Jülich und Berg im 16. und 17. Jahrhundert* (Cologne: Böhlau, 2005). For an overview see Ellen Widder, "Skandalgeschichten oder Forschungsdesiderate? Illegitime Verbindungen im Spätmittelalter aus geschichtswissenschaftlicher Perspektive," in *'… wir wollen der Liebe Raum geben': Konkubinate geistlicher und weltlicher Fürsten um 1500*, ed. Andreas Tacke (Göttingen: Wallstein, 2006), 38–92.

Moeller's argument is compelling, not least because it resonates power-fully with the anticlerical polemics that coursed through Europe in the later Middle Ages. But its flaws are also apparent. For one, it assumes that anticleri-cal polemics, especially critiques of clerical concubinage, accurately reflected prevailing attitudes among laypeople. Similarly, its laser focus on politics ob-scures the agency of clerics, especially the secular clergy, in their relations with parishioners and magistrates. Because it seeks to explain Protestant reform, ultimately, it cannot account for magistrates who clung to the status quo or who might have wanted to preserve civic unity by obscuring divisions among parishioners in the ever-escalating "controversy over religion." His argument also presents clergymen as the passive objects of magisterial action, not actors in their own right. Ultimately, Moeller thought about the problem of integrat-ing clergy in monoconfessional terms, as if there had been only Protestant or Catholic methods to preserve parochial unity against the challenge of religious pluralization.

This essay argues that concubinage, by tying priests to their parishioners through blood and a peculiar sort of kinship, integrated them in ways that encouraged adaptability to the demands of their flocks. Its premise is that, depending on the circumstances, sixteenth-century priests and parishioners were not confined to monoconfessional solutions to the challenge posed by re-ligious pluralization, but were fully capable of crafting confessionally inclusive means to preserve parochial unity against pluralization's disruptive effects.[3] It places clergy at the center of attention, both as historical actors and as mem-bers of the communities they served. It draws its evidence from parishes situ-ated in the northwestern quadrant of the Holy Roman Empire, specifically the Westphalian prince-bishopric of Münster, an indeterminate "no-man's-land" where no confession succeeded in imposing doctrinal or liturgical uniformity prior to the seventeenth century. It suggests that concubinage was integral to a set of social structures and cultural practices—in one word, a "regime"—that obscured confessional divisions and muted conflict over religion.[4]

The argument proceeds in three stages. The first section shows that concu-binage, far from being exceptional, was the prevailing mode of living among all ranks of clergy, from the lowliest chaplain to the prince-bishop himself. In their stability and fecundity, the majority of these unions resembled marriage. As

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3   See Keith P. Luria, *Sacred Boundaries: Religious Coexistence and Conflict in Early Modern France* (Washington, DC: Catholic University Press of America, 2005); and Keith P. Luria, "Separated by Death? Burials, Cemeteries and Confessional Boundaries in Seventeenth-Century France," *French Historical Studies* 24 (2001): 185–222.

4   David M. Luebke, *Hometown Religion: Regimes of Coexistence in Early Modern Westphalia* (Charlottesville: University of Virginia Press, 2016).

the second section shows, they also met with a greater measure of acceptance than one might expect from late-medieval literary stereotypes of the lecherous parish priest. To be sure, concubinage was not above criticism. But most often, barbs were aimed at priests who violated some social expectation—who, say, took a concubine against her parent's wishes. If constituted properly, concubinage generated bonds of quasi kinship between priests and their parishioners. The third section lays out the evidence of liturgical practice and reading habits and suggests that concubinary priests were more adaptable than their celibate colleagues to the variety of religious inclinations among their parishioners.

The upshot is clear: the priests of Westphalia, integrated socially through concubinage, bridged the gap separating clergy from laity and, in the process, blunted the edge of confessional division. As my descriptive language suggests, the prince-bishopric's religious regime was one in which top-down pressure to conform in doctrine and practice was weak; in which few parishes were categorically "Protestant" or "Catholic"; in which priests, even though all of them were nominally Roman Catholic, exhibited a wide variety of theological stances; and in which parishioners likewise displayed a wide range of religious inclinations, including indifference—all without rupturing parochial unity openly.

To that extent it was also a "tolerant" regime—if by that term we mean a regime's capacity to absorb and neutralize a potential threat.[5] At its core were parish priests, the indispensable mediators of confessional difference, dependent materially and politically on the goodwill of their neighbors, often gregarious in their reading habits, and, for the most part, concubinary. As such, they resembled little the role that Moeller's model assigned to them—the local agents of a potentially dangerous, extramural spiritual authority. Instead, they strove to accommodate their parishioners' diversifying religious tastes, within the loosely drawn limits of ecclesiastical law, in order to preserve the ritual unity of their communities. Put another way, the accommodating priests of Westphalia neutralized themselves as potential threats to communal cohesion. In return, parishioners embraced behaviors that elsewhere aroused scorn and derision. All parties to the bargain bent the rules while professing acquiescence to the letter of ecclesiastical law. Toleration, in other words, rested not on shared values, but on reciprocal accommodations, wrapped in dissimulation. And the key to this system was concubinage.

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5   Wendy Brown, *Regulating Aversion: Tolerance in the Age of Identity and Empire* (Princeton, NJ: Princeton University Press, 2006), 25–30.

1 The Scope of Concubinage

To get a sense of concubinage in its social setting, consider the case of Heinrich Winkelmann and Maria Vorwicks, who in December 1617 threw a lavish and public feast, called a *Kindelbier*, to celebrate the baptism of their child. The infant had been born out of wedlock, for Winkelmann was a parish priest in Lüdinghausen, a town in the Westphalian prince-bishopric of Münster. He had been ministering to his flock in Lüdinghausen for twenty-five years, which means that he had probably known Maria since her childhood.[6] In all likelihood, Heinrich and Maria were several decades apart in age. But it was not age discrepancy that made the union transgressive; rather, it violated Winkelmann's oath of priesthood and decrees of the Council of Trent, which in 1563 had forbidden priests "to keep concubines in or outside their houses, or other women about whom suspicion might arise."[7] Worse still, Winkelmann was himself the bastard son of a clergyman, Rutger Winkelmann, a chaplain at the Premonstratensian monastery at Cappenberg. His birth out of wedlock would have made him ineligible for the priesthood, had he not obtained a dispensation that removed the obstacle of illegitimacy.[8] Winkelmann's child was therefore the third—at least—in a bastard-clerical lineage. None of these awkward facts, however, diminished the eagerness of Heinrich and Maria to celebrate publicly the baptism of their child.

Their union was not unusual. Of the more than 270 priests, vicars, vice-curates, chaplains, and canons who were subjected to ecclesiastical discipline between 1601 and 1611, about two-thirds admitted to maintaining "concubines."

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6 Landesarchiv Nordrhein-Westfalen, Abteilung Westfalen (hereafter cited as LAV NRW W), Fürstentum Münster Domkapitel (hereafter cited as FM DK), A 4847, 130r–v, 134v–136v, 137v–138v, Cathedral Chapter Protocols for 10 January, 25 January, and 10 February 1618; LAV NRW W, FM DK, A 273, 1r–2v, Extract from Cathedral Chapter Protocols, 10 January 1618. On the dates of Winkelmann's service, see Bischöfliches Archiv Münster (hereafter cited as BAM), GV Hs 23, 298–306, Visitation of Lüdinghausen, 13 April 1613.

7 Council of Trent, Session XXV (1563), *Decretum de reformatione generali*, no. 14, in Norman Tanner, S. J., ed., *Decrees of the Ecumenical Councils* (Washington, DC: Georgetown University Press, 1990), 2:792–93.

8 On Rutger Winkelmann see Wilhelm Eberhard Schwarz, ed., *Die Akten der Visitation des Bistums Münster aus der Zeit Johanns von Hoya (1571–1573)* (Münster: Theissing, 1913) (hereafter cited as *ADV*), 179, 183; and Herbert Immenkötter, ed., *Die Protokolle des Geistlichen Rates in Münster (1601–1612)* (Münster: Aschendorff, 1972) (hereafter cited as *PGR*), appendix 22, 431–32. Winkelmann attested to his own legitimation in 1601 (*PGR*, 74, 26 September 1601). Heinrich Winkelmann's brother, Friedrich, also pursued a career in the clergy, serving as parish priest in Herzfeld from 1606 to 1638, when he resigned (*PGR*, 325n1).

Canon law did not distinguish between live-in housekeepers and sexual partners, so it is often difficult to ascertain whether or not a bond between a concubine and her partner/priest was sexual. But the available evidence suggests that most of these concubinary relationships were indeed conjugal in the sense that they formed the nucleus of a household, were regarded by both parties as permanent, and generated offspring. For the half century between 1571 and 1621, I have been able to identify more than 350 concubines in the prince-bishopric of Münster who bore their partners 520 children. Some of these unions were prodigiously fruitful. Gertrud Broeckink, for example, bore sixteen children to Johann von Syborch, dean of the Augustinian monastery in Langenhorst.[9] On average, these concubinary unions generated 3.26 offspring—rather fewer than typical married couples.[10] The evidence is unequivocal: clerical concubinage was widespread in sixteenth- and seventeenth-century Westphalia. If we assume that some of the priests concealed their partners, the actual number may have been quite high.[11] The first modern historian of clerical marriage in the Reformation era, August Franzen, for instance, estimated that in many regions, the true percentage lay in the 90s.[12] In Westphalia, certainly, it was the dominant mode of living among the secular clergy. Concubinary unions were so common, in fact, that the women in them bore informal titles—*pastorissa*, for priest's concubines like Maria Vorwicks, as well as *canonissa*, *decanissa*, and *praepositissa* for the partners, respectively, of canons, deacons, and provosts.[13]

9   See Clemens Steinbicker, "Johann v. Syborch, Hofkaplan des Fürstbischofs von Münster, Franz von Waldeck, und seine Nachkommenschaft," *Archiv für Sippenforschung* 51–52 (1985–86): 505–27. Dean Syborch reported that he and Gertrud Broekinck were married, by special license from Prince-Bishop Franz von Waldeck.

10   See Arthur E. Imhof, "Die nicht-namentliche Auswertung der Kirchenbücher von Giessen und Umgebung: Die Resultate," in *Historische Demographie als Sozialgeschichte: Gießen und Umgebung vom 17. bis zum 19. Jahrhundert*, ed. Arthur E. Imhof (Darmstadt: Historische Kommission für Hessen, 1975), 1:85–278, here at 239. For comparison's sake, the number of children born to married couples in Gießen and surrounding villages during the late seventeenth and eighteenth centuries was 4.17.

11   Compare *PGR*, 61 (10 May 1601) and 140 (20 November 1603). Johannes Gretius, for example, a canon in Freckenhorst, at first denied that he had any "concubine," but later admitted her presence, presumably because someone had denounced the relationship in the meantime.

12   August Franzen, *Zölibat und Priesterehe in der Auseinandersetzung der Reformationszeit und der katholischen Reform des 16. Jahrhunderts* (Münster: Aschendorff, 1969), 96.

13   See Hermann Kock, *Series episcoporum Monasteriensium, eorundemque vitae ac gesta in eccl*esia (Münster: Kördinck, 1801–5), 3:118–19; and Karl Schafmeister, *Herzog Ferdinand von Bayern, Erzbischof von Köln als Fürstbischof von Münster (1612–1650)* (Münster: Westfälische Wilhelms-Universität, 1912), 21.

The union of Heinrich and Maria was typical in a second sense as well. As their informal titles suggest, concubinary unions met with a degree of social acceptance in Westphalia that contrasts sharply with the tenor of reformist scorn elsewhere—and, not coincidentally, with modern perceptions of late-medieval concubinage.[14] Concubinary unions, so long as they were formed with the consent of parents and kin, were not treated as aberrant, but accepted as a lesser form of conjugal bond. As quasi spouses, presumably, concubines were subject to the same expectations of behavior and social comportment as regular wives were.[15]

This should come as no surprise. Anyone could see that concubines accompanied churchmen at every stratum in the ecclesiastical hierarchy, including the highest. The Münster archivist Wilhelm Kohl identified thirty-six concubines associated with members of the cathedral clergy between 1550 and 1650, twenty-six of them by name.[16] The union between Anna Tartenmecker and her longtime companion, Cathedral Provost Bernhard von Münster, illustrates the phenomenon.[17] The couple produced at least seven offspring, none of whom suffered disrepute by way of illegitimate birth. All but one married; two were wed into burgher families; one married a low-ranking nobleman; another rose to the position of bailiff (*Drost*) in the district of Sassenberg.[18]

Nor was it lonely at the summit of diocesan power. With one exception, every prince-bishop from 1530 to 1612 is known to have kept a concubine. Rumor had it that one of these bishops, Franz von Waldeck (r. 1532–53), toyed with the idea of converting to the evangelical creed so that he could, among other things, marry his longtime concubine, a commoner named Anna Polmann,

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14   See, for example, Ruth Mazo Karras, *Unmarriages: Women, Men, and Sexual Unions in the Middle Ages* (Philadelphia: University of Pennsylvania Press, 2012).

15   Simone Laqua-O'Donnell, *Women and the Counter-Reformation in Early Modern Münster* (Oxford: Oxford University Press, 2014), 97–103; Andreas Holzem, "Familie und Familienideal in der katholischen Konfessionalisierung: Pastorale Theologie und soziale Praxis," in *Ehe—Familie—Verwandschaft: Vergesellschaftung in Religion und sozialer Lebenswelt*, ed. Andreas Holzem and Ines Weber (Paderborn: Schöningh, 2008), 243–84.

16   Wilhelm Kohl, *Das Domstift St. Paulus zu Münster*, 3 vols. (Berlin: De Gruyter, 1982–89). These figures are cobbled together from Kohl's biographical sketches of cathedral chapter members. Kohl undertook no systematic study, however, so the true number of concubinary canons is likely higher.

17   Ibid., 2:50–52.

18   Ibid., 2:51–52; Klaus Scholz, *Das Stift Alter Dom St. Pauli in Münster* (Berlin: De Gruyter, 1995), 77–78. Compare Gabiele Signori, "'wann ein fruntschafft die andere bringt': Kleriker und ihre Mägde in spätmittelalterlichen Testamenten (13.–15. Jahrhundert)," in *Ungleiche Paare: Zur Kulturgeschichte menschlicher Beziehungen*, ed. Eva Labouvie (Munich: Beck, 1997), 11–32.

and establish himself as the founder of a new, secular dynasty in the territory.[19] Nothing came of that plan, and indeed it left little trace in the documentation that survives from his reign as prince-bishop. But there is no doubting his concubinary relationship, which generated no fewer than eight children.[20] Nor is there any doubt about the concubinary relationships of Waldeck's successors. Bishop Bernhard von Raesfeld (r. 1557–66), a moderate committed to "good concord and consentient peace" among his Christian subjects, shared a bed with Aleke Borchorst, with whom he raised a daughter, Petronella.[21] Even the first reform-Catholic bishop, Ernst I of Bavaria (r. 1585–1612), was encumbered in his efforts to weed out concubinage by the presence at his side of Gertrud von Plettenberg, a Westphalian noblewoman who bore him two children before her untimely death in Arnsberg in October 1608.[22]

One could pile on more examples from other high-ranking concubinary families, but the key point would not change: until the seventeenth century, illegitimate birth to a cleric and his concubine left little moral taint.[23] High-ranking concubinaries remembered their natural children in wills and testaments, which the relatives of both parties appear to have honored as if the beneficiaries were legitimate offspring.[24] Nothing about their bastard status prevented heirs from litigating to realize their inheritances. Thus in 1611 the provost of St. Paul's cathedral in Münster, Lukas Nagel, bequeathed his private wealth to four children by his partner, Gertrud Erpenbeck—Katharina, Christina, Gertud, and Hermann. A decade later, the siblings sued to collect a

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19   Hans-Joachim Behr, *Franz von Waldeck: Fürstbischof zu Münster und Osnabrück, Administrator (1491–1553); Sein Leben in seiner Zeit* (Münster: Aschendorff, 1996–98), 1:480–84. Franz and Anna had been together since 1523.

20   See Wilhelm Kohl, *Das Bistum Münster: Die Diözese*, 4 vols. (Berlin: De Gruyter, 1999–2004), 3:555. Nor was Anna Polmann the bishop's first sexual partner: between 1510 and 1512, Franz also fathered a son with a woman whose name is lost to posterity. The boy served as a page to the Anabaptist king of Münster, Jan Beukelszoon, before he was spirited out of the city in early June 1535.

21   On 15 July 1560, Bishop von Raesfeld decreed special rogation Masses on three successive Sundays, so that God might grant "good concord and consentient peace" among his subjects. "Aus einer kirchlichen Verordnung des Bischofs Bernhard," in Wilhelm Keller, ed., *Die Gegenreformation in Westfalen und am Niederrhein: Actenstücke und Erläuterungen* (Osnabrück: Hirtzel, 1881–95), 1:353. See also Hans-Jürgen Warnecke, "Die Kinder Bernhards von Raesfeld, Bischofs von Münster (1557–1566)," *Beiträge zur westfälischen Familienforschung* 41 (1983): 326–34. Bishop Bernhard and Aleke Borchorst had one daughter, named Petronella.

22   Karl Féaux de Lacroix, *Geschichte Arnsbergs* (Arnsberg: H. R. Stein, 1895), 251, 259–62.

23   Kohl, *Domstift*, 1:278–79.

24   Klaus Scholz, *Das Stift Alter Dom St. Pauli in Münster* (Berlin: De Gruyter, 1995), 77–78. Compare Signori, "wann ein fruntschafft die andere bringt," 11–32.

loan of 1,000 Reichstaler that their father had made and that they had inherited as part of his bequest.[25]

Who were the concubines? What were their backgrounds? As the examples of Anna Tartenmecker, Anna Polmann, and Gertrud Erpenbeck suggest, the highest-ranking ecclesiastics, all nobles, typically formed concubinary unions with nonnoble women.[26] As for the concubines of secular clergy, the sources offer only a few hints. When we get a glimpse, we see women from respectable families—women such as Elschina Hoet, the daughter of a burgher in Rheine and the partner of an evangelically inclined priest, Hermann zum Drecke.[27] *Pastorissa* Maria Vorwicks, too, was the daughter of a burgher in Lüdinghausen.[28] So was the daughter of Gerhard Acklock, the civic treasurer in Telgte, who raised two children with Hermann Konninck, a vicar in Metelen.[29] These examples hint at general tendencies—namely, that concubines of secular clergy were not marginal but the members of established families, and that most, though not all, were born and raised in the communities that their partners served as priests. What little we know about their social background suggests that concubinary unions formed laterally, among rough equals in the social hierarchy.

The sources also reveal little about the emotional status of concubinary relationships. If their longevity is any indication, however, concubinary unions were often as strong as any marriage. Consider the concubinary union inhabited by Johannes Rolevink. By 1613, when diocesan authorities demanded that he "dismiss" his partner, the relationship was already forty years old and no longer sexual.[30] Of the strong emotional bond between them, however, there can be no doubt. If forced to separate from his *concubina*, he wrote, he and his

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25   Kohl, *Domstift*, 2:59.

26   Laqua-O'Donnell, *Women and the Counter-Reformation*, 162. Laqua-O'Donnell arrives at the same conclusion.

27   For Elschina Hoet see Franz Darpe, "Humanismus und die kirchlichen Neuerungen des 16. Jahrhunderts sowie deren Bekämpfung in Rheine," *Westfälische Zeitschrift* 46 (1888): 21–22. Likewise Katharina zur Borg, the partner of Alexander zum Kley, priest in Bösensell, was likely the daughter of a grain merchant in Münster; see Franz Flaskamp, "Die Münsterische Pfarrerfamilie zum Kley: Zur Charakteristik der Gegenreformation," *Jahrbuch des Vereins für Westfälische Kirchengeschichte* 53–54 (1960–61): 43–67, here at 49.

28   LAV NRW W, DK Amt Lüdinghausen A IV 5, Memorandum by Heinrich Winkelmann [ca. 1605]; *PGR*, 214n1.

29   *PGR*, 69 (20 June 1601) and 236 (4 February 1607).

30   LAV NRW W, FM Landesarchiv, 2a/16 vol. 7, Johann Rolevink to Matthias Duffert, 28 August 1613; Simone Laqua, "Concubinage and the Church in Early Modern Münster," in *The Art of Survival: Gender and History in Europe, 1450–2000; Essays in Honour of Olwen Hufton*, ed. Ruth Harris and Lyndal Roper (Oxford: Oxford University Press, 2006), 72–100, here at 86–87.

partner threatened to "bring their impoverished old age to an end." Rolevink and his partner, in other words, answered the order to separate with a threat of double suicide.[31]

11   Concubinage, Citizenship, and the Emergence of an Auxiliary Kinship System

To return to Bernd Moeller: if we widen our aperture on the problem beyond the political to the social, a broader array of possibilities for integrating priests into a community comes into view. As Heinrich Winkelmann's baptismal feast suggests, proper concubinage established ties of quasi kinship between priests and their neighbors, weaving them into the social fabric of the communities they served. When a child was born into a concubinary union, ceremonial occasions like the baptismal feast presented an opportunity for the members of a priest's concubinary kin group to recalibrate their ties to one another, just as if the child had been born into a legitimate marriage.

We must not deduce from all this that every concubinary relationship met with social acceptance. In Westphalia the sexual misconduct of priests sometimes ignited scandal. But the specific charges leveled in such cases tend to reinforce the conclusion that concubinage was an accepted mode of social being. The most notorious case arose in August 1615, when Willibrand Mertens, a Catholic priest in Warendorf, abducted a fifteen-year-old girl named Anneke Tonneken, whom he had impregnated. Mertens was arrested and eventually shuttled off to a different parish. What stands out about the affair is the specific nature of Mertens's misconduct. According to a grievance filed by Anneke's father, Mertens had seduced (*verschunet*) and impregnated Anneke against her father's wishes, then smuggled her out of town.[32] Mertens was an abductor; his crime of abduction, not cohabitation per se, distinguished him from the other priests in Warendorf, almost all of whom had been concubinaries. The grievance against Mertens reminds us that concubines were not *taken* so much as *placed* with their partners by parents who hoped that the concubinary union, though not marital, would nevertheless provide for their daughters' material needs.

The case of a vice-curate in Lippborg, Gerhard Eggelmann, illustrates the accepting attitude that most laypeople exhibited toward clerical concubinage.

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31   LAV NRW W, FM Landesarchiv, 2a/16, vol. 7, 65r–v, Matthias Duffert to the Governing Territorial Council [MHR], 18 August 1613.

32   Kreisarchiv Warendorf (hereafter cited as KAW), Stadt Warendorf, A 107, 131v, 14 August 1615.

Lippborg was located in the southeastern corner of the prince-bishopric; its patrons were the lords of Ketteler zu Assen, a mostly Protestant lineage. In 1575 Hermann von Ketteler charged Eggelmann with a long list of transgressions: he had quarreled with his parishioners; he had baptized infants with unconsecrated water; he had distributed the sacraments to a pregnant woman who was intent on aborting the fetus; he had married a drunken couple who regretted it the morning after. Also included among his misdeeds was the charge that "*sein fraw* ran a shop in the parsonage." It is telling that the bill of complaints uses a phrase—*sein fraw*—that could be understood to mean "his wife." Yet we know from other sources that Eggelmann's partner was not a wife but a *concubina non conjugata*, a concubine not bound to him by marriage. Ketteler's choice of words suggests laypeople regarded concubines as de facto spouses. By itself, the fact that Eggelmann lived with "*sein fraw*" elicited no grievance, nor did the fact that they had produced four children.[33] But running a shop in the house of God—*that* was an offense worthy of condemnation.[34]

Notwithstanding these generally tolerant attitudes toward concubinary unions, law and custom set clear civic and occupational limits on concubines and their children. Westphalian towns, like towns elsewhere, excluded priests' concubines from citizenship and forbade their illegitimate offspring from entering artisan guilds.[35] Statutes promulgated by the city of Münster in 1551, for example, excluded clerical concubines from enjoying the rights and privileges of citizenship; in theory, if not always in practice, their offspring would also be counted as noncitizens.[36] Similarly, the statutes of Warendorf both forbade the admission of illegitimate children into citizenship and stipulated that "clerical

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33   Evidence of the woman's status as concubine and the children she bore comes from Schwarz, *Akten der Visitation*, 168.

34   "Auch haitt sein fraw ihre krame ihn der wedemhoue gehalten," Landschaftsverband Westfalen-Lippe (hereafer cited as LWL), Assen A 2973 [n.p.], "Kurze anzeichnus des excessen des pfaffen zu Liborgh" [1575]. For a fuller description of the Eggelmann affair, see Bastian Gillner, *Freie Herren—Freie Religion: Der Adel des Oberstifts Münster zwischen konfessionellem Konflikt und staatlicher Verdichtung, 1500 bis 1700* (Münster: Aschendorff, 2011), 118–23.

35   On the norm of legitimate birth as a precondition for admission to guilds or the honorable professions, see Knut Schulz, "Die Norm der Ehelichkeit im Zunft- und Bürgerrecht spätmittelalterlicher Städte," in *Illegitimität im Mittelalter: Theorie und Praxis*, ed. Ludwig Schmugge and Béatrice Wiggenhauser (Munich: Oldenbourg, 1994), 67–84.

36   Stadtarchiv Münster, A 1, nr. 31, Polizeiordnung (1551). On the statute and its provisions for women, see Sabine Alfing, "Weibliche Lebenswelten und die Normen der Ehre," in *Frauenalltag im frühneuzeitlichen Münster*, ed. Sabine Alfing and Christine Schedensack (Bielefeld: Verlag für Regionalgeschichte, 1994), 17–185, here at 85–87, 129–30. Alfing notes that the four children of Anna Volmers by the cathedral canon Johann Bock were admitted into citizenship in 1601, which she insists must be taken as an "absolute exception" to the rule.

concubinae, as long as they remain in concubinage, shall not be admitted into citizenship."[37]

Thus the offspring of concubinary unions enjoyed fewer options in life than were available to children born into conventional unions. For the descendants of Arnold von Büren, the effects of these constraints reverberated through the seventeenth century. Büren was a member of the territorial nobility and the long-serving dean of St. Paul's cathedral in Münster (1586–1614).[38] Like most men of his station, Büren inhabited a long-term concubinary union; his partner, Margarethe tor Stegge, bore him four daughters. One of the daughters, Berta, married Heinrich Huge, a citizen of Münster and an assessor at the bishopric's high court (*Hofgericht*). Once again, illegitimate birth did not impair Berta's chances at finding a well-placed spouse. But the occupational barriers proved more difficult to circumvent.

By the mid-seventeenth century, moreover, attitudes toward the offspring of concubinary unions had hardened, even the children of high-ranking ecclesiastics. Thus in 1641 Melchior Huge, the son of Heinrich and Berta, was denied admission to the cloth-cutters guild on the grounds that his mother was the illegitimate child of a priest, and that Melchior Huge was therefore ineligible, under the laws and statutes of the city of Münster, either for citizenship or membership in any craft guild. A lawsuit followed, in which Melchior's occupational fate turned on the posthumous question of Arnold von Büren's exact status within the church—specifically, whether the dean of the cathedral had in fact been a priest at the time of his union with Margarethe. If the dean had *not* taken the vows of priesthood before Berta was born, then the union would not be concubinary; therefore, the occupational constraints on the descendants of concubinary unions would not apply. The ultimate outcome of this case is unknown. Even so, it highlights the difficulties that illegitimate birth presented to anyone wishing to pursue the life of an urban artisan master.[39]

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37   KAW, Stadt Warendorf, A 218, *Statuta civitatis Warendorpensia* (1599), §9, "Van borgerschap," in Siegfried Schmieder, ed., *Stadt- und Gilderechte der Stadt Warendorf* (Warendorf: Schnell, 1993), 68–98, here at 75–76. In practice, the town offered a route around illegitimacy, but through guarantees operating outside the system of ecclesiastical legitimation. Anneke Tonneken and her child by Willibrand Mertens illustrate the point: in 1617 the presence of respectable guarantors caused the town council to overcome its scruples and admit Anneke to citizenship, despite her earlier fornication, which in turn allowed her to marry and raise her child as legitimate (KAW, Stadt Warendorf, A 108, 153r, 4 November 1617).

38   Kohl, *Domstift*, 3:140–44.

39   Günter Aders, "Der Domdechant Arnold von Büren (gest. 1614) und seine Nachkommen," *Westfalen* 40 (1962): 123–32. Before his relationship with Margarethe tor Stegge, the dean

To get around the occupational restrictions that illegitimacy imposed, priests and parishioners responded by setting up an auxiliary system of inheritance and kinship that augmented the system that provided for the legitimate offspring of regular marriages. In order to make them eligible for the priesthood, priests obtained for their sons a dispensation from the "defect of illegitimate birth"; once the son had taken his father's place as parish priest and found a concubinary partner, the cycle would begin anew. The evidence assembled by Ludwig Schmugge and his colleagues indicates that this system, while widespread, was especially well developed in a large area embracing the Low Countries and northwestern Germany.[40] Between 1449 and 1533, the papal bureaucracy issued legitimations to roughly 38,000 petitioners from all provinces of Latin Christendom; of these, a disproportionately large number, fully 13,648, originated within the Holy Roman Empire—the largest "national" group by far.[41] Within the empire, a disproportionally large number of petitions for dispensation from the *defectus natalium* emanated from the Netherlands, the lower Rhine, and Westphalia—including the diocese of Münster.[42]

The immediate implications are hard to miss: the ecclesiastical hierarchy served as a clearinghouse for the illegitimate sons of priests who wished to enter the clerical professions. Few phenomena illustrate the effects of these arrangements more vividly than native, priestly dynasties. One more barrier blocked their formation: the canonical ban against father-son succession in

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had sired three other children—Bernhard, Wilhelm, and Sybille. The two sons eventually secured positions as vicars in St. Paul's cathedral in Münster.

40 Ludwig Schmugge, "Schleichwege zu Pfründe und Altar: Päpstliche Dispense vom Geburtsmakel, 1449–1553," *Historische Zeitschrift* 257 (1993): 615–45, here at 620; Ludwig Schmugge, Patrick Hersperger, and Béatrice Wiggenhauser, eds., *Die Supplikenregister der päpstlichen Pönitentiarie aus der Zeit Pius' II (1458–1464)* (Tübingen: Niemeyer, 1996), 4–21, 187–89; Ludwig Schmugge, *Kirche, Kinder, Karrieren: Päpstliche Dispense von der unehelichen Geburt im Spätmittelalter* (Zurich: Artemis & Winkler, 1995), 41–80. See also Lisa Wertheimer, "Illegitimate Birth and the English Clergy, 1198–1348," *Journal of Medieval History* 31 (2005): 211–29. Wertheimer reaches the same conclusion on the basis of English material.

41 Schmugge, *Kirche, Kinder, Karrieren*, 165–67, 256–61. See also Kirsi Salonen and Jussi Hanska, *Entering a Clerical Career at the Roman Curia, 1458–1471* (Farnham: Ashgate, 2013), 40. As Schmugge shows, these 13,648 constituted by far the largest national group, fully 36 percent of all petitioners, well over the empire's share of the European population (31 percent). As Salonen and Hanska point out, the figure of 38,000 reflects only the number of petitions for which evidence survives; the actual number of petitions between 1449 and 1533 was likely upwards of 47,000.

42 Schmugge, *Kirche, Kinder, Karrieren*, 267–69. The region corresponds roughly to the ecclesiastical province of Cologne.

clerical office.[43] But this limitation, too, was overcome easily, enabling priests to bequeath their parishes to their natural heirs: with the cooperation of the church patron, an intermediary could be employed to occupy the parish for a prearranged number of months, who would then resign the parish in favor of his predecessor's son. One such parish dynast was Abraham Erfmann, a vice-curate in Darfeld. In 1570 the aforementioned dean of the cathedral in Münster, Arnold von Büren, enlisted one Johannes Morrien to help Ludolf Erfmann convey his vice-curate to Abraham, his son. After serving a few months, Morrien resigned in favor of Abraham Erfmann.[44] The Erfmanns, father and son, showed little sign of evangelical leanings. But the practice of mediated father-son inheritance crossed the confessional divide. Thus Walther von der Beck, for example, an evangelically inclined priest in the episcopal residence at Ahaus, passed his parish in 1572 to his son Heinrich in a deal mediated by the court chaplain to Prince-Bishop Johann von Hoya, who as collator of the parish made the entire transaction possible.[45]

Such maneuvers shaped an overwhelmingly native-born clergy. I have been able to identify the birthplace of 161 individual clergymen who served between 1571 and 1616. Of this group, 75 percent were born subjects of the prince-bishopric; if we add the clergymen who were born in prince-bishoprics that Ernst of Bavaria ruled—Cologne, Liège, and Hildesheim—the percentage climbs to 78. Among the clergymen born in the prince-bishopric of Münster, a large minority—35 percent—served in the village or town of their birth.

Father-son succession, consequently, was as widespread geographically as concubinage itself. Werner Freitag has reconstructed the sprawling genealogy of one clerical dynasty—the von Dey clan—that over four generations dominated parochial life in a cluster of villages to the north of Osnabrück, from the early fifteenth century on. Tim Unger, similarly, uncovered a dynasty—the Beckers in Haselünne—that spanned five generations.[46] In the prince-bishopric of Münster, too, evidence of father-son or, more rarely, grandfather-grandson

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43   Tanner, *Decrees of the Ecumenical Councils*, 1:201, Second Lateran Council (1139), canon 16.

44   *PGR*, 136–37 (28 October 1603), and n. 2. Arnold von Büren conferred the parish in his capacity as archdeacon of Billerbeck.

45   *PGR*, 411, appendix 1. See also *ADV*, 207–8 (1 April 1573). The intermediary, Bernhard Möller (or "Mollerus"), was duly rewarded for his assistance with a pastorate in Wessum.

46   Werner Freitag, *Pfarrer, Kirche und ländliche Gemeinschaft: Das Dekanat Vechta 1400–1803* (Bielefeld: Verlag für Regionalgeschichte, 1998), 104–19; Tim Unger, *Das Niederstift Münster im Zeitalter der Reformation: Der Reformationsversuch von 1543 und seine Folgen bis 1620* (Vechta: Plaggenborg, 1997), 131–39, appendix 3, "Die Familie Becker und die Versorgung der Pfarre Haselünne (Ende 15. Jhdt.–1613)," and appendix 4, "Die Klerikerdynastie v. Dey," 261–66; Karl Borchardt, "Illegitime in den Diözesen Würzburg, Bamberg und Eichstätt," in *Illegitimität im Mittelalter Theorie und Praxis*, edited by Ludwig Schmugge and Béatrice Wiggenhauser (Munich: Oldenbourg, 1994), 239–73, here at 244–45. Borchardt has found

succession crops up in every corner of the prince-bishopric. An example of the latter was Heinrich Geistelen, a cleric in the walled and privileged town of Ahlen, who donated an income to the vicarage he had occupied, on the condition that Geistelen's grandson, also named Heinrich, would receive it on his death.[47]

All these factors taken together—the social acceptance accorded to proper concubinary unions, their ubiquity and historical depth, the bureaucratic routes around the obstacles presented by canon law, the formation of priestly dynasties—indicate the emergence of a castelike network of secondary kinship ties, connected through concubines to the web of kin relations among laypeople. For comparable arrangements, one might look to the "defiled trades," as Kathy Stuart calls them—the executioners, tanners, and (in certain German towns) millers whose occupation excluded their children, like the offspring of concubinary unions, from entering trade guilds.[48] Their peculiar combination of inclusions and exclusions likewise encouraged the formation of occupational "dynasties" and far-flung marriage networks. The principal differences, of course, are that priesthood was not "dishonorable" and that the illegitimate children born into a concubinary union were *not* tarnished with the hereditary taint of social dishonor (*Unehrlichkeit*).

111   Concubinaries and Religious Plurality

What, if anything, does all this have to tell us about the preconditions of confessional coexistence and religious toleration in Reformation-era Germany? The implicit point of Bernd Moeller's analysis, after all, was to explain why civic communities were more favorably disposed to *evangelical* teachings regarding the priesthood, clerical marriage, and the like. Can a similar relation be drawn between concubinage and the confessionally ambiguous regime that emerged in sixteenth-century Westphalia? What historically productive

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a handful of priestly dynasties in the Franconian bishoprics, but nothing on the scale that obtained in the empire's northwestern quadrant.

47   Wilhelm Kohl, ed., *Urkunden und Regesten zur Geschichte der Pfarrkirchen der Stadt Ahlen* (Ahlen: Selbstverlag der Stadt Ahlen, 1976), 188–89.

48   Kathy Stuart, *Defiled Trades and Social Outcasts: Honor and Ritual Pollution in Early Modern Germany* (Oxford: Oxford University Press, 1999); Joel Harrington, *The Faithful Executioner: Life and Death, Honor and Shame in the Turbulent Sixteenth Century* (New York: Farrar, Straus and Giroux, 2013). Harrington narrates the lifelong quest of one executioner, Frantz Schmidt, to clear himself of the social taint of Unehrlichkeit, so that his daughters might marry outside the profession and his sons might pursue a trade other than his.

relationship obtained between concubinage and the religious regime that took shape in Westphalia during the second half of the sixteenth century?

The evidence is tantalizing. The secular clergy of sixteenth-century Westphalia were not only concubinary, for the most part; they also exhibited an astounding willingness to accommodate diverse liturgical tastes. Gerhard Eggelmann, the curate in Lippborg, is a case in point. As we have seen, Eggelmann was a concubinary whose partner ran a shop (*krame*) in the parsonage. He was also highly adaptable liturgically: for years prior to his denunciation in 1575, Eggelmann had distributed the sacraments in two kinds, notwithstanding the canonical ban against this practice. Indeed, the action that appears to have soured relations with his parishioners was his decision to switch to the orthodox practice of distributing only the unleavened wafer to his parishioners.[49] After Eggelmann switched to the orthodox Catholic rite, many of his chalice-seeking parishioners had begun marching out to a chapel in the noble residence of Hermann Ketteler at Alt-Assen, there to receive communion in both kinds from a Protestant chaplain.[50]

This elasticity was reflected, among other things, in divisions of liturgical labor between priests and sacristans. If a priest were unwilling to distribute the sacraments in both kinds, he might assign the distribution of Eucharistic wine to an evangelically inclined chaplain or sacristan. Thus the traditionally Catholic priest in Telgte, Theodoricus Nortkercken, assigned the distribution of the lay chalice to a chaplain whom he described to the authorities as "apostate."[51] So did Werner Kernebeck, the long-serving and reliably Catholic priest in the western border town of Vreden, whose sacristan (and eventual successor in office), Heinrich Brockhusen, distributed the sacrament to "some" parishioners, though presumably not all, *sub utraque specie*.[52] Here and there, the roles were reversed: in the town of Haltern, for example, the Lutheran-leaning priest Sebbel was aided by a Catholic chaplain, Heinrich Hanewinkel, who in later years earned a reputation for his formidable ability to bring souls back to the Catholic fold.[53] The protocols of ecclesiastical discipline reveal

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49 LWL, Assen A 2973, "Kurze anzeichnus der excessen des pfaffen zu Liborgh" [1573].

50 LWL, Assen A 2973, "Eggelmanns Dritte Clage," 19 August 1575.

51 "Verzeichniß der meist verdächtigen Orte (1571)," in Keller, *Gegenreformation*, 384. Three chaplains worked in Telgte at the time of the general visitation in 1571—Johannes Meyer, Hermann Albertinck, and Everhard Doirhoff—but we do not know which one of them Nortkercken considered an "apostate."

52 *PGR*, 245 (22 April 1607). Brockhusen testified in 1607 that twenty-five years earlier—that is, around 1580—the chalice was offered to "some" of the parishioners in both kinds (*porrexerit ante annos 25 sacramentum quibusdam sub utraque specie communionem*).

53 On Hanewinkel see *PGR*, 167n1 (4 June 1604); and "Aus einem Bericht der münsterischen Räte an den Kurfürsten," 26 January 1621, in Keller, *Gegenreformation*, 3:565.

that similar assignments of confessionally specific tasks also obtained in the privileged towns of Beckum, Rheine, and Warendorf, as well as the villages of Beelen, Freckenhorst, and Ramsdorf.[54] It was an ingenious evasion—to reconcile canon law with religious pluralization through a confessional specialization among the parochial staff.

This openness to popular liturgical demands was also reflected in confessionally gregarious reading habits among the parish clergy. A glance into Heinrich Winkelmann's library illustrates the point. In addition to works by approved authors such as Robert Bellarmine, S. J. (1542–1621) and Francisco de Toledo (1534–96), Winkelmann owned collections of sermons (*Postillae*) by Anton Corvinus (1501–53) and Veit Dietrich (1507–49), both of whom had studied under Martin Luther at the University of Wittenberg.[55] We do not know whether he mined Corvinus and Dietrich for homiletic material, but neither can we rule out the possibility. We do know that his liturgical practice accommodated a variety of theological tastes: while he personally distributed the sacrament of the Eucharist in only one kind, he—like Theodoricus Nortkercken in Telgte and Werner Kernebeck in Vreden—allowed a vicar to distribute the Eucharist in two kinds to anyone who requested it.[56] Winkelmann, in other words, was one of the many priests in Westphalia who strove to accommodate the pluralizing religious tastes of his parishioners through liturgical adaptation.

In this, too, Winkelmann was not unusual but typical of his colleagues who lived and worked in confessionally plural towns. During the first decade of the seventeenth century, nearly two hundred parish clergymen were summoned before a tribunal in Münster and asked, among other things, to describe the books they used for sermons, for shaping the liturgy, for catechizing the young, and for assigning penance and the absolution of sins. These comprised almost four hundred individual volumes, distributed in libraries of three or four books, typically, in rectories and vicarages throughout the bishopric.

What does this catalog tell us? Superficially, it seems like a predominantly Catholic library: topping the list of most widely owned authors was the Spanish Jesuit and cardinal Francisco de Toledo, author of a vast compendium of *casus*

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54   Beckum: *PGR*, 125, 130, 159 (1603); Beelen: *PGR*, 95 (1602); Freckenhorst: *PGR*, 60 (1601); Haltern: *PGR*, 165 (1604); Ramsdorf: *PGR*, 392 (1611); Rheine; *PGR*, 163 (1604). For Warendorf see the interrogation (30 August 1626) of Senator Johann Kock, BAM, GV Verstreutes, 10. Kock explained that one "Herr Gerdt" had functioned as a "Calvinischer Capellan" in Warendorf until his expulsion to Bremen, presumably in 1624 or 1625.

55   *PGR*, 80 (7 November 1601).

56   *PGR*, 74 (26 September 1601).

conscientiae.[57] Of the top ten authors, seven were unequivocally Catholic and included some of the most widely read postillators, catechizers, and controversialists of the late sixteenth century.[58] All in all, around 75 percent of the reported books were written by Catholic authors—a preponderance that speaks loudly to the inherent value of published books as vehicles for the dissemination of ideas in the age of religious controversy.

But we cannot take percentages at face value. If we approach the "best seller" list archaeologically, a more complex pattern emerges. The most widely read Catholic authors wrote for the Catholic publishing "machine," as John Frymire calls it, that during the 1590s churned out catechisms and collections of sermons, or "postils," by the thousands.[59] By moving down the list of the top twenty books, therefore, we regress to a time before the flood, when the reading habits of parish clergy were considerably more variegated. Here we encounter a diverse blend of authors, including Catholics and Lutherans, but also works by exponents of the "middle path," the *via media* between the two main confessional camps. Tied for seventh place, for example, are the works of a middle-path theologian, Georg Witzel (1501–73), sandwiched between Peter Canisius, the first Jesuit "Apostle to Germany," and Martin Luther himself. In ninth place we find the Franciscan theologian Johannes Wild (1495–1554), an uninhibited critic of the church's abuses, as he saw them.[60]

Even more striking is the sheer number of priests whose bookshelves spanned a broad theological range. About half of the priests who owned "heretical" books—thirty-four of them—*also* owned the works of "approved" authors or representatives of the "middle path," such as Witzel or the Dortmund theologian Jakob Schöpper (1512–54).[61] Some of these heterodox collections, like that of Heinrich von der Beck, the priest in Ahaus, clustered around Lutherans and authors of the "middle path." Others, such as the library

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57 Francisco de Toledo, *Summa Casuum Conscientiae, Sive de Instructione Sacerdotum Libri Septem; Item de Peccatis Liber Unus, cum Bullae Coenae Domini Dilucidatione* (Cologne: Johann Gymnich, 1600).

58 Among them the pugilistic Austrian Jesuit Georg Scherer (1540–1605); the exiled English Catholic Thomas Stapelton (1535–98); the auxiliary bishop of Trier and demonologist Peter Binsfeld (1545–98); the Flemish Dominican Gilles vanden Prielle O. P. (d. 1579); Jakob Feucht (1540–80), the auxiliary in Bamberg; Peter Canisius S.J. (1521–97); and the Spanish Dominican Luis de Granada (1505–88).

59 John H. Frymire, *The Primacy of the Postils: Catholics, Protestants, and the Dissemination of Ideas in Early Modern Germany* (Leiden: Brill, 2010).

60 Ibid., 139–48.

61 On Schöpper see Christian Helbich, *Pax et Concordia: Erasmische Reformkonzepte, humanistisches Bildungsideal, und städtische Kirchenpolitik in Dortmund, Essen und Bielefeld im 16. Jahrhundert* (Münster: Aschendorff, 2012), 142–55.

belonging to Heinrich Beikmann of Neinborg, weighed toward Catholic authors but included the irenicist Schöpper and the first-generation Lutheran Johannes Spangenberg.

Again, we cannot know for certain how priests used these books. Perhaps the "heretical" volumes simply moldered away on the shelves; perhaps Heinrich Winkelmann used the *Postillae* of Anton Corvinus and Veit Dietrich to insert Lutheran homilies into otherwise Catholic celebrations of the Mass; perhaps others owned Protestant catechisms only because there was no German-language alternative available.[62] One thing we can say for certain is that heterogeneous libraries correlated strongly with accommodating liturgical practices: of the thirty-four priests who owned theologically diverse libraries, nearly two-thirds allowed some or all of their parishioners to receive the communion host in two kinds, *sub utraque specie.* An even larger proportion—almost 80 percent—were also concubinaries.

IV   Conclusion

So where does this leave us? Did the social integration of priests through concubinage make them more adaptable to the demands of parishioners, to whom they were tied by blood and quasi kinship? Here it is worth reiterating that not all parish priests were concubinaries, even if most were; that not all concubinary priests adapted liturgy to accommodate their evangelically inclined parishioners, even if many did; and that not all priests who accommodated evangelically inclined parishioners were themselves favorably disposed toward Protestant theologies or inhabited concubinary unions. Other than the external facts of their lives and their conduct as priests, moreover, the sources yield frustratingly little specific information about the pressures that their parishioners and kinfolk exerted on them.

What is certain, however, is that the enforcers of orthodoxy and orthopraxy linked concubinage with the sort of "heretical" accommodations that characterized so many Westphalian parishes. Beginning in 1601, diocesan authorities finally got down to the business of enforcing Catholic orthodoxy and celibacy against the secular clergy. Parish clergy came under intense pressure to "dismiss" their concubines and to terminate all liturgical adaptations to Protestants

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62   Ibid., 144–45. Several priests in the neighboring duchy of Jülich-Kleve deployed this argument to justify their use of Luther's Catechism.

and chalice-seekers among their flocks.[63] These pressures escalated even more under the celibate and Jesuit-trained Prince-Bishop Ferdinand I of Bavaria (r. 1612–50), who in 1613 launched a diocesan visitation to combat the liturgical deviance and "sinful whoring" (*lästerliche hurerei*) of parish priests.[64] Soon after, the diocesan government began threatening concubines with arrest and prison if they failed to separate from their partners—a major intensification over earlier tactics.

For parish priests and their partners, this cleansing resembled nothing so much as marriage-wrecking on a grand scale. So it was for Heinrich Winkelmann and his *pastorissa*, Maria Vorwicks: in conformity with the Council of Trent's decree, the cathedral chapter banished Maria from his parsonage in Lüdinghausen and forbade her to have any further contact with Heinrich.[65] Also caught in the dragnet were *capellanissa* Sophia Daniels, the concubine (most likely) of Johannes Hulshorst, a chaplain in Lüdinghausen; and *canonissa* Gertrud Loekmann, the partner of Stephan Wilken, a canon in the noble convent at Freckenhorst who had already been punished for distributing the communion in both kinds.[66]

Prince-Bishop Ferdinand I also began applying pressure against high-ranking concubinaries. Ferdinand brooked no social distinctions in enforcing the norm of clerical celibacy: beginning in January 1614, canons of the cathedral chapter were exposed to the same scrutiny that parish clergy had endured since the turn of the century. One after another, canons of the cathedral chapter were told to dismiss their concubines or lose their lucrative prebends and powerful offices. One after another, cathedral canons dismissed their concubines. The pressure was all too much for Arnold von Büren, the concubinary dean of the cathedral in Münster, who had resisted the pressure to combat concubinage. In August 1613 he asked to be released from office; the job of removing concubines, he complained, "was beyond his ability and understanding."[67] The matter had soured relations with his kinfolk, who had "confronted him

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63   On the use of the verb *dimittieren* to describe such separations, see Laqua, "Concubinage," 77; and Laqua-O'Donnell, *Women and the Counter-Reformation*, 140–41.

64   Heinrich Lackmann and Tobias Schrörs, eds., *Katholische Reform im Fürstbistum Münster unter Ferdinand von Bayern: Die Protokolle von Weihbischof Arresdorf und Generalvikar Hartmann über ihre Visitationen im Oberstift Münster in den Jahren 1613 bis 1616* (Münster: Aschendorff, 2012). The phrase "lästerliche hurerei" comes from LAV NRW W, FM LA 2a/16, vol. 16, Ferdinand to the Governing Territorial Council, 25 September 1620.

65   LAV NRW W, FM DK, A 4857, 137v–139v, Cathedral Chapter Minutes, 10 February 1618. The sources do not reveal what happened to Heinrich and Maria's child.

66   For Sophia Daniels's arrest, see LAV NRW W, FM DK, A 4847, 137v–139v, Cathedral Chapter Protocols, 10 February 1618. On Loekmann's arrest see LAV NRW AW, FM LA 2a/16, vol. 16, 15r–v, Dietrich Wilken to the Governing Territorial Council, 1 July 1620.

67   LAV NRW W, FM DK, A 4845, 36ov, 5 August 1613.

mockingly" with the assault on concubines.[68] The old dean soon died, a broken and lonely man, in December 1614.[69]

It would be going too far to say that concubinage, by itself, achieved integration socially and promoted liturgical adaptation in Westphalian towns to the same degree that the urge to integrate priests politically predisposed imperial cities to favor the Protestant reforms. Concubinage, after all, did not always produce accommodating clergymen. And liturgical accommodation was a tactic of toleration, as Jesse Spohnholz calls them, a means to neutralize a potentially disruptive force, not a desirable end in itself.[70] It would be more accurate to say that by promoting a native, socially integrated, and self-perpetuating clergy, concubinage encouraged liturgical adaptability in the interest of parochial cohesion and discouraged priests from insisting on strict conformity in doctrine and religious practice as the price of concord within communities to which they were tied by blood and kinship.

And this, too, was the reason why the enforcers of Tridentine reform insisted that concubinage must cease. In a letter dated 13 June 1566, Pope Pius V stressed to Prince-Bishop Bernhard von Raesfeld that the reform of religion necessitated the expulsion of concubines.[71] Bishop Bernhard resigned his post rather than enforce the expulsion of concubines—or, frankly, intervene against his Protestant subjects.[72] A century later, after decades of pressure from Ferdinand I, both ends had been achieved: only a few concubinaries remained, and non-Catholic observance had been driven out or underground. Concubinary priesthood had been one support among several for the confessionally plural and indeterminate regime that prevailed in the prince-bishopric ever since the "Anabaptist Madness" of 1534–35. With its passing, toleration also expired.

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68   "gar hönisch vorgerückt," LAV NRW W, FM DK, A 4845, 360v, 5 August 1613.

69   "Aus einem Schreiben des kurkölnischen Raths Dr. Joh. Kemp und den Kurfürsten," 23 September 1612, in Keller, *Gegenreformation*, 3:438. Arnold von Büren had dismissed Margarethe tor Stegge in September 1612 and sent her to live in Lüdinghausen.

70   Jesse Spohnholz, *The Tactics of Toleration: A Refugee Community in the Age of Religious Wars* (Newark: University of Delaware Press, 2011).

71   Pope Pius V to Bishop Bernhard von Raesfeld, 13 June 1566, in Keller, *Gegenreformation*, 1:359–60.

72   Kohl, *Die Diözese*, 1:229.

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PART 2

Mapping Memory and Arbitrating Good Neighbors

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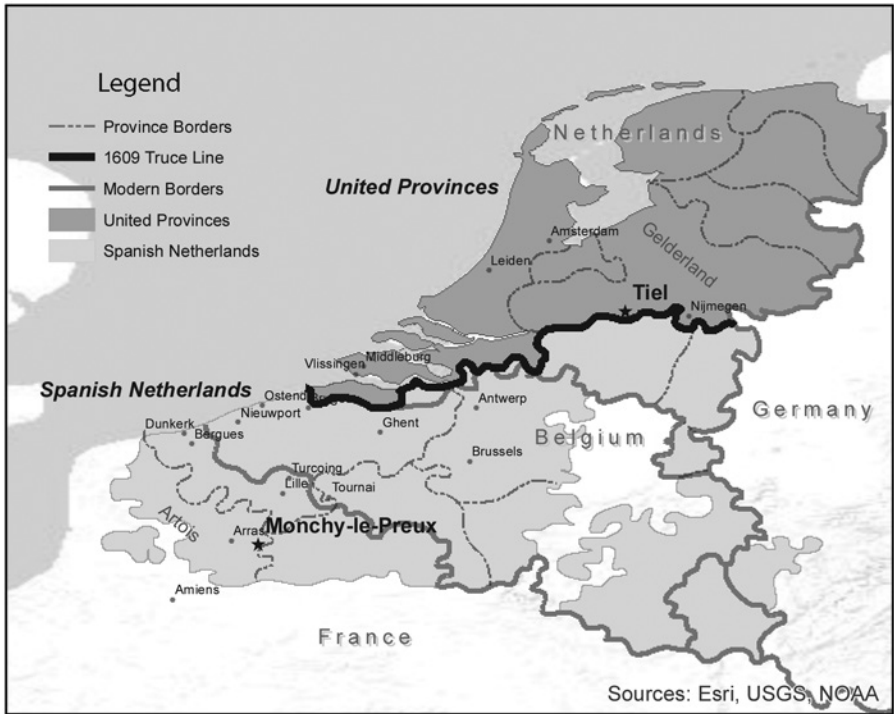
MAP 6.1   Low Countries with 1609 truce line and cities pertinent to the *Dialogues Rustiques*

Imagined Conversations
Strategies for Survival in the Dialogues Rustiques

Shira C. Weidenbaum

In 1608 schoolteacher Jean de Moncy composed a pedagogical text, the *Dialogues Rustiques*, that presented the essential beliefs of Calvinism through an engaging story of a shepherd arguing with a village priest and converting those around him.[1] While Jean de Moncy lived in Tiel, in the Gelderland province of the Netherlands, he was originally from just outside of Arras, in the Artois region (today in northern France). He dedicated his work to the shepherds of Artois and he situated the characters of his story in this same primarily Catholic region, imagining the shepherd as a persecuted Christian among papists and idolaters. The work taught Calvinist beliefs and its principal objections to Catholicism not through an organized or catechetical conversation between a student and teacher but through organic discussions between the shepherd, the village priest, a censier (a farmer employing the shepherd), and the censier's wife. In the story that unfolds in the dialogues, the censier and his wife become convinced of the errors of the Catholic Church, yet choose to appease the priest in order to protect the shepherd. Five years later, in 1613, Jean de Moncy added a sequel with more characters and further discussion of Calvinist theology with a special focus on countering Nicodemism and the very kind of appeasement practiced in the first part.[2] The explicit theological content was again enhanced by the story itself, which offered lessons on proper

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1   Jean de Moncy, *Dialogues Rustiques d'un prestre de village, d'un Berger, d'un Censier, & de sa Femme* (Geneva: Philippe Albert, 1682); Charles Bost, *Les "Dialogues Rustiques" de Jean de Moncy* (*ou Monchy*)*: Conférence donnée à la Société d'Histoire du Protestantisme Belge* ([Nessonvaux]: Imprimerie de Nessonvaux, 1935); Alexandre Cioranescu, *Bibliographie de la Littérature Française du dix-septième siècle* (Geneva: Slatkine Reprints, 1994), 2:1478. The *Dialogues Rustiques* indicates its author only as "I.D.M." and has been misattributed in some catalogs. The limited information about Jean de Moncy comes from Charles Bost, from Jean de Moncy's references to himself in the preface, and from Flemish editions of the work, which included his name. The version used in this essay is the 1682 edition, published in Geneva.

2   The dates 1608 and 1613 are those of the dedicatory epistles, not the publication dates.

behavior and spiritual survival. The two parts of the *Dialogues Rustiques* were subsequently published at least thirty times over the next century.[3]

Although the previous decades had been a period of political and religious turmoil throughout the Low Countries, Gelderland had become a part of the Dutch Republic and a place of freedom for Calvinists by 1608.[4] The Artois region, a territory oft contested by France and Spain, was under the governance of the Catholic Archdukes Albert and Isabella.[5] While the Spanish Netherlands was an area of active Counter-Reformation efforts, the intensity of the Inquisition had abated, and no one had been executed since 1597.[6] In France almost four decades of civil wars had officially ended in 1598 with the Edict of Nantes, which allowed French Calvinists some freedom of religion. The Low Countries were approaching a period of relative peace with the Twelve Years' Truce signed in 1609.[7] Against the turbulent backdrop of the European Reformation, 1608 and the few years following seemed relatively calm.

Given this context, Moncy's *Dialogues Rustiques* appears incongruent with the historical situation. The *Dialogues Rustiques*, despite its levity of tone, depicts a threatening and solitary world for Calvinists. For example, the village priest wants the censier to fire the shepherd for his heresy and warns that he may have to report the shepherd to the bishop, who might burn him. This scenario, however, is unlikely. Although thousands in the Low Countries had been executed by the Inquisition at different times in the sixteenth century, the last execution, of Anna Utenhove, had taken place in 1597. After 1609

3   Charles Bost, *Les "Dialogues Rustiques"*; Louis Desgraves, *Répertoire des ouvrages de controverse entre Catholiques et Protestants en France (1598–1685)* (Geneva: Droz, 1984–85). In the appendix to his work, Bost lists thirty editions, published between 1612 and 1735, three of which are in Flemish. He also postulates the existence of earlier Flemish editions that have not been found. Desgraves lists three other editions not cataloged by Bost.

4   Jonathan I. Israel, *The Dutch Republic* (Oxford: Clarendon, 1995), esp. chaps. 7–11, 16, and 17.

5   Alain Lottin and Philippe Guignet, *Histoire des provinces françaises du nord de Charles Quint à la Révolution française (1500–1789)* (Arras: Artois Presses Université, 2006), 21. The Artois region was contested territory between France and the Burgundian family. François I renounced sovereignty over Artois in the 1526 Treaty of Madrid with Charles V. Today this region is the French department of Pas-de-Calais.

6   Alexandre Pasture, *La restauration religieuse aux Pays-Bas catholiques sous les archiducs Albert et Isabelle (1596–1633)* (Louvain: Uystpruyst, 1925); Craig Harline and Eddy Put, *A Bishop's Tale: Mathias Hovius among His Flock in Seventeenth-Century Flanders* (New Haven, CT: Yale University Press, 2000), 43–49. Pasture gives background about the implementation and cessation of the Inquisition and studies the many placards published by the archdukes that replaced execution with exile. Harline and Put describe Anna Utenhove as the last executed heretic.

7   Israel, *Dutch Republic*, 405. The truce was signed between the Dutch Republic and Spain on 9 April 1609 in Antwerp.

the punishment for heresy in the Spanish Netherlands was officially changed from execution to exile.[8] Moncy explicitly writes for those without access to a Reformed community, but there is little evidence of such a population existing in the Artois region. Moreover, the population around Arras was likely more Catholic even than the rest of the Artois region.[9] Why, then, would Jean de Moncy aim his text at an imaginary audience and set theological lessons within a story of religious persecution when he was living in a Calvinist country and his potential readers would also have been enjoying, at least temporarily, the freedom to practice their religion?

There are at least two answers to this question. The first answer is autobiographical: if Jean de Moncy had grown up in Monchy-le-Preux in Artois, as suggested by his name and other textual clues, and then moved to Tiel, he was likely a refugee who had experienced the previous decades of unrest. The story of religious isolation in the first part and the decision to leave Artois and join a church in the sequel may reflect Jean de Moncy's own spiritual and physical journeys. Furthermore, even if Moncy lived in the Dutch Republic where his religious freedom was protected, he was not far from areas of unrest nor immune to other threats to the Reformed Church.[10] Given his geographical proximity to Catholic territory and his own refugee experience, Moncy might have perceived dangers for Calvinists and their church, even in a moment of relative safety. Although the second explanation for the setting of the *Dialogues Rustiques* in a dangerous Catholic region is more complicated, it helps to account for the significance and the lasting popularity of the book. As this chapter will argue, contextualizing lessons of Calvinist doctrine within a story of survival strategies, such as appeasement or exile, transmitted memory of

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8   Pasture, *La Restauration Religieuse*, 37. Pasture explains the details of the archduke's decree on 31 December 1609.

9   Alastair Duke, *Reformation and Revolt in the Low Countries* (London: Hambledon Press, 1990), 98; Maurice van Durme, "Les Granvelle au Service des Habsbourg," in *Les Granvelle et Les Anciens Pays-Bas*, ed. Krista de Jonge and Gustaaf Janssens (Leuven: Leuven University Press, 2000) 11–81; and Lottin and Guignet, *Histoire des Provinces Françaises*, 88–89. Duke mentions Arras as one of the towns not receptive to the Reformation. In *Histoire des Provinces Françaises du Nord*, Lottin and Guignet also indicate that Arras experienced no iconoclastic violence in 1566. Both of these studies focus on a period considerably earlier than the *Dialogues Rustiques*, but provide some insight nonetheless into the particularly Catholic character of the region. The close relationship between Cardinal Antoine Perronet de Granvelle, who was bishop of Arras from 1538 to 1561, and the Habsburg monarchy may also explain the city's position as a Catholic stronghold.

10   As map 6.1 indicates, Tiel is not far from border areas. Other ongoing concerns for Calvinists after 1609 are discussed later in this chapter.

religious persecution and provided vital confessional education necessary to construct religious identity.

The experience of persecution and exile has long been recognized as an element in the formation of religious identity. Heiko A. Oberman identified Calvin's own flight from France as formative in the development of the Calvinist vision of a chosen but persecuted church.[11] Emile Léonard saw the French persecutions after the Revocation of the Edict of Nantes (1685) as essential for the survival of Calvinism, which would have dried up and petered out without the impetus of urgency.[12] Numerous works in Reformation studies have considered how refugees, both Calvinist and Catholic, built communities in exile, and have argued for the importance of these experiences in the development of religious identity and church structures.[13] Andrew Pettegree's work on Emden demonstrates, for example, how the refugee community strengthened the Reformed movement and also how exile fortified the faith of individuals who "once abroad … were inevitably drawn into the orbit of the exile Churches."[14] Geert H. Janssen has recently advanced a similar argument that "many displaced Catholics became receptive to militant strands of Catholicism during their years in foreign safe havens."[15] While exile may strengthen or even radicalize the beliefs of a community or an individual, the refugee experience may additionally become an integral part of the religion, as Nicholas Terpstra suggests: "exile was internalized to the point where it became a key element in how its members defined themselves."[16]

Jean de Moncy's own experience might have resembled that of refugees discussed in this secondary literature, and his zeal is characteristic of refugee communities, his work illustrating an "internalized" exile. The characters he

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11   See Heiko A. Oberman and Peter A. Dykema, *John Calvin and the Reformation of the Refugees* (Geneva: Droz, 2009), 46. Oberman links Calvin's view on predestination with his experience of exile.

12   Emile G. Léonard, *History of Protestantism* (London: Nelson, 1967), trans. R. M. Bethell, vol. 2, chap. 7; Myriam Yardeni, *Le refuge protestant* (Paris: Presses Universitaires de France, 1985), 40. Léonard enumerates the many ways that French Protestantism loses fervor after 1598 and succumbs to the "temptations of peace-time" (375). Yardeni also mentions Leonard's work when she discusses how post-1685 persecution in fact saved French Protestantism.

13   For a recent study of the period through the lens of exile, see Timothy Fehler et al., eds., *Religious Diaspora in Early Modern Europe* (London: Pickering & Chatto, 2014).

14   Andrew Pettegree, *Emden and the Dutch Revolt: Exile and the Development of Reformed Protestantism* (Oxford: Clarendon Press, 1992), 243.

15   Geert H. Janssen, *The Dutch Revolt and Catholic Exile in Reformation Europe* (Cambridge: Cambridge University Press, 2014), 7.

16   Nicholas Terpstra, *Religious Refugees in the Early Modern World* (New York: Cambridge University Press, 2015), 4.

creates in the *Dialogues Rustiques*, however, are living a different kind of exile, one that has garnered less scholarly attention.[17] The fictional interlocutors are still in their home, so their exile is spiritual rather than geographic. They become a minority not because they have moved to a country where the language and customs are different but because they have chosen a confessional belief different from their neighbors and have not moved, leaving them without a religious community. With no evidence of travel or movement, individual believers might show up in a historical record only if they became troublesome to state or church authorities. Unless there were documented prosecution or persecution, the existence and experiences of these spiritual exiles might easily remain invisible.

Whether or not these spiritual exiles existed in the Artois region, Moncy nonetheless imagines them as his audience, indicating on the title page that the work is "very useful for those living in places where they do not have the means to be instructed by preaching of the word of God."[18] That the work reached this intended audience is less important than the symbolic value of evoking exiled Christians and of helping actual readers connect to these exiled characters in their imagination. The "shepherds of Artois" described in the dedicatory epistle embody this abandoned population, fending for themselves in a spiritual wilderness and deprived of the teaching necessary for their salvation. The dedicatory epistle depicts the hardships of these shepherds in detail, helping readers to picture the long days of isolation, with little to eat or drink and no religious instruction.[19] The shepherd's plight engages readers' sympathy, reminds those living in the comfort of community that others still suffer, and evokes a sense of urgency for the lessons transmitted in the dialogues.

Unwilling to remain a lone individual in the wilderness, the shepherd assumes the role of a spiritual leader chosen to guide others. As the dedicatory epistle reminds its readers, Abraham, Isaac, Jacob, and David were all humble shepherds chosen by God. A sonnet included in many editions describes the

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17   See Jesse Spohnholz, "Confessional Coexistence in the Early Modern Low Countries," in *A Companion to Multiconfessionalism in the Early Modern World*, ed. Thomas Max Safley (Leiden: Brill, 2011), 54.

18   "Tres-utiles pour ceux qui demeurent és pays où ils n'ont le moyen d'estre instruits par la predication de la Parole de Dieu." *Dialogues Rustiques*, pt. 1, 1.

19   "Vraiment vous passés la plus grand' part de vôtre vie en solitude aux champs, Presque nuit & jour, comme excommuniés, ou pour le moins sequestrés de toutes gens, à la pluye, au vent, froidure, & en extreme chaleur: sans avoir la panetiere ni la bouteille bien garnie, le pain à demi rôti & sec, le beurre tout coulant & fondu, le formage [*sic*] gluant de chaud, & souvent ne pouvant trouver de l'eau pour étancher la soif qui vous travaille. Et par dessus ces inconveniens du corps, voicy le pire de tout, c'est que vous n'estes instruits en la Religion Chrestienne, tant necessaire pour vôtre salut." *Dialogues Rustiques*, pt. 1, 3–4.

Good Shepherd of John 10. The pastoral metaphor permeates the work and the central character, the literal shepherd, increasingly exemplifies a pastor, converting and educating those around him. The intended audience is therefore at once those who, illiterate and isolated like a real shepherd, most need Christian instruction, and those who, like the spiritual shepherd, need to convert others in the wilderness. Readers of this work are charged with a twofold task: first to save themselves and then to save others.

This dedicatory appeal to readers' imagination and sympathy is just one way in which the *Dialogues Rustiques* exceeds its stated aim of providing instruction in the Word of God and intensifies a sense of religious identity as well. It is at once a pedagogical text and a work of propaganda, serving above all to disseminate theological principles and arguments in a form accessible to lay audiences. It includes such a variety of material and discourses, especially in later editions, that it can serve as an all-purpose Calvinist handbook, containing everything one might want to know about how to practice one's faith, defend it, or minister to others.[20] In addition to presenting the kind of information that one might find in a catechism or a confession, the work takes aim at Catholics, the pope, Jesuits, and Anabaptists, thereby helping readers to construct a religious identity in contrast to, and in rejection of, other denominations. The very form of the work, conversations among interlocutors of differing religions, models the kind of encounters readers might have and provides lessons about correct behavior and ideal comportment of Christians in multiconfessional settings.[21] Even if the dialogues cannot be evidence of actual behavior and actions, these fictional scenes nonetheless provide a perspective on the ways Calvinists understood their situation, imagined strategies for survival, and communicated their self-conception as a minority religion.

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20   The final editions include an extra dialogue, likely not written by I.D.M., that models pastoral care in a way that is free of anti-Catholic propaganda. Many editions also contain prayers and songs. The presence of marginal references to specific Bible verses adds to the usefulness of the book as a reference work.

21   Christine Kooi, *Calvinists and Catholics during Holland's Golden Age: Heretics and Idolaters* (Cambridge: Cambridge University Press, 2012). Kooi identifies a "discussion culture" in the seventeenth-century Dutch Republic, describing it as an "inclination to debate and deliberate in person or in print the great political and religious issues of the day" (41). It was therefore not uncommon for propaganda to be written in the form of dialogue, matching the kinds of conversation that were "integral parts of the Republic's political and social structures" (41). Although the *Dialogues Rustiques* is not set primarily in the Dutch Republic, scenes during the shepherd's travels to and from Holland certainly depict this discussion culture.

1   The Story of the *Dialogues*

These survival strategies can be perceived initially through a summary of the dialogues' stories. The first part of the *Dialogues Rustiques* consists of six lively, private conversations in an unspecified village in the Artois region. The village priest first meets the shepherd in the field with his flocks. Although their conversation begins amicably, interest in the shepherd's literal flock soon transforms into a discussion of metaphorical flocks of believers, and the priest paints the shepherd as one of those bad sheep who "don't want to hear the pastors' voices, like you others who don't come to Mass."[22] This is enough provocation for the shepherd to complain about the Latin Mass: "I'd happily go to Mass if I could understand it. If I called my sheep with a strange voice they would never follow me."[23] As their dispute continues, the priest and shepherd cover most of the essential topics of contention: transubstantiation, confession, invocation of saints, purgatory, and so on. This investigation of the shepherd's "heresy" reveals to the reader the priest's impatience, arrogance, and disrespect for his parishioners when he repeatedly insults the shepherd rather than answering his questions. For example, after the shepherd provides a reasonable argument on metaphorical language in the Bible, the priest responds solely with, "You're an idiot, a nut, who doesn't know how to read or write, and you commit heresy, because you don't believe everything the Holy Mother Church believes and teaches."[24] Through such exchanges, the first scene exposes not only the principal doctrinal content but also a primary motivation for accepting Reformed theology: to separate from a church and clergy that place themselves above laypeople.

The second and third scenes reprise some of the main lessons of the first with significant changes in interlocutors and context. When the priest speaks to the censier about his employee's heretical views, he ironically is forced to repeat the shepherd's heresies in order to explain his concerns. In the process of this repetition, the priest seems to indicate his own doubt about some central tenets of Christianity. The priest's tone in this passage, for example, ridicules the shepherd's adherence to the Credo: "I told him, he had to attend [Mass], to see his Savior between the holy fingers of his priest. But get this: he doesn't believe that Jesus Christ is at the Mass in flesh and blood; and he sticks to his Credo 'He ascended to Heaven, he is seated at the right hand of God the

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22   *Dialogues Rustiques*, pt. 1, 11.
23   Ibid.
24   Ibid., 19.

almighty Father, and will come down to judge the living and the dead.'"[25] The
censier's responses highlight further the priest's unwillingness to help his flock
and his impatient temperament, as the censier must urge the priest to calm
down and do his job.[26] The third scene permits another repetition of the shep-
herd's main ideas, when the censier relates the encounter to his wife. While
the censier is more concerned with the consequences if the priest reports the
shepherd to the bishop, the wife is immediately sympathetic to the shepherd,
agreeing with his ideas, and even offering her own arguments in support.

In the fourth scene, the shepherd delivers a lamb to the priest as appease-
ment from the censier, leading the two once again to engage in doctrinal ar-
guments. In the fifth scene, the shepherd reports on the encounter with the
censier and his wife. The shepherd explains and elaborates on his beliefs and
recounts how he learned his faith from a passing Huguenot refugee, named
Jerome. The sixth scene concludes with the censier, his wife, and the shep-
herd reading aloud the advice left by Jerome on the proper interpretation of
scripture. By the end of the first part of the *Dialogues Rustiques*, the censier
and his wife fully support the shepherd, have deepened their own faith, and
await eagerly an opportunity to obtain a Bible and study it on their own. To
use Pettegree's outline of the Protestant conversion process,[27] the censier and
his wife have completed the steps of awareness and identification and are in
the process of gaining a full understanding. They have not, however, engaged
in the fourth step of activism. While they embody a religious minority in their
community, they remain invisible by their reluctance to make a public profes-
sion of faith.

In the sequel the social space expands when the shepherd travels to and
from Holland and meets a textile worker, a soldier, a sailor, a Jesuit, and a
Flemish peasant during his journey. The first three scenes of the sequel show
the shepherd preparing to leave, en route to Leiden, and then on his way home.
Although the time the shepherd actually spends in Holland is not portrayed,
the text makes clear that his experiences have convinced him to return there
permanently as soon as he is able. The second half of the sequel consists of
the shepherd's discussions back at home with the censier, his wife, and the
priest. A neighbor, Jonas, also participates in the discussions and learns about
papist errors. The censier and his wife debate whether they should follow the

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25   Ibid., 54.
26   For example, "Pour Dieu, Monsieur le Curé, moderés un peu vostre courroux, & tempo-
      risez un petit." Ibid., 57; and "Monsieur le Curé, faites au moins vostre devoir de le retirer
      hors de toutes ces fausses heresies." Ibid., 62.
27   Andrew Pettegree, *Reformation and the Culture of Persuasion* (Cambridge: Cambridge
      University Press, 2005), 6.

shepherd's lead and also move to Holland. In contrast, Jonas is further behind in his spiritual journey, having become convinced of Catholicism's errors but not yet willing to take more radical steps to avoid Nicodemism.

While fear of persecution drives the plot in the first part of the *Dialogue Rustiques*, the types of threat change in the sequel; rather than execution, the interlocutors are concerned about imprisonment, forced exile, and fines.[28] In the first part, when the priest discovers the shepherd's "heretical" views and threatens to bring him before the bishop, the censier offers the priest his best lamb and asks the shepherd to avoid angering the priest any further. Even if the wife and the shepherd express some reservations about this appeasement, the priest's threats appear plausible enough that the concession seems necessary. In the sequel, written in 1609, during Twelve Years' Truce, the censier, his wife, and the shepherd no longer seem worried about the priest, and the censier even invites him to a Sunday dinner where he can engage at length with the shepherd.[29] They recognize, however, that one cannot speak with complete freedom in front of the priest and that some conversations are best conducted in his absence.[30] Although the liberty to practice one's religion is still very much an issue in the sequel, only the Jesuit, whom the shepherd encounters on his way home, is considered an immediate threat.

Accompanying the differing levels of fear and security are noticeably different pedagogical goals. The first part of the *Dialogues Rustiques* tells a story of new spiritual awakening, as the censier and his wife, with the help of the shepherd, discover the main errors in the Catholic Mass, realize that they would rather hear prayers in French than in Latin, and reject the authority of the priest in favor of scripture itself. A reader of the first part is taught to distrust the Catholic Church and to prioritize direct access to God's Word, essentially private actions. In the sequel, the assumption is that the interlocutors know enough to be proper Christians, and this blessing of knowledge brings with it different responsibilities, primarily the requirement to refrain from attending Mass. Although many theological topics are discussed, the issue of Nicodemism gets special attention and serves as a framing device of the whole work. The censier and his wife, again with the help of the shepherd, decide that they will try to move to Holland, where they will not be obliged to dissemble

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28   *Dialogues Rustiques*, pt. 2, 47. During his journey, the shepherd explains to a sailor, "On y est recerché en sa conscience, & contraint d'aller à leur Messe" (47). When the sailor comments that no one is put to death for their religion, the shepherd explains that there are still consequences of imprisonment, exile, and fines.

29   Ibid., 115. The shepherd speaks about this explicitly in the sequel, mentioning that he used to be worried but no longer is.

30   See the beginning of Dialogue 6 in the sequel (ibid., 182).

and can practice their religion freely. The main lessons of this sequel therefore advocate a different level of action and public behavior, reasonable for a safer context and for people with more knowledge.

Introductory sonnets that accompany each part of the *Dialogues Rustiques* signal the main lessons and display the essential differences in purpose of the two parts. Using John 10, Psalm 23, and Jeremiah 23 as source material, the first sonnet emphasizes the qualities of the Good Shepherd, who knows his flock and is ready to sacrifice his own life for his sheep.[31] The poem warns against the thief, disguised under pelt and fleece, who comes looking to benefit only from the blood, milk, flesh, and skin of the flock.[32] These metaphors encourage readers to distrust clerical and ecclesiastical authority and to place faith directly in Christ, who "guard[s] your sheep from the inhuman wolf."[33] While the sonnet for the first part highlights a lesson about correct beliefs, the sonnet for the sequel includes explicit instruction about behavior. From the opening line, "Children, howl no longer with the foreign wolves," this introductory poem urges readers to leave Catholic lands, to escape contamination, and to flee the temptation of the "sweet liquor of the papal dragon" and "false Angels."[34] Instead, one should wake up, search for the truth, and read the scripture with all one's spirit, heart, and voice. If there is too much danger, the poem concludes: "come here, with swift courage."[35] This sonnet, like the dialogues that follow it, advocates concrete actions of resistance and exile.

Just as the liminal sonnets display the distinct goals of each part, so, too, do the final scenes contain parallel structures that further underscore the different pedagogical messages. In the sixth dialogue of each part, the interlocutors read and discuss written texts, modeling a type of learning that might have taken place in the privacy of the home. In the first part, the shepherd has obtained from Jerome, the French Huguenot refugee, a document entitled "Certain very useful points that one should observe in order to understand the Holy Scripture when reading it."[36] The censier reads the guidelines and accompanying examples aloud to his wife, even though they do not yet own a Bible. Along with the wife's exhortations to her husband to buy a Bible as soon as possible, the text from the refugee drives home the importance of having direct access

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31   "Je connois mes brebis, je suis le bon Berger, /Voilà, pour mon troupeau, j'abandonne ma vie." *Dialogues Rustiques*, pt. 1, 10.

32   "Le larron n'entre pas par la porte au troupeau, / Ainsi il cerche le sang, le laict, la chair, la peau. / Puis vient tout deguisé sous la peau & la laine." Ibid.

33   Ibid.

34   "Enfans ne hurlez plus avec ces loups estranges." *Dialogues Rustiques*, pt. 2, 8.

35   Ibid.

36   *Dialogues Rustiques*, pt. 1, 135.

to the scriptures. In the last scene of the sequel, after the priest leaves a dinner hosted by the censier, the neighbor Jonas remains so that they can speak more freely. The shepherd has brought back from his travels a "written narration" that records "all the principal errors that the Pope asserts."[37] Jonas reads aloud the text, which includes such statements as "The Pope gives to himself authority above that of the Holy Scripture"[38] and "The Pope raises himself above all political principalities, above all emperors, kings, princes and lords."[39] Even though the guidelines for reading scripture in the first part contain some critiques of Catholicism, this second text is more explicit in its censure and much more polemical in tone. This scene of reading therefore underscores the importance of actively rejecting the Roman Catholic Church and its hierarchy and supports the larger message of fleeing the wolves.

As this comparison of the two parts of the *Dialogues Rustiques* has already begun to show, the strategies for coexistence and survival differ markedly. In the first part, the goal is physical safety—that is, avoiding execution for heresy—while the second part focuses on spiritual survival. The dialogic form permits the representation of these strategies through the behavior of the interlocutors, which deepens and reinforces the lessons explicitly given in the content of their conversations. The following sections of this chapter will examine two primary survival strategies as they appear in both the actions and the words of the interlocutors: the respect for and navigation of public and private space in the first half is rejected as appeasement and dissembling, or Nicodemism, in the sequel.

11 Respecting Public Space

The conversations of the first part of the *Dialogues Rustiques* occur solely in places that are clearly private: either between just two people with no one else present or within the home and between members of the family. For the purpose of identifying private and public space, the shepherd, as a longtime employee, appears to count as family for the censier.[40] The importance of the

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37   *Dialogues Rustiques*, pt. 2, 195.
38   Ibid.
39   Ibid., 196.
40   Kooi, *Calvinists and Catholics*, 11–12. Kooi distinguishes three spaces: confessional, civic, and private. The *Dialogues Rustiques* depicts a concurrence of the confessional and private spaces, and the tension between the goals and behavior in the two spaces highlights the delicate balance in the dialogues between maintaining family and neighborly coexistence and convincing others of the confessional differences.

private setting is reinforced by the interlocutors' explicit remarks about the nature of their conversations and their clear awareness of the difference in acceptable behavior between the private and public spheres.

This division is perhaps best seen in the private discussion between husband and wife in their home and the contrast with their potential and actual reactions in public. When the censier recounts to his wife that the priest has complained about the shepherd's heresy, the wife responds by supporting the shepherd, expressing similar beliefs, and mocking the priest. The censier has been careful in his discussion with the priest to appear orthodox in his Catholicism, protesting only that the shepherd is a good employee and imploring the priest to calm down and do his job of bringing the shepherd back to the church.[41] When speaking with his wife, the censier remains reticent to express any specific personal religious positions. Yet his responses to her do not reflect any concern that his wife actually agrees with the shepherd, and he is not shocked to discover that his wife has Calvinist tendencies. Instead, he worries that she might express her views openly. For example, when he explains that, according to the priest, the shepherd does not believe that one sees Jesus Christ in body, flesh, and blood, because all he sees is a little round biscuit, the wife responds at length.[42] She praises the shepherd's reservations about the Eucharist and goes on to provide even more explanations for finding transubstantiation absurd, concluding, "Is the shepherd wrong to believe that, I ask you?"[43] The censier does not answer the semi-rhetorical question at the end of his wife's harangue (thereby refraining from positioning himself as either Catholic or Protestant), responding instead, "Whoa there, my friend, do not speak like that too often, so that no one finds a reason to trouble us."[44] The wife reassures him, "No, my husband, I only say this to you."[45]

These exchanges demonstrate that the space between the husband and wife is private and safe to the extent that the wife can speak her mind and risk disagreeing with or displeasing her husband. The wife, throughout their conversation, seems unafraid to say exactly what she thinks or to challenge her husband. She openly defends the shepherd as a good employee and as a good

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41   See n. 26.

42   *Dialogues Rustiques*, pt. 1, 75.

43   "Est-ce là estre heretique, de ne pouvoir croire que chair & sang, voire un corps tout entier, soit invisible? & que Jesus Christ qui est assis à la dextre de Dieu le Pere, viene de là tant de fois & quand il plaira à Monsieur le Prestre, par le dire seulement de quatre ou cinq paroles à l'autel, & en mille millions de lieux tout à un mesme instant? Est-ce là estre Huguenots ou gueux? Quel tort a nostre Berger, de ne croire pas cela je vous prie?" Ibid.

44   Ibid., 75–76.

45   Ibid., 76. For another example, see ibid., 78.

Christian, and criticizes the priest, making jokes at his expense. Yet she clearly recognizes that she can behave this way only at home and that she would speak this way only to her husband. Her explicit recognition of that reality reassures her husband, who begins to relax, to join in the jokes, and who concludes the scene with his own improvised and ecumenical prayer.[46]

This strategy of speaking of one's beliefs only in private, while efficacious for avoiding trouble, is not always easily applied, especially when remaining silent equates to a failure to defend the truth. Demonstrating clearly that he understands the importance of maintaining civility in the public sphere by refusing to debate or speak of his belief, the shepherd finds his faith makes it difficult to embrace such a strategy completely. When the censier tells the shepherd that he must go make peace with the priest, whom he has offended, the shepherd responds, "My master, I prefer to have offended the priest than God." Although the censier may agree with the sentiment, he nonetheless urges the shepherd to "moderate a little your responses and your discourse against such a man." Still the shepherd resists, asking, "will I respond other than the truth and against my conscience, knowing the opposite?" The censier can only remind the shepherd of the logs that might be used to burn him as a heretic.[47] This exchange ends, interestingly, with instructions from the wife:

> Censier: Go now [to the priest] and make sure not to say too much.
> Shepherd: What? And if he tells me something against God and the holy word, shall I not be able to respond to him?
> Censier: What do you think, my wife?
> Femme: True, should he not dare to speak to him? Do it, do it, respond to him, but softly, without angering him, if possible. If he says something, do respond in kind; remember that you're speaking for a lamb, but remember well what he will say.[48]

What appears in this discussion is the broaching of a topic that will be much more of an issue in the sequel: how the extent of one's knowledge influences one's behavior. The shepherd objects here to dissembling, to pretending on any occasion to believe something he knows to be wrong. At this stage in the story, however, the censier is still concerned with the threat of persecution, that the

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46 "Femme. Si nostre Berger avoit appris pour trois deniers de Latin, il seroit aussi sçavant que nostre Prestre. Censier. Il le faudroit accoustrer à l'advenant, car l'habit y feroit beaucoup. Femme. Ha, ha, il en seroit lors vingt fois plus sçavant." Ibid., 84. See also ibid., 80, 85.
47 Ibid., 86–87.
48 Ibid., 88–89.

shepherd might actually be burned at the stake. Still, even the censier seems to understand that this is a difficult compromise and is not willing to order the shepherd to keep his mouth totally shut.

The wife's answer suggests how delicate the couple's situation remains. She supports the shepherd's position with some reservations. Her final words may reveal different motivations. When the wife tells the shepherd to remember that he speaks for a lamb, she refers to the symbolism of the gesture, that the shepherd speaks not only for the sacrificed animal but also for Christ, the Lamb of God. The shepherd should be careful so that they do not have to give the priest another lamb, but the shepherd should also make sure to speak unashamedly as a Christian, remembering Christ's sacrifice. The wife's final exhortation—"remember well what he [the priest] will say,"—betrays the wife's continuing curiosity and her eagerness to know more about the shepherd's conversations with the priest. She wants the shepherd to report back on his conversation with the priest so that she and her husband may learn more. The necessity to keep the peace thereby conflicts with the desire to know more and see better the contrast between the shepherd's truth and the priest's false authority. The conversation represents the overall awareness of all the interlocutors to monitor their speech and to think carefully about the conditions in which they should speak up.[49]

Speaking of one's faith only in private is a strategy understood and shared by the priest as well. When the shepherd delivers the lamb, the priest suggests that the lamb is dying for the shepherd's sins. While the priest may only consider the lamb as symbolic of Christ, the shepherd hears in this suggestion a return to Old Testament sacrifice.[50] Yet he shrewdly asks the priest: "I beg you, Mr. Priest, don't be angry if I ask you, for my own instruction, a few words, while we are just two and in secret." The priest assents with a caveat: "Sure, speak, but on condition, as I said yesterday to your master, that you stay quiet and discreet, without speaking of these things to anyone."[51] It is not only that the censier, his wife, and the shepherd recognize the wisdom of respecting private spaces and refraining from public speech, but this strategy also allows

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49   Carlos M. Eire, *War against the Idols: The Reformation of Worship from Erasmus to Calvin* (Cambridge: Cambridge University Press, 1986), 265. The strategy of avoiding provocation and discussing religion only in private resembles Calvin's advice to those forced to remain in Babylon. Although he accepted no outward Catholic expression of faith (the sin of simulation), Eire shows that Calvin, rather than encouraging public controversy, advised people to "live out their faith as privately as possible"(265).

50   "Mais sire, vous ne voulés pas retourner à l'ancien Testament, pour immoler encore l'agneau paschal pour les pechez." *Dialogues Rustiques*, pt. 1, 89.

51   Ibid., 90.

room for coexistence with the priest. This strategy works in part because the priest is more concerned with possible contagion (and the consequences for his reputation), than with the actual salvation of the shepherd. That strategy reinforces, of course, the message that the priest is a bad shepherd, since he is willing to accept that the shepherd persists in what he considers heretical beliefs, instead of trying to save him. Considering the shepherd an incorrigible heretic, the priest will leave him alone, so long as the shepherd does not speak in public and force the priest to report him to the bishop.

111   Expanding Space, New Concerns

As indicated earlier, the conversational space expands in the sequel, and confessional space, where theological differences may be discussed, includes more public areas. The shepherd's conversations during his travels recall the "discussion culture" of the seventeenth-century Netherlands. The relaxation of private and public boundaries and the relative freedom of speech that is depicted in the sequel are logical consequences of the changes that occurred with the Twelve Years' Truce, with a relief from war and freer movement across borders.[52] The second part of the *Dialogues Rustiques* also reflects new anxieties related to peace and coexistence.

In the absence of threats to physical survival, threats to spiritual survival multiplied. Without actual fighting, enemies such as the Catholic Church might have seemed less threatening. Yet the truce allowed for the growth of Dutch Catholicism. The Nijmegen Quarter, which included Moncy's town of Tiel, experienced a Catholic revival, as well as strong Remonstrant support.[53] Although the Reformed Church was the public church of the Dutch Republic, actual membership was low, communities voluntary, and doctrinal disagreements frequent within the church itself until the Synod of Dort

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52   For further information on changes occurring during the Twelve Years' Truce, including increased travel, penchant for debate, and concerns about religious contamination, see Judith Pollman, *Catholic Identity and the Revolt of the Netherlands, 1520–1635* (Oxford: Oxford University Press, 2011), 181–91.

53   Israel, *Dutch Republic*, chap. 7, esp. 378–85, and 393–94; Spohnholz, "Confessional Coexistence," 50; Charles H. Parker, *Faith on the Margins: Catholics and Catholicism in the Dutch Golden Age* (Cambridge, MA: Harvard University Press, 2008), 82. Israel provides useful background for understanding the presence of Catholics and Remonstrants during the period of the Twelve Years' Truce. Parker mentions the importance of "Jesuit colleges along the outskirts and borders of the Republic, especially those in Cologne, Nijmegen, and Roermond" (82).

(1618–19).[54] Although the sequel continues to focus its attacks on Catholicism and does not venture into the theological territory contested by the Arminians and Remonstrants, the *Dialogues Rustiques* exposes the variety of concerns that would arise with freedom of religious choice. The shepherd works to convince people of Catholicism's errors, and urges a soldier and a textile worker to abandon their profligate and drunken way of life and to join the church.

The sequel reminds readers of the history of persecution, and the many past offenses of the Catholic Church, including events in France (the St. Bartholomew's Day massacre and the assassinations of Henry III and of Henry IV by radical Catholics), in the United Provinces (the death of William of Orange and the Duke of Alba's bloody inquisition), in England (the 1605 Gunpowder Plot), and even the lesser-known deaths of Jan IV van Glymes van Bergen and Floris van Montmorency, Dutch ambassadors in Spain.[55] Even if conditions were currently peaceful, Moncy saw a need to remind Calvinists of this history of persecution and of the possibility of its recurrence. In the ongoing education of Calvinists, recalling the oppression of minority populations intensified the urgency for resisting Catholic idolatry and joining a community.

The impression of urgency corresponds with the need to avoid compromise, which is a primary objective in the sequel. The dismantling of Nicodemist or spiritualist arguments (such as those offered by Coornhert in the sixteenth century) constitutes the main lesson of the second part of the *Dialogues Rustiques*. Although the shepherd does discuss appeasement with a Flemish villager, such tactics are clearly no longer desirable.[56] As discussed earlier, the sequel makes its anti-Nicodemist agenda clear from the opening sonnet, and the story of the shepherd, censier, and wife's decision to move to Holland reinforces the message. Within the first pages of the sequel, a discussion of the book of Jonah, conveniently the neighbor's namesake, establishes one of the principles essential to anti-Nicodemist arguments: knowledge comes with responsibility. The shepherd explains that he is not like the prophet, because

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54   For information on the status of the Reformed Church in the Republic, see Kooi, *Calvinists and Catholics*, 29–34, esp. 32.

55   See *Dialogues Rustiques*, pt. 2, 95–101.

56   The Flemish villager, whom the shepherd meets on his way home from Holland, explains, "Nous y avons un bon Prestre, en luy presentant quelque piecette d'argent, quelque peu de beurre ou de fromage, laict, pommes ou poires, il ne dit rien, & prend garde à tenir ses paroissiens en amitié, les excusant tant qu'il peut, & le Seigneur du village est fort amiable, qui ne desire sinon de voir sa Seigneurie bien peuplée, & que tous vivent en paix, en fin nous ne sommes recerchés d'eux en nostre conscience." *Dialogues Rustiques*, pt. 2, 107. The villager goes to other cities on market days to hear preaching and visits a few times a year to take communion, but expresses ongoing concerns about spies from Ghent and Bruges (108).

"he [Jonah] went to sea to flee the face of God, just as one now finds too many who flee God and know better."[57] The end of this comment transfers the biblical lesson into a modern context, and the story of Jonah is used to remind the reader that "one must obey [God's] holy word, without fearing the perils that might seem inevitable."[58] This emphasis on the responsibilities that come with correct knowledge echoes Calvin's anti-Nicodemist writing, which he aims specifically at those "well instructed in the truth of the Gospel."[59]

In addition to these comments that indicate the work's anti-Nicodemist position, the second part of the *Dialogues Rustiques* includes a detailed discussion of scriptural evidence and theological arguments. The content of this discussion repeats the ideas and biblical verses that are commonly wielded in such arguments and that Calvin presents in a more organized fashion in his writings. The discussion occurs, however, within the context of a debate with real stakes for the interlocutors. After learning of the shepherd's plans to move to Holland, the censier and his wife consider the possible arguments for and against remaining in Catholic territory. Although neither the censier nor his wife is wholly against moving to Holland, they raise practical objections and express realistic reservations. Their conversation with the shepherd therefore permits both a thorough presentation of relevant textual evidence and a realistic situation that speaks to the practical difficulties and likely reluctance that readers might face. In other words, the form of the dialogue combines theological discussion with a sense of the actual challenges people might encounter, either in making the decision for themselves or in trying to convince someone else. The persuasiveness of the arguments against Nicodemism thereby results not only from the scriptural content but also from the scene of persuasion itself, from seeing the censier and his wife gradually work through their reluctance and arrive at a firm resolution and a plan to leave.[60]

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57   *Dialogues Rustiques*, pt. 2, 11.

58   Ibid., 12.

59   "Bien instruict en la verité de l'Evangile" and "Car je ne parle sinon pour ceux ausquelz DIEU a revelé de quelle pollution est pleine toute l'eglise papels." Jean Calvin, *Petit traicté, monstrant que c'est que doit faire un homme fidele cognoissant la verité de l'Evangile, quand il est entre les papistes, avec une Epistre du mesme argument* (Geneva: Jean Girard, 1544), 28.

60   Jean-Claude Carron, "The Persuasive Seduction: Dialogue in Sixteenth-Century France," in *Contending Kingdoms: Historical, Psychological, and Feminist Aproaches to the Literature of Sixteenth-Century England and France*, ed. Marie-Rose Logan and Peter L. Rudynytsky (Detroit: Wayne State University Press, 1991), 90–108. Carron's analysis inspired this idea of a scene of persuasion. He sees French Renaissance dialogue as "function[ing] as a rhetorical strategy whose main objective was to seduce, instead of convince" (97) and "stag[ing] an 'effect' of exchange and persuasion" (98).

The initial reluctance is, not surprisingly, material. The wife immediately likes the shepherd's idea of leaving Artois, provided that they could find as good a farm as they have currently.[61] The shepherd swiftly identifies the problem with her position: "Well that's laughable. Our lady would like to be a good Christian, but only on the condition that she can occupy and own lots of property."[62] The shepherd rebukes her gently by twisting the wife's words to amplify the impossibility of being a good Christian if one prioritizes wealth. Initially agreeing with these materialistic hesitations, the censier soon raises theological grounds that would justify their remaining in Artois. He argues that even if he is at Mass, he does not adore the images and therefore does not himself commit idolatry.[63] He suggests, in a spiritualist vein, that his heart remains pure and that the actions of his body do not matter. The shepherd does not accept these rationalizations and enlists the censier's wife in reading pertinent verses from the Bible. While the wife seems generally more ready to move than her husband, she occasionally expresses confusion, which allows for repetition and clarification of major arguments. As each counterargument is successively dismantled, the censier's frustration increases. Even if he is convinced of the shepherd's position, he expresses some exasperation and reluctance to act: "What do you want us to do?"[64] Nonetheless, the censier himself eventually quotes verses in support of an anti-Nicodemist position and begins to address the logistics, how they will send the shepherd to look for a farm in Holland and ask a relative to look after their own land in Artois. The conversation concludes with both the censier and his wife affirming their determination to leave. Even if actual deliberations to choose exile were likely more extended than a single scene of dialogue, the conversation depicted in the *Dialogues Rustiques* nonetheless captures the interlocutors' fear, frustration, and indecision. Once again, the *Dialogues Rustiques* achieves its persuasive goal by using theological argumentation and by appealing to the reader's imagination and emotions.

This anti-Nicodemist discussion is replayed one more time, in an abbreviated form, at the very end of the *Dialogues Rustiques*. The reprise, aimed at Jonas the neighbor, permits a repetition of this important message and neatly concludes with a return to the work's starting point. Although now fully informed and persuaded of the errors of the Catholic Church, Jonas echoes the concerns conveyed earlier by the censier, expressing uncertainty about where

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61   *Dialogues Rustiques*, pt. 2, 128.

62   Ibid.

63   Ibid., 129.

64   Ibid., 137.

he could move with his family and hoping that, if he stays quiet and remains discreet, God will not judge him an idolator.[65] When Jonas argues that he still does not know enough about God's will, the shepherd changes tactics. Instead of continuing to cite scripture, he offers a simpler example to combat Jonas's continuing claim of ignorance. The shepherd proposes a scenario in which a law is communicated by bell and trumpet on every street corner, at every city gate, on every church door. When a burgher fails to obey the law and gives the excuse that he was not aware of the new law, should he—the shepherd asks—be held responsible? Jonas tergiversates, provoking a reaction this time from the censier, who has now clearly learned his lesson from the fourth scene. The censier points out that the burgher in this example did not want to know and will therefore be condemned for "negligence."[66] Jonas is provided no further chance to speak before the end of the dialogue, and the shepherd concludes that "you cannot claim ignorance ... you must make this distinction between not being able to know anything and not wanting to know."[67]

The work ends without resolving the story.[68] The reader does not know whether Jonas has been convinced and whether he, too, will decide to leave. While this conclusion might seem to weaken the dialogue's message by depriving the reader of one more scene of persuasion, the end works effectively in other ways. Even more important than the choice between survival strategies (to practice as privately as possible or to seek a community in exile) is the message about the grace, or burden, of knowledge. When the shepherd emphasizes the difference between an inability and an unwillingness to know, the reader is placed in the same position as Jonas, with a choice to make. For all those capable of reading or of hearing these dialogues, for all those readers who have arrived at the end of the work, there is no way that they can still claim ignorance. By leaving the story of Jonas unresolved, his character mirrors more exactly a potential reader, who must also decide how to act after the work is concluded.

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65   Ibid., 207.
66   Ibid., 209.
67   Ibid.
68   Later editions of the *Dialogues Rustiques* do include a seventh dialogue that features Jonas and a pastor helping Jonas deal with spiritual suffering, but this addition comes so much later and is of such a different tone (pastoral rather than polemical) that its authenticity as a part of Moncy's work is doubtful.

IV   Conclusion

The *Dialogues Rustiques* becomes itself a strategy for survival. Whether a reader is isolated or belongs to a community of believers, the *Dialogues Rustiques* creates its own community of Christians graced with knowledge. The work also appeals to people at each of the four stages in the Protestant conversion process outlined by Pettegree: awareness, identification, understanding, and activism.[69] While the shepherd portrays understanding from the very beginning of the work, he also demonstrates the need to learn more and then move toward activism in teaching others. The censier, his wife, and Jonas illustrate different stages of spiritual awareness and growing identification with a faith that rejects the Catholic Church. With interlocutors representing these distinct moments of a spiritual journey, the dialogues offer an overall picture of the behavior of a Christian and of the ways to interact with others who are at different places in their spiritual development.

The two parts of the *Dialogues Rustiques* together portray a larger picture of various stages for both the Dutch Calvinist community and for individual believers. The work contains messages adapted for readers at every stage from complete spiritual isolation and initial exposure to fully knowledgeable membership of a larger community. The open-ended story of Jonas reminds readers of the continuing work to be done and the next step in the strategy for survival: the formation of a strong church. Pettegree writes, "The process of building a new church required much more than conversion. Education, assimilation, familiarity and the creation of new enemies—a new dialectic of belonging and rejection—all played their part."[70] While the *Dialogues Rustiques* focuses primarily on individual survival, its ending message of joining a church underscores the importance of community survival as well. Even if the *Dialogues Rustiques* appeared during the Twelve Years' Truce, it reflected the ongoing work to be done to build the church and the concerns about long-term safety. Despite its status as the public church, only a minority of residents actually belonged to the Dutch Reformed Church. The shepherd's decision to move to Holland and "to join the church" (*se ranger en l'eglise*) is more than an individual decision to avoid any semblance of Nicodemism; it is also a statement of support for the Calvinist church in the Dutch Republic.

Only a few years later, the Thirty Years' War would again create situations of exile and new quandaries for individual believers. The situation for Calvinists in France also deteriorated, with new outbreaks of civil war, dragonnades, and

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69   Pettegree, *Culture of Persuasion*, 6.

70   Ibid.

eventually the revoking of the Edict of Nantes. Not surprisingly, the strategies of survival contained in the *Dialogues Rustiques* continued to resonate, providing solace and inspiration to Reformed Christians far beyond the fields of Artois.

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Anabaptists and Seventeenth-Century Arguments for Religious Toleration in Switzerland and the Netherlands*

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The city of Zurich occupies an ambiguous position in the early history of Anabaptism. The first adult baptisms of the Reformation occurred there in January 1525, making Zurich in effect the birthplace of Anabaptism. Yet the city also has the dubious distinction of leading the way in the persecution of Anabaptists, decreeing in 1526 that teaching Anabaptist doctrines would be punishable by death and executing its first Anabaptist martyr, Felix Manz, on 5 January 1527. Thereafter, Zurich, as well as a number of other Swiss cities, maintained consistent policies aimed at suppressing Anabaptism within their jurisdictions. The intensity of the resulting persecution ebbed and flowed. In Zurich it intensified during the 1580s and again at the end of the sixteenth and beginning of the seventeenth centuries. And although Hans Landis, the last Anabaptist martyr in Zurich, was executed in 1614, less severe forms of persecution continued throughout much of the rest of the seventeenth century.

In the Netherlands, too, Anabaptism was greeted initially with severe persecution. In 1531 authorities executed Sicke Freerks (also known as Snyder), the first Anabaptist martyr in the Low Countries. Persecution increased exponentially with the Anabaptist seizure of the reins of government in neighboring Münster from 1534 to 1535 and with armed uprisings at Oldeklooster in March 1535 and in Amsterdam in May 1535. However, the Dutch rebellion against Spanish overlordship in the second half of the sixteenth century, to which Mennonites made significant financial contributions, opened the door to increased toleration and inclusion in Dutch society. By the seventeenth century they were benefiting in numerous ways from Article 13 of the Union of

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Utrecht (1579), which granted freedom of conscience to residents of the United Provinces.

In the early 1640s and again in the early 1660s, the different histories of persecution and toleration experienced by Swiss Anabaptists and Dutch Mennonites converged as wealthy Mennonite merchants in Amsterdam sought to intervene on behalf of their persecuted "brethren" to the south. Not only did individuals and churches from the Dutch Mennonite communities address authorities in Zurich, and later in Bern as well, directly on behalf of the Swiss Anabaptists, they also instigated letter-writing campaigns to the Swiss authorities involving anyone they perceived might have influence with them. Included among these were a number of governing bodies of both state and church, as well as some of the period's most celebrated advocates of religious toleration. These activities mark an important, although largely unacknowledged, stage in the vigorous debates about religious toleration carried on in the Netherlands, stretching from the dialogue between Justus Lipsius and Dirck Volckertsz. Coornhert at the end of the sixteenth century to the writing of John Locke's *Letter Concerning Toleration* at the end of the seventeenth. As we will see, the arguments developed by Anabaptist-Mennonite advocates of toleration tell us much not only about the toleration debates in the middle of the seventeenth century, but also about both the extent and the nature of the Anabaptist contribution to the broader development of religious toleration in the West.

To understand the significance of these seventeenth-century appeals for toleration of Swiss Anabaptists one must appreciate their place in both the history of the development of religious toleration and the history of Anabaptism in early modern Europe. From both perspectives they have received scant attention. On the one hand, a recent wave of scholarship on religious persecution, toleration, and coexistence in early modern Europe has, for the most part, ignored the Dutch campaigns on behalf of the Swiss Anabaptists. On the other hand, although scholars of Anabaptism have focused on them in recent years, they have paid little explicit attention to where they fit into traditional assumptions about the Anabaptist contribution to the development of religious toleration in early modern Europe or into the growing literature on that process.[1]

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[1]   In the last decade and a half, the central sources from these debates have been published: Philipp Wälchli, Urs B. Leu, and Christian Scheidegger, eds., with John D. Roth, *Täufer und Reformierte im Disput: Texte des 17. Jahrhunderts über die Verfolgung und Toleranz aus Zürich und Amsterdam* (Zug: Achius, 2010) (hereafter cited as Wälchli); and Jeremy Dupertius Bangs, *Letters on Toleration: Dutch Aid to Persecuted Swiss and Palatinate Mennonites, 1615–1699* (Rockport, ME: Picton Press, 2004) (hereafter cited as Bangs). These publications, along with

For an earlier generation of scholars, the seventeenth-century arguments for toleration developed by Dutch Mennonites, as well as others they likely encouraged among the Swiss Anabaptists whose interests they were defending, would have been seen as parts of a natural progression in an established tradition dating from the origins of Anabaptism. In the mid-twentieth century, historians of Anabaptism and the Radical Reformation, especially those approaching the topic from a free-church perspective, heralded the Anabaptists as the founders of modern Western notions of freedom of conscience and religious toleration. In the words of Harold S. Bender, "the great principles of freedom of conscience, separation of church and state, and voluntarism in religion ... ultimately derived from Anabaptists of the Reformation period, who for the first time clearly enunciated them and challenged the Christian world to follow in practice."[2] Nor were the scholars of the Radical Reformation alone in such assessments. In his general survey of Reformation history, Roland Bainton claimed, "Religious liberty was thus a tenet of the Anabaptists, and they were the first church to make it a cardinal point in their creed."[3] These claims were rooted in an unabashedly Whig reading of the history of religious toleration that started with the radicals of the Reformation era and culminated in religious pluralism, freedom of conscience, and separation of church and state in modern America. However, in the last half century the Anabaptists have lost their prominence in historical writing on toleration, and in a recent

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a growing interest in the seventeenth-century history of Anabaptism, have encouraged research in this area: see, for example, Troy Osborne, "The Development of a Transnational 'Mennonite' Identity among Swiss Brethren and Dutch Doopsgezinden in the Sixteenth and Seventeenth Centuries," *Mennonite Quarterly Review* 88 (2014): 195–218; John Roth, "Marpeck and the Later Swiss Brethren, 1540–1700," in *A Companion to Anabaptism and Spiritualism, 1521–1700*, ed. John D. Roth and James M. Stayer (Leiden: Brill, 2007), 347–88, here at 385–86; and Astrid von Schlachta, *Gefahr oder Segen? Die Täufer in der politischen Kommunikation* (Göttingen: V&R Unipress, 2009), esp. 227–309. John Roth has described the Dutch Mennonite interventions on behalf of Swiss Anabaptists as "a story that still remains largely to be told." He also suggests that the tradition of Swiss Brethren arguments on behalf of religious toleration "has scarcely been touched by historians." Schlachta has begun telling that story as part of her comprehensive treatment of Anabaptists in the political communication of early modern Europe.

2   Harold S. Bender, *The Anabaptist Vision* (Scottdale, PA: Herald Press, 1944), 3–4. See also the statements by C. Henry Smith, "Mennonites and Culture," *Mennonite Quarterly Review* 12 (1938): 71–84, here at 71, 76; Franklin H. Littell, *The Origins of Sectarian Protestantism: A Study of the Anabaptist View of the Church* (New York: Macmillan, 1964), 65–66; and John Howard Yoder, *Anabaptism and Reformation in Switzerland: An Historical and Theological Analysis of the Dialogues between Anabaptists and Reformers*, trans. David Karl Stassen and C. Arnold Snyder, ed. C. Arnold Snyder (Kitchener, ON: Pandora Press, 2004), 272.

3   Roland Bainton, *The Reformation of the Sixteenth Century* (Boston: Beacon Press, 1952), 99.

survey of new trends in Anabaptist historiography, John Roth has noted that "a fuller history of the Anabaptist-Mennonite influence on the rise of religious toleration in Early Modern Europe remains to be written."[4] For reasons that will become apparent shortly, the appeals for toleration of Swiss Anabaptists in the middle of the seventeenth century will be an integral part of that history.

Such a history would have to take into account a wealth of new research into the development of religious toleration in early modern Europe that comes to markedly different conclusions than earlier literature on the subject and that portrays the role of the Anabaptists as being much more modest. Perez Zagorin, for example, claims that "while the Anabaptists of this period did not develop any general ideas about toleration, their repudiation of the killing of heretics and of violence in religion reflected a strain of tolerance that stood in striking contrast to the principles and practice of the mainline Protestant churches."[5] Behind this reassessment lies a fundamental rethinking of how the West came to "modern" notions of toleration and religious liberty, and a realization that this was a much more complicated process than earlier assumed.

Crucial to the reassessment of this process is a questioning of how much Anabaptist calls for the end of persecution, most of which scholars have taken from sixteenth-century sources, actually anticipated modern notions of religious liberty, freedom of conscience, and toleration. The groundwork for these challenges was already laid by Hans Hillerbrand in the midst of the accolades for the Anabaptist contribution to the toleration debate. Hillerbrand cautioned against what he regarded as the excessive enthusiasm in claims about the Anabaptists. He rejected the notion that Anabaptist appeals for toleration anticipated modern notions of religious liberty—these, he claimed, were much more the work of the seventeenth century than the sixteenth. He did allow that the Anabaptists advocated freedom of belief or freedom of conscience, and that this derived from their perceptions of the mission of secular authority and the nature of the church as a voluntary organization. However, these appeals were not related to general principles, and, in fact, crucial elements of the arguments employed by Anabaptists were not original to them, but were borrowed from magisterial Reformers.[6] Subsequent scholarship on the toleration debates in early modern Europe more generally has taken this critique

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4 John D. Roth, "Future Directions in Anabaptist Studies," in Schubert, Schlacta, and Driedger, *Grenzen des Täufertums*, 406–10, here at 409.

5 Perez Zagorin, *How the Idea of Religious Toleration Came to the West* (Princeton, NJ: Princeton University Press, 2003), 84.

6 Hans Joachim Hillerbrand, *Die politische Ethik des oberdeutschen Täufertums: Eine Untersuchung zur Religions- und Geistgeschichte der Reformationsalters* (Leiden: Brill, 1962), 16–23.

much further, especially challenging assumptions that toleration, religious liberty, and freedom of conscience are all synonymous terms and warning against anachronistic understandings of them.[7]

Perhaps an even more serious challenge to claims about the Anabaptist contribution to the development of religious toleration has been posed by the question of how Anabaptist calls for freedom of conscience, religious liberty, and toleration entered broader debates about these topics. The earliest treatments of this subject assumed that an ongoing tradition of religious dissenters carried the message forward. However, subsequent studies, including those praising the Anabaptists as the founders of religious toleration, were more cautious, describing the Anabaptist call for toleration as "stillborn," although still worthy of study.[8]

More general study of the development of religious toleration in early modern Europe has only increased such questions by asking how de facto toleration derived from abstract statements of principle, enunciated by Anabaptists

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7   On the general distinctions between these terms and how they were understood in early modern Europe, see Hans Guggisberg, "The Defence of Religious Toleration and Religious Liberty in Early Modern Europe: Arguments, Pressures, and Some Consequences," *History of European Ideas* 4 (1983): 35–50, here at 36; Andrew Pettegree, "The Politics of Toleration in the Free Netherlands, 1572–1620," in *Tolerance and Intolerance in the European Reformation*, ed. Ole Peter Grell and Bob Scribner (Cambridge: Cambridge University Press, 1996), 182–98; here at 186; Schlachta, *Gefahr oder Segen?*, 132–36; Andrew R. Murphy, *Conscience and Community: Revisiting Toleration and Religious Dissent in Early Modern England and America* (University Park: Pennsylvania State University Press, 2001), 227–28; and Alexandra Walsham, *Charitable Hatred: Tolerance and Intolerance in England, 1500–1700* (Manchester: Manchester University Press, 2006), 234. For warnings against anachronistic understandings of the idea of toleration in particular, see John Coffey, *Persecution and Toleration in Protestant England, 1588–1689* (Harlow: Pearson Education, 2000), 10; István Bejczy, "Tolerantia: A Medieval Concept," *Journal of the History of Ideas* 58 (1997): 365–84; Mario Turchetti, "Religious Concord and Political Tolerance in Sixteenth- and Seventeenth-Century France," *Sixteenth Century Journal* 22 (1991), 15–25, here at 17–18; Guggisberg, "Defence of Religious Toleration," 36; and Ole Peter Grell, "Introduction," in Grell and Scribner *Tolerance and Intolerance in the European Reformation*, 1–12, here at 6. Probably the clearest identification of the distance between early modern and current assumptions about the relationship between toleration and skepticism is Richard Tuck, "Scepticism and Toleration in the Seventeenth Century," in *Justifying Toleration: Conceptual and Historical Perspectives*, ed. Susan Mendus (Cambridge: Cambridge University Press, 1988), 21–36.

8   For the identification of an ongoing tradition of dissenter appeals for toleration, see Smith, "Mennonites and Culture," 76; and Bender, *Anabaptist Vision*, 3–4. That position is largely abandoned in Harold S. Bender, "The Anabaptists and Religious Liberty in the Sixteenth Century," *Mennonite Quarterly Review* 29 (1955), 83–100, here at 83–87; and Walter Klaassen, *Anabaptism in Outline: Selected Primary Sources* (Kitchener, ON: Herald Press, 1981), 290–301, esp. 290.

or anyone else. These observations are part of a more comprehensive critique of the "Whiggish" assumptions of earlier treatments of the development of religious toleration in early modern Europe. Notions that this development followed any sort of linear trajectory have been rejected, as have assumptions that it belongs first and foremost to the realm of the history of ideas, that it was driven by grand, principled statements advocating religious toleration. In what has sometimes been heralded as a social history of toleration, scholars have argued that toleration as principle grew out of toleration as lived experience, the pragmatic response to religious pluralism that Willem Frijhoff has characterized as connivance, coexistence, or neighborliness, and labeled "the ecumenicism of everyday relations."[9]

In part, Anabaptists have disappeared from studies of toleration because traditional approaches to the writing of their history have not been conducive to reconstructing Anabaptist experiences of the ecumenicism of everyday relations. The treatment of largely prescriptive Anabaptist texts as descriptive of social reality has obscured the Anabaptist contribution to the development of coexistence and toleration. This is probably most obvious in the case of one of the central texts of Swiss Anabaptism, *The Schleitheim Articles*, whose fourth article on separation from the sinful world had been seen to define subsequent Anabaptist experiences in Switzerland and southern Germany. Research of the last two decades, however, has indicated that *Schleitheim*'s prescriptions were not adopted as quickly or as universally as once assumed, and as the sixteenth century wore on, the interpretation of the articles changed. Depending on local circumstances, the level of Anabaptist interaction with and integration into surrounding society could vary greatly. Recently, historians have begun to uncover the local networks of non-Anabaptist friends, relatives, and neighbors that allowed Anabaptist communities to survive in the midst of persecution

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9   Willem Frijhoff, "The Threshold of Toleration: Interconfessional Conviviality in Holland during the Early Modern Period," in *Embodied Belief: Ten Essays on Religious Culture in Dutch History* (Hilversun: Uitgeverij Verloren, 2002), 39–65. See also Guggisberg, "Defence of Religious Toleration," 35–36; Grell, "Introduction," 1–2, 4–6; Benjamin J. Kaplan, *Divided by Faith: Religious Conflict and the Practice of Toleration in Early Modern Europe* (Cambridge, MA: Harvard University Press, 2007), 8; C. Scott Dixon, "Introduction: Living with Religious Diversity in Early Modern Europe," in *Living with Religious Diversity in Early Modern Europe*, ed. C. Scott Dixon, Dagmar Freist, and Mark Greengrass (Farnham: Ashgate, 2009), 1–20, here at 9–10; and Nadine Lewycky and Adam Morton, "Introduction," in *Getting Along? Religious Identities and Confessional Relations in Early Modern England—Essays in Honour of Professor W. J. Sheils*, ed. Nadine Lewycky and Adam Morton (Farnham: Ashgate, 2012), 1–27, here at 1–3.

in Switzerland and southern Germany.[10] However, that work is still in its early stages, and its implications for our understanding of more widespread religious toleration are yet to be investigated. This will, I believe, be a crucial component of the fuller history of the Anabaptist-Mennonite contribution to the development of religious toleration for which John Roth has called.

The present study focuses not so much on the lived experiences of the Anabaptists as how the Anabaptists contributed to discussions of religious toleration on a grander scale, but it attempts to place that contribution in its historical context and account for the impact of political, economic, and social forces on the claims made by the Anabaptists. To date, scholarship has failed to recognize the importance of seventeenth-century arguments for toleration by Dutch Mennonites and Swiss Anabaptists for the development of views on toleration or the Anabaptist contribution to them. Much of the scholarship on Anabaptism and toleration, like most scholarship on Anabaptism generally, has focused on the early, heroic years of the movement, concentrating especially on statements made by various leaders in the 1520s, 1530s, and 1540s, at a time when the Anabaptists were a persecuted minority on the margins of society. Furthermore, research into the development of religious toleration since Hillerbrand's comments has confirmed his claim that during the sixteenth century only the first, most tentative steps toward establishing an ideal of religious toleration were taken. However, in the middle of the seventeenth century, Anabaptist voices entered the broader discussion of toleration, which involved prominent Reformed clergy and theologians, governmental bodies at various levels in the Netherlands and beyond, and a variety of prominent advocates of toleration, including the Remonstrant theologian Philipp van Limborch, the German literary figure Philipp von Zesen, and the educational reformer Jan Amos Comenius.

This Dutch engagement in the Swiss situation came at a crucial juncture in the evolution of the case for religious toleration. Newer scholarship has

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10 C. Arnold Snyder, "The Birth and Evolution of Swiss Anabaptism, 1520–1530," *Mennonite Quarterly Review* 80 (2006): 501–645, here at 595–616; C. Arnold Snyder, "The (Not-so) 'Simple Confession' of the Later Swiss Brethren, Part I: Manuscripts and Marpeckites in an Age of Print," *Mennonite Quarterly Review* 73 (1999): 677–722; C. Arnold Snyder, "Part II: The Evolution of Separatist Anabaptism," *Mennonite Quarterly Review* 74 (2000): 87–122; Urs B. Leu, "Täuferische Netzwerke in der Eidgenossenschaft," in Schubert, Schlacta, and Driedger, *Grenzen des Täufertums*, 168–85; Päivi Räisänen, "Obrigkeit, Täufer und ländliche Gesellschaft: Auf der Suche nach den 'gemeinen' Täufern und Täuferinnen in Württemberg im späten 16. und frühen 17. Jahrhundert," in Schubert, Schlacta, and Driedger, *Grenzen des Täufertums*, 186–213; and Mathilde Monge, "Überleben durch Vernetzung: Die täuferischen Gruppen in Köln und am Niederrhein im 16. Jahrhundert," in Schubert, Schlacta, and Driedger, *Grenzen des Täufertums*, 214–31.

highlighted the extent to which the practical matter of dealing with religious diversity in the sixteenth and seventeenth centuries placed the theoretical justification for toleration on new foundations. In line with these conclusions, Hans Guggisberg has suggested that three main types of arguments developed in the toleration debates of early modern Europe. The earliest and most pervasive type of argument, the theologico-philosophical, was a favorite tactic of the humanists, most notably Erasmus, but was also taken up by the early Anabaptists and other radicals such as Sebastian Franck, and is well represented in Sebastian Castellio's *Concerning Heretics*. Such arguments usually involved marshaling biblical citations and statements from prominent theologians in support of their claims. In the last third of the sixteenth century, these arguments were supplemented by others drawn from the practical political consequences of religious persecution or toleration, the politico-pragmatic. These arguments set the debate on a new footing and were usually made by a new group of people, more men of public affairs than intellectuals, most notably the *Politiques* in France, especially Jean Bodin, but they also appear in Castellio's *Counsel to France*. Around the same time, no less pragmatic economic arguments that explicitly identified the contributions of religious minorities to the general prosperity appeared, although only infrequently and always as a supplement to theologico-philosophical and politico-pragmatic arguments.[11] Within the Netherlandish context, practical arguments stressing the political and economic benefits of toleration came to the fore with William of Orange's leadership of resistance to the Spanish crown, but new arguments specifically stressing the importance of toleration for economic prosperity were more fully elaborated in the writings of the Remonstrant theologians Johannes Uytenbogaert and Simon Episcopius after the Counter-Remonstrant victory at the Synod of Dort in 1618.[12]

While the case for religious toleration was being made on new grounds in the Netherlands, persecution of Anabaptists and explicit justifications for that activity continued in Switzerland. After the execution of Hans Landis in 1614, the government of Zurich eased the pressure exerted on Anabaptists in its territories, even though their presence and activities remained a matter of concern for Zurich's Reformed clergy. Complaints about Anabaptists were regular occurrences at the biannual synods of Zurich's clergy, and Anabaptism and

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11   Guggisberg, "Defence of Religious Toleration," 37–43; Hans R. Guggisberg, "Castellio: Problems of Writing a New Biography," in *The Emergence of Tolerance in the Dutch Republic*, ed. Christiane Berkvens-Stevelinck, Jonathan Israel, and G. H. M. Posthumus Meyjes (Leiden: Brill, 1997), 75–89, here at 83–84.
12   Guggisberg, "Defence of Religious Toleration, 42–43; Grell, "Introduction," 6–7.

its theology were the subject of disputations at those meetings consistently between 1613 and 1658.[13] Gradually, with the growing threat posed to the city by The Thirty Years' War, the refusal of Anabaptists to fulfill their military service increasingly concerned the city government. Matters came to a boiling point in 1635 when Heinrich Frick of Knonau, a military standard-bearer and recent convert to Anabaptism, refused to undertake his duties. In December 1635 and January 1636, authorities arrested a number of Anabaptist leaders thought to have been responsible for Frick's conversion. Also in January 1636 the council established a new Anabaptist Commission, which then arranged a series of disputations between members of the Anabaptist community and Zurich's clergy from March to October of that year. With the failure of this strategy, the authorities decided in October 1637 to begin the process of incarcerating significant numbers of Anabaptists and taking inventories of their possessions.[14] Then, in October 1639, the Zurich authorities published *True Report of the Mayor, the Small and the Great Councils, Known as the Two-Hundred, of the City of Zurich*, sometimes also referred to as the *Baptist Manifesto* [*Täufermanifest*]. This collection of mandates directed against the local Anabaptists was meant as a justification for the council's actions.[15]

News of these developments eventually reached Amsterdam, largely through connections between Swiss Anabaptists and Dutch Mennonites, where a variety of groups followed it with close interest. In June 1641 Isaak Hattavier, an Amsterdam merchant and elder in the Walloon Reformed Church, wrote to the Zurich merchants Hans Sebastian and Kaspar Kitt that there was open discussion in the city about the dreadful treatment of Anabaptists in Zurich. Possibly in response to reports such as this, the Zurich authorities sent at least one copy of *True Report* to Amsterdam in September 1641.[16] Then, in August 1642, the Zurich Antistes Johann Jakob Breitinger wrote a letter justifying the council's actions to Godfrey Horton, the pastor of the Walloon Reformed Church in Amsterdam, which included a general outline of the pamphlet's contents. An excerpt from that letter was subsequently published in a Dutch translation

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13   Wälchli, 33; Urs B. Leu and Christian Scheidegger, eds., *Die Zürcher Täufer 1525–1700* (Zurich: Theologischer Verlag Zürich, 2007), 204–11.

14   Wälchli, 33–42; Leu and Scheidegger, *Zürcher Täufer*, 216–23.

15   *Wahrhaffter Bericht Unsers des Burgermeisters des Kleinen und Großen Rahts genannt die zweyhundert der Statt Zürich* (Zurich: Georg Hamberger, 1639). A year after the publication of this work, Johann Kaspar Suter, an archdeacon of the Grossmünster and one of its authors, wrote a report about the handling of the Anabaptist issue in which he identified *True Report* as a response to claims made by the Anabaptists, which, he said, slandered the clergy and the city authorities; see Wälchli, 43.

16   Wälchli, 46, 57–59.

in 1643. Around the same time, Dutch Mennonites published a response to Breitinger's letter entitled *Necessary Examination of the Epistle Entitled True Report Concerning the Actions of the Honorable Magistrates of Zurich against Certain Anabaptists* (1643). Two years later, Swiss Anabaptists, likely with help from Dutch Mennonites, penned a direct response to *True Report*. The "Christian and Brief Answer of the Brothers, Servants, and Elders in the Area of Zurich to the Booklet or Manifesto Which Appeared in the City and Canton of Zurich in the Year 1639," known more commonly as the "Anti-manifesto," was never published, but it circulated widely in handwritten manuscripts.[17]

The editors of the recently published edition of these exchanges have noted that *Necessary Examination* focuses primarily on justifying Anabaptist practices and teachings with biblical arguments rather than dealing with what actually was happening in Zurich.[18] The pamphlet does, in fact, open with a discussion of the Zurich authorities' campaign against the Anabaptists, which it describes as part of a pattern of persecution going back to the execution of Hans Landis. It then responds to the charges leveled against the Anabaptists in *True Report* and summarized in Breitinger's letter: that they describe war as a punishment from God, against which the best defense is to amend one's ways; that they doubt secular officials can be saved; that the demands made on them by the authorities are mild, and the hardships they face stem from their own stubbornness; that they cause uproar with their meetings; that they call down plague and famine on the city; that they slander the city and its authorities; and that their teachings cause evil. Much of the rest of the work, though, consists of time-worn justifications for the activities of the Anabaptists and some of their teachings, usually involving drawing direct connections between their experiences and biblical events.[19]

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17 *Noodigh Ondersoeck, Op den Brieff geintituleert Waerachtigh Verhael, van de handelinghen der achtbare Magistraet van Zurich, tegen eenighe Wederdoopers* (1643). The claim that Dutch Mennonites had a hand in the composition of the "Anti-manifesto" was first made by a contemporary, the Zurich theologian Johann Heinrich Ott, in his *Anabaptist Annals* (*Annales Anabaptistica*) (Basel, 1672). There are a number of features of the work, including indications that its authors had detailed knowledge of theological positions held by church fathers, medieval theologians, Christian humanists, and Protestant Reformers, that suggest the better-educated Dutch merchants were involved in writing it. However, there is no indication of who the authors actually were, and the text itself suggests that it is the work of the whole community. See Wälchli, 14–15, 65; Leu and Scheidegger, *Zürcher Täufer*, 229; and Hanspeter Jecker, *Ketzer—Rebellen—Heilige: Das Basler Täufertum von 1580–1700* (Liestal: Verlag des Kantons Basel-Landschaft, 1998), 445.

18 Wälchli, 14.

19 *Noodigh Ondersoeck*, A–A6(i) (facsimile ed. in Wälchli, 147–65; modern German trans. in Wälchli, 167–76).

Surprisingly for a work written in Amsterdam in the middle of the seventeenth century, *Necessary Examination* devotes very little space to making the case for religious toleration, and the arguments it does develop remain largely in the category identified by Guggisberg as theologico-philosophical. For example, in response to the charge that the Zurich Anabaptists refused to accept the "mild demands" made of them by city authorities, the Dutch authors merely responded that each person must follow his or her own conscience, because on the Judgment Day the individual must answer to God. In this context, efforts to enforce religious conformity would only lead to hypocrisy.[20] Such arguments for the autonomy of the individual conscience had a long pedigree in Reformation discussions of toleration, going back at least to Martin Luther's *On Temporal Authority*.[21] Shortly thereafter, the authors appear to reach for a politico-pragmatic argument in response to claims that the Anabaptists had defamed the Zurich authorities. They encourage the officials to compare their reputation to those of secular authorities in other Reformed territories, especially in the United Provinces, who are held in high regard for their willingness to accept religious refugees and allow them to practice their own religion. But in the end they fail to exploit the potential of this approach and make no attempt to enumerate the practical benefits arising from this policy.[22]

As the work primarily of less well-educated and oppressed Zurich Anabaptists, it is surprising that the "Anti-manifesto" engages more directly and in greater detail with the topic of religious toleration than does *Necessary Examination*, although here, too, the material is subsidiary to the primary tactic of defending the Swiss Anabaptists against the charges leveled at them by the authorities in *True Report*. The work opens with a reference to recent events and then announces the authors' intentions to set the record straight. Like *Necessary Examination*, it reviews and responds to the charges raised against the Zurich Anabaptists. However, a few new details of those accusations and a few accusations not appearing in *Necessary Examination* also appear, including the charge that a group of Anabaptists were able to escape incarceration in Zurich in March 1638 by incapacitating their guards with opium. Needless to say, the Anabaptists strenuously denied this accusation. Also significantly expanded from their treatment in *Necessary Examination* are the defense of

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20   *Noodigh Ondersoeck*, A4–A4(b) (facsimile ed. in Wälchli, 153–54; modern German trans. in Wälchli, 170–71).

21   Martin Luther, *Temporal Authority: To What Extent It Should Be Obeyed*, in *Luther's Works*, vol. 45: *The Christian in Society II*, ed. Walther I. Brandt (Philadelphia: Fortress Press, 1962), 108.

22   *Noodigh Ondersoeck*, A6(c)–A6(e) (facsimile ed. in Wälchli, 159–61; modern German trans. in Wälchli, 174).

Anabaptist teachings and practices and the case against the teachings and practices of the Reformed preachers on the same topics. The level of sophistication in the arguments developed on these topics is impressive. In addition to the citation of biblical passages frequently used in defenses of their traditions, the Anabaptists also muster statements from a variety of church fathers, medieval theologians, Renaissance humanists, and magisterial Reformers. In the process, they develop a comprehensive historical vision explaining the antiquity and longevity of their positions and the novelty of those held by their opponents. To do this they draw extensively not only on the classic Radical Reformation history of the church, Sebastian Franck's *Chronica: Time-Book or Historical Bible*, but also the work of the great historian of Catholic reform Cesare Baronius.[23]

In the midst of these discussions are arguments advocating toleration or denouncing compulsion in matters of faith. While still limited, the arguments in the "Anti-manifesto" are more robust than those contained in *Necessary Examination*. First, the authors essentially take for granted the argument that belief cannot be compelled because the conscience must remain free, and they contrast the claims by the Zurich authorities in *True Report* that they oppose compelling consciences with their treatment of Anabaptists in their territories.[24] Second, they employ a more detailed version of the age-old Anabaptist tactic of contrasting the intrusion of the secular arm into matters of faith with the instructions for banning the wayward in Matthew 18. Here, too, the actions of the Zurich authorities are contrasted with their claims that they are adhering to New Testament injunctions. Third, the authors bolster their position with a detailed historical argument that the ban as practiced by the Anabaptists had been common in the primitive church until the time of Emperors Constantine and Theodosius. Later, in a discussion of the Swiss Anabaptist position on the sword, they return to the limits of the use of compulsion in matters of belief. They insist that as a gift from God, faith cannot be compelled and consequently secular authority has no jurisdiction over matters contained in the first table of the Decalogue. Finally, they rally to their cause a whole series of statements not only from the church fathers, but also from sixteenth-century Reformers, including Luther, Johannes Bugenhagen, Philip Melanchthon, and Johannes Brenz. In what must have been seen as an act of direct provocation, they suggest that rather than heeding the advice of these Reformers, the Zurich authorities have followed the example of Huldrych Zwingli in their persecution of the Anabaptists. But the fruits of this strategy became evident with Zwingli's death

23   "Christenliche und kurtze Verantwortung," in Wälchli, 177–212.
24   Wälchli, 184–85.

at the Battle of Kappell, in direct confirmation of the warning in Matthew 26 that those who live by the sword will die by it.[25]

While more detailed than those in *Necessary Examination*, the arguments in the "Anti-manifesto" are not more innovative. In Guggisberg's terms, they all belong firmly in the theologico-philosophical category. As noted, the tactic of contrasting the intrusion of secular authority into matters of faith with the injunctions in Matthew 18 goes back to the earliest appeals for toleration from the pens of Anabaptists. And even the flourishes added to back up these arguments drew on well-established traditions. Appeals to historical arguments identifying the fall of the church with the reign of Constantine and the introduction of compulsion in matters of faith first appeared in Anabaptist writings in the 1530s and 1540s, as did the tactic of marshaling statements from the church fathers and magisterial Reformers against the policies of Protestant governments.[26]

Intensified persecution in the territories of Zurich led to the flight of Anabaptists to Alsace and the Palatinate. However, for those remaining in their homeland, nothing changed. And returning refugees continued to face threats of incarceration. At the same time, the growth in Anabaptist numbers in Bernese territories, at least some of them émigrés from Zurich, led to greater restraints there.[27] As a result, in the late 1650s and early 1660s, the campaign by Dutch Mennonites to influence the treatment of Anabaptists in Switzerland entered a new, vigorous phase of activity. This campaign included appeals to Swiss authorities from Mennonite and Reformed churches in the Netherlands as well as from officials at various levels of government there. The campaign also drew in prominent advocates of toleration, most notably the German poet

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25   Ibid., 197–203, 206–11.

26   The first "Anabaptist" use of Matthew 18 to define the ban as an alternative to governmental interference into matters of faith appears in the letter from the circle around Conrad Grebel to Thomas Müntzer in the fall of 1524. See Leland Harder, ed., *The Sources of Swiss Anabaptism: The Grebel Letters and Related Documents* (Kitchener, ON: Herald Press, 1985), 284–92, here at 289–90. It reappears in most subsequent Anabaptist discussions of toleration. On Anabaptist discussions of the Constantinian fall of the church, see Geoffrey Dipple, *"Just as in the time of the apostles": Uses of History in the Radical Reformation* (Kitchener, ON: Pandora Press, 2005), 113, 146, 156. The first collections of statements from magisterial Reformers promoting freedom of conscience appear to have been assembled by Pilgram Marpeck and Leopold Scharnschlager. Thereafter, this tactic became common practice in Swiss Anabaptist appeals for toleration, with collections of these statements being taken over verbatim from one manuscript to the next. See Snyder, "(Not–so) 'Simple Confession,'" I, 677–722; and Jecker, *Ketzer—Rebellen—Heilige*, 279–334. Snyder has identified material from the earlier collections in the "Anti-manifesto" (685).

27   Leu and Scheidegger, *Zürcher Täufer*, 231–32; Jecker, *Ketzer—Rebellen—Heilige*, 448–52.

and writer Philipp von Zesen.[28] However, the Amsterdam Mennonite merchant Hans Vlamingh was by far the most persistent advocate of the rights of Swiss Anabaptists. From 1658 until 1671, Vlamingh carried on an extensive letter-writing campaign, corresponding, it appears, with anyone he thought might be able to help press his case with the authorities in Switzerland.[29] Between October 1659 and April 1661, Vlamingh wrote four letters that focused particularly on making the case for religious tolerance: one to Christoph Lüthard, professor of theology in Bern; one to Wilhelm von Driesbach, the Bernese official responsible for dealing with the Anabaptists; another to the Zurich authorities; and finally one to Johann Heinrich Hottinger, a Zurich theologian and Orientalist, at the time teaching in Heidelberg.

More than the exchanges over the persecution of Swiss Anabaptists in the 1640s, Vlamingh's letters deal directly with the issues at hand. With a few individual variations, they follow a similar general pattern. All discuss directly the nature of the persecution suffered by Vlamingh's brethren and highlight his Christian duty to react to these circumstances. They also respond to claims of the authorities in Zurich and Bern that the Anabaptists there are being punished for disobedience, not because of their unorthodox beliefs. In the process of making this case, Vlamingh highlights the beliefs held in common by the Reformed and the Anabaptists and argues that the distinctive beliefs held by the Anabaptists are in no way subversive. The authorities are, then, guilty of trying to compel consciences, an activity that is not in accord with Gospel precepts or the policies of many good and successful rulers or regimes. Vlamingh takes this claim as an opportunity to describe the freedoms enjoyed by Dutch Mennonites, the history behind the emergence of this toleration, and the benefits it brings to society. At this point he holds up to the authorities in Switzerland the enviable reputation their counterparts in the Netherlands enjoy. Finally, he warns the Swiss that governments and Reformed congregations in the Netherlands are siding with the persecuted Anabaptists in this case.[30]

28　Leu and Scheidegger, *Zürcher Täufer*, 242–43; Wälchli, 72–73; Bangs, 36–38; Schlacta, 184–85. In 1665 Von Zesen published *Against Compelling Consciences*, a two-part defense of the freedom of the conscience. The first part was dedicated to the authorities in Zurich, and the second part to those in Bern. In a letter to the Zurich theologian Johann Heinrich Ott dated 20 April 1666, Vlamingh indicated that he had sent thirty copies of the book to Zurich.

29　For an overview of Vlamingh's campaign, see Bangs, 22–36; Leu and Scheidegger, *Zürcher Täufer*, 235–42; and Schlachta, 245–58.

30　Bangs, 572–82, 610–22, 640–47, 652–56 (English trans.: 126–36, 158–68, 184–89, 194–97). The letters to the Zurich authorities and to Hottinger are essentially abbreviated copies of that to Driesbach.

Like previous Dutch Mennonite writings, Vlamingh's letters continue to rely on a number of the arguments for toleration we have already seen. The letters, however, represent a significant departure, as Vlamingh gives toleration a new twist, suggesting his immersion in more recent literature calling for it. In the letters to Lüthard and to von Driesbach, for example, he musters the usual claims that the individual conscience cannot be compelled. He then supplements these with an appeal to the parable of the wheat and the tares in Matthew 13. This tactic was commonplace in appeals for toleration in the sixteenth and seventeenth centuries, having been employed by Erasmus among others. In addition, though, in the letters to von Driesbach and to the Zurich authorities, Vlamingh also alludes to the advice of the Jewish elder Gamaliel in Acts 5:38–39: "So in the present case I tell you, keep away from these men and let them alone; for if this plan or this undertaking is of men, it will fail; but if it is of God, you will not be able to overthrow them. You might even be found opposing God." His exegesis of this passage suggests an awareness of the writings of more recent, and more radical, advocates of toleration, most likely the Socinian Johannes Crellius, or possibly Dirck Volckertsz. Coornhert.[31]

Even more striking is another argument Vlamingh develops, found in the letter to Lüthard, to encourage caution in imposing orthodoxy and thereby compelling consciences. He suggests that in cases when different groups interpret passages of scripture in different ways, there is no impartial judge to settle disputes between them. On the surface, these statements seem to suggest a level of skepticism about religious truths often thought to underlie "modern" concepts of religious toleration. But Vlamingh is unwilling to go that far, suggesting instead that as the Reformation continues, all parties will come closer to the truth.[32]

This last argument is indicative of a willingness by Vlamingh to move beyond the theologico-philosophical arguments still favored by the Mennonites and Swiss Anabaptists in the 1640s. Instead, he engages the practical consequences of toleration and persecution more directly. For example, he warns the Reformed against the hypocrisy of persecuting Anabaptists while lamenting the earlier persecution of the Reformed at the hands of papists: he cautions

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31 Bangs, 32, 575, 612, 645 (English trans.: 129, 159–60, 188); Gerrit Voogt, *Constraint on Trial: Dirk Volckertsz Coornhert and Religious Freedom* (Kirksville, MO: Truman State University Press, 2000), 118.

32 Bangs, 576–77 (English trans.: 130–31). It is tempting to see here reflections of Simon Episcopius's more radical statements on the value of divergent interpretations; see Jonathan Israel, "The Intellectual Debate about Toleration in the Dutch Republic," in *The Emergence of Tolerance in the Dutch Republic*, ed. Christiane Berkvens-Stevelinck, Jonathan Israel, and G. H. M. Posthumus Meyjes (Leiden: Brill, 1997), 3–36, here at 19.

that history will judge them no less harshly than it does the Inquisition now.[33] Even more to the point, Vlamingh appeals to the reality of recent history and the current situation in the Netherlands. He calls on the words of William of Orange to characterize the war against Spain as a war for freedom of conscience, not for the Reformed religion.[34] Rather than weakening the state, he argues, religious toleration actually strengthened it: "and with good and well-grounded reason one may maintain that the praiseworthy freedom of conscience did more for the budding of the country than the courage of the military forces."[35] Even more obvious are the economic consequences of toleration. Vlamingh contrasts the histories of Delft and Enkhuizen, which went from prosperity to poverty after closing their gates to religious refugees, with those of Leiden and Amsterdam, which prospered after welcoming religious refugees. He then concludes: "from which one may not improperly conclude that freedom of conscience brings all prosperity to countries and cities, and [God] grants his blessing to those places that allow him to concern himself with consciences."[36]

Vlamingh's adoption of politico-pragmatic and economic arguments for religious toleration indicate clearly his awareness of the debate developing over the course of the seventeenth century. Jonathan Israel has described this as by far the most important toleration debate in Europe at the time.[37] Frequently, John Locke's *Letter Concerning Toleration* is identified as the *terminus ad quem* of this process. Although first published in Latin in 1689, that letter was written around 1685 while Locke was resident in Amsterdam. At the time, Locke was moving in intellectual and social circles where concern for the fate of the Swiss Anabaptists was common. This has led to speculation that the experiences of the Swiss Anabaptists, and the exchanges they provoked, were a catalyst for the writing of Locke's letter, if not his thinking in it.[38]

It is highly likely that Locke would have known of Mennonite relief efforts on behalf of the Swiss Anabaptists through his Amsterdam connections, especially the Dutch Remonstrant theologian Philipp van Limborch. Van Limborch's writings and library indicate that he was aware not only of Anabaptist writings on toleration, but also of the details of appeals on behalf

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33   Bangs, 578–79, 619, 641–42, 652 (English trans.: 133, 166, 185, 194).

34   Bangs, 575, 612–14 (English trans.: 130, 160–62).

35   Bangs, 614 (English trans.: 161).

36   Bangs, 617–18 (English trans.: 164–65).

37   Israel, "Intellectual Debate," 6.

38   Bangs, 50–56; Leu and Scheidegger, *Zürcher Täufer*, 243, 245.

of Bernese Anabaptists in the 1660s.[39] Locke and van Limborch met in 1684 and were thereafter members of the same intellectual circles in Amsterdam. After Locke's return England in 1689, they continued to correspond with each other. Locke wrote the *Letter Concerning Toleration* for van Limborch, and van Limborch helped persuade Locke that it should be published and arranged the first publication in Latin in the Netherlands. Thereafter he updated Locke on its reception there. In 1685, when Locke was working on the *Letter*, he read at least part of one of van Limborch's most important works on toleration, *Christian Theology* (published 1686), in manuscript.[40]

Statements within Locke's *Letter* indicate further that he was well aware of the continuing plight of Anabaptists in general, if not of the Swiss Anabaptists in particular. On two occasions he suggests that it should not be a concern of the magistrate, or of the community as a whole, whether or not a man has his children baptized. Elsewhere, he includes Anabaptists in a list of dissenters who are peaceful and whose lives and manners are pure and who, as a consequence, should not be of concern to the magistrate. Similarly, when discussing groups of dissenters on whom one should not impose one's own teachings if one is unwilling to accept their teachings, he again includes the Anabaptists.[41] Of note here is the fact that Locke does not talk about arguments derived from the teachings of the Anabaptists, but rather is concerned primarily with their existence as religious dissenters.

That Locke would have been concerned with the plight of Anabaptists when writing his *Letter Concerning Toleration* should not surprise us. The fate of the Swiss Anabaptists had become a cause célèbre in Amsterdam in the second half of the seventeenth century. This was due in no small part to the agitation of their fellow believers in the Netherlands who were able to contrast effectively the treatment of the Swiss with their own experiences. In this way they made an important contribution to the development of arguments for religious toleration in the West. However, their role in this process was not necessarily the one usually attributed to them. According to traditional accounts of the Anabaptist contribution to the development of religious toleration in early modern Europe, the Anabaptists started the conversation, but then passed it on to others. The first part of that assertion, that the Anabaptists

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39   Bangs, 53; John Marshall, *John Locke, Toleration and Early Enlightenment Culture: Religious Intolerance and Arguments for Religious Toleration in Early Modern and 'Early Enlightenment' Europe* (Cambridge: Cambridge University Press, 2006), 319.

40   Marshall, *John Locke, Toleration*, 481–83, 557, 562, 585, 693.

41   John Locke, *Two Treatises on Government and a Letter Concerning Toleration*, ed. Ian Shapiro (New Haven, CT: Yale University Press, 2003), 227–28, 233–34, 249, 253; Bangs, 53–54; Leu and Scheidegger, *Zürcher Täufer*, 243, 245.

were the first to push for religious toleration, is a topic for another time. The claim that others subsequently carried the torch is confirmed by events described in this paper. However, it seems that those authors relied less on the ideas of the Anabaptists than their experiences. In the seventeenth-century discussions in the Netherlands and Switzerland, the Anabaptists appear more as victims of persecution, as the objects of appeals for toleration, than as those making such appeals. In some rare cases, as with Hans Vlamingh, they appear as those responsible for pushing weightier voices to enter the fray. But in the end, their own contributions to the developing arguments for toleration are minor at best. Insofar as Anabaptists and Mennonites did contribute to the discussion, their arguments tended to remain very traditional. Both the *Necessary Examination* and the "Anti-manifesto" rely on arguments for toleration that fit firmly in the theologico-philosophical genre. The traditionalism of this approach is all the more shocking given the discussions about toleration going on outside of Anabaptist circles in the Netherlands.[42] We see echoes of some of these arguments in some of Hans Vlamingh's letters, but as Vlamingh himself informs his readers, in much of this he is borrowing the words of others.

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42   For a good summary of these developments, see Israel, "Intellectual Debate," 3–36.

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CHAPTER 8

Celebrating Peace in Biconfessional Augsburg
Lutheran Churches and Remembrance Culture

Emily Fisher Gray

Every year on the eighth of August, the people of Augsburg, Germany, take a public holiday to observe the *hohes Friedensfest* (Great Peace Festival). This annual event marks the anniversary of the 1648 Peace of Westphalia, which ended the Thirty Years' War and gave Augsburg a parity constitution guaranteeing Lutherans and Catholics balanced representation in city government.[1] The annual Augsburg *hohes Friedensfest* presents to its citizens an essential story about their civic identity that is rooted in centuries of successful confessional coexistence, and exemplifies civic unity and toleration of religious diversity. Augsburgers are justly proud to claim this history. But the civic *hohes Friedensfest* celebrations of today obscure the confessional challenges posed by the imposition of the Treaty of Westphalia in Augsburg in the mid-seventeenth century, and the centuries of coexistence that have followed. These religious tensions are exemplified in the experience of early *hohes Friedensfest* celebrations, which, like all other festive observances in Augsburg, were strictly confessional in nature.

From its inception in 1650 through 1984, the *hohes Friedensfest* was a Lutheran holiday, celebrating the triumph of the Lutheran confession and the restoration of its claims to legitimacy and church space after Lutherans lived under Catholic rule for much of the war. Instead of emphasizing the mutual benefits of peace shared by Augsburg's Lutherans and Catholics alike, the purpose of the festival was didactic, highlighting rather than obscuring confessional difference. The celebrations took place within the city's Lutheran churches, the boundaries of which were carefully defined and protected, with a few cautious and limited forays into the confessionally neutral public spaces of the city. The music, sermons, feasting, and festivities served to remind the Lutherans of Augsburg of the depredations that befell their religious community in the

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1 For the history of Augsburg leading up to the "parity" constitution of 1648, see Bernd Roeck, *Eine Stadt in Krieg und Frieden: Studien zur Geschichte der Reichsstadt Augsburg Zwischen Kalendarstreit und Parität* (Göttingen: Vandenhoeck & Ruprecht, 1989); and Paul 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: Steiner, 1983).

Thirty Years' War and the triumphant restoration of Lutheran churches and political power in the city. Meanwhile, those with whom the Lutherans of Augsburg shared political power and civic space, their Catholic neighbors, went about their regular day and avoided the sites of Lutheran festival activity.

Historian Etienne François has described an "invisible border" dividing Catholic and Lutheran inhabitants of Augsburg in the years following 1648.[2] The Lutheran celebrations of the *hohes Friedensfest*—like the Corpus Christi processions observed only by Catholics—served to make religious differences starkly visible on certain days of the year as the citizenry divided itself into celebrants and noncelebrants and retreated to confessionally distinct spaces.[3] As the proportion of Lutherans to Catholics in Augsburg decreased in the eighteenth century and Lutherans became a minority, the *Friedensfest* celebrations and their accompanying souvenir images, the *Friedensgemälde*, placed increased emphasis on the spatial and theological boundaries between confessions. The *hohes Friedensfest* offered Lutherans a narrative of redemption and inculcated a civic and confessional identity that firmly, if temporarily, excluded Catholics. Despite this intolerant erasure of the non coreligious other, the annual Lutheran celebrations of the *hohes Friedensfest* and the centennial celebrations of other important anniversaries were made possible through active toleration by Catholic neighbors and city officials who facilitated the Lutheran celebrations and even contributed, in small ways, to their success.

1   **Memorializing Loss and Celebrating Redemption: Augsburg's Lutheran Churches**

The first celebration of the Augsburg *hohes Friedensfest* on 8 August 1650 was one of 195 different peace festivals held between 1648 and 1660 in the Holy Roman Empire.[4] Though the Peace was finalized in the fall of 1648, it took some time to interpret the precise meaning and terms of the agreements.[5] The slight delay in organizing Augsburg's peace festival was not unusual, nor was its evangelical character. Claire Gantet's study of festivals commemorating the Peace of Westphalia found that the celebrations peaked in 1650 and were

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2   Etienne François, *Die Unsichtbare Grenze: Protestanten und Katholiken in Augsburg, 1648–1806* (Sigmaringen: Jan Thorbecke, 1991), 16–25.

3   Claire Gantet, "Peace Festivals in Early Modern South German Cities," in *Festive Culture in Germany and Europe from the Sixteenth to the Twentieth Century*, ed. Karin Friedrich (Lewiston, NY: Edwin Mellen Press, 2000), 66.

4   Ibid., 62.

5   StadtAA, Reichstadt, EWA 87 tomus 1.

confined almost exclusively to Lutheran and Calvinist territories, especially in the southern German lands of Franconia, Württemberg, and Swabia. The Catholic town of Freiburg im Breisgau ordered a singing of a *Te Deum* and a pilgrimage of gratitude, but no other Catholic territory, including the duchy of Bavaria, marked the anniversary of the Peace of Westphalia in any significant way.[6]

The Thirty Years' War was an unmitigated calamity, and all confessions welcomed its end, yet it was almost exclusively evangelical confessions that wished to observe and commemorate the peace treaty. The Catholics of Augsburg certainly saw little to celebrate. By the time the subdelegation completed its work, they had lost control of disputed church properties claimed by the bishop of Augsburg for more than a century. The post-Westphalian requirement of political parity meant the loss of political dominance Augsburg's Catholics had enjoyed since Charles v's defeat of the Schmalkaldic League in 1547. The Peace of Westphalia solidified the city's biconfessional status and eliminated the hope that Augsburg might again be a religiously unified city with traditional Catholic rites and allegiances. Although Catholics in Augsburg were surely relieved by the end of the conflict, they found no occasion to celebrate the Peace and its subsequent imposition of confessional parity. For Catholics, the treaty meant that the confessional gains of the war were rolled back, that their Lutheran neighbors would reoccupy and rebuild their churches in the city, and that civic identity and political power would be divided from that time forward.

Lutherans, on the other hand, celebrated a clear confessional victory, as their choice of the date for the annual *hohes Friedensfest* demonstrates. The joint treaties of Osnabrück and Münster were officially signed on 24 October 1648. However, the Lutherans of Augsburg chose to observe the eighth of August, the date the Osnabrück section of the treaty was concluded. Most of the provisions that involved Augsburg—and benefited Augsburg's Lutheran community—were part of the Osnabrück negotiations, including the provisions that required the return of all churches and church lands that had been occupied by Lutherans on the so-called normal year of 1 January 1624.[7] The date of the signing of the Osnabrück treaty had particular significance for Augsburg's Lutherans because it was on that same date that the Holy Roman Emperor Ferdinand II began to enforce the Edict of Restitution in

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6 Gantet, "Peace Festivals," 59–63.

7 Konrad Müller, ed., *Instrumenta pacis Westphalicae—Die Westfälischen Friedensverträge* (Bern: Herbert Lang, 1975), Article 5 of Instrumentum Pacis Osnabrugens. See also Ralf-Peter Fuchs, *Ein "Medium zum Frieden": Die Normaljahrsregel und die Beendigung des Dreißigjährigen Krieges* (Munich: Oldenbourg Wissenschafts Verlag, 2010).

the city. Thus, on 8 August 1629, all Lutheran ministers were dismissed and the Augsburg Lutherans lost control of nearly all of the church buildings in which they had worshipped for a century. Nineteen years later, the Treaty of Osnabrück put into motion the provisions that would allow for the return of these churches. In choosing 8 August to hold the commemorative festival for the Treaty of Westphalia, the Lutherans of Augsburg made a very deliberate choice to remember both the day they lost their churches and the day they regained them.

In 1650 they located the *hohes Friedensfest* celebrations in and around these churches, which provided physical evidence of the Lutheran victory. In the bifurcated atmosphere of civic unity and religious division in Augsburg before and after 1648, the churches became *lieux de mémoire* (places of memory that anchor community identity because of the symbolic significance they take on over time).[8] Pierre Nora has examined the role physical places like battlefields, memorials, and cathedrals played in the development of a distinctly French national consciousness. Like the memory palaces used as mnemonic devices in medieval Europe, certain architectural sites can trigger associations with past events, or the stories told about past events.[9] In early modern Augsburg, collective civic identity was tied to exemplary structures such as the *Rathaus* built by Elias Holl in the early seventeenth century, a symbol of the power and stability of Augsburg's city government and a point of pride for all citizens regardless of confession. The city's churches achieved an equally significant locus of identity and social memory, but one that was not universal to all Augsburgers. Instead, buildings possessed distinct confessional identities fed by competing historical narratives associated with the physical church spaces.

While the line that separated Catholics from Lutherans was largely invisible in political and commercial spaces, it became clearly evident in the sacred spaces of the city. Catholics controlled the Cathedral Church of Our Lady and the Benedictine Basilica of Sts. Ulrich and Afra, the two largest churches in Augsburg. In addition, Catholics held the churches of St. Moritz, St. George, Holy Cross, and a number of small chapels and monasteries. After the Peace of Westphalia resolved ownership of disputed properties, Lutherans established firm control of the churches of St. Anna and St. Jakob, the Franciscan or "*Barfüßer*" church, the hospital chapel, the preaching house of St. Ulrich, and the new Holy Cross church, reconstructed between 1651 and 1653. The latter two churches stood immediately next to much larger Catholic buildings. The Lutheran church of St. Ulrich even shared its southern wall with the Catholic

8   Pierre Nora, *Les lieux de mémoire* (Paris: Gallimard, 1984), 1:xvii.

9   Frances Amelia Yates, *The Art of Memory* (Chicago: University of Chicago Press, 1974).

basilica of Sts. Ulrich and Afra. Until well into the eighteenth century, the two congregations negotiated the days and hours when Benedictine monks could walk through the Lutheran church to access a Catholic chapel on its eastern side.[10] But even in the case of St. Ulrich, where some allowances had to be made for spatial incursions, all parties understood which churches were Lutheran and which were Catholic. To help emphasize the confessional borders at St. Ulrich and Holy Cross, where the Lutheran churches were so close to Catholic churches, builders employed a distinctive architectural decoration on the church facades and stained the exterior plaster an apricot-yellow hue that contrasted with the stark white walls of the nearby Catholic buildings.[11] Interestingly, the Baroque-style volutes, arched windows, and triangular window-pediments of these two Lutheran churches echoed decorative elements used on two civic buildings serving both Lutheran and Catholic citizens: the *Rathaus* and the city armory.

Religious factions in Augsburg contested for control over these church buildings from the earliest days of the Reformation. The original Lutheran Church of Holy Cross was a monastery preaching house under the jurisdiction of elected lay custodians; this building, along with the preaching houses at St. Ulrich and St. George, became sites for evangelical services despite strenuous objections from the monks.[12] The *Barfüßer* church and churches of St. Anna and St. Jakob came under evangelical control after civic authorities, divided on religious questions, refused to curtail the influence of strong preachers.[13] All churches in Augsburg became evangelical during a brief period in the 1530s

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10   Eckhard von Knorre, *Zur Baugeschichte der evangelischen Ulrichskirche in Augsburg vom Mittelalter bis zum Barock* (Augsburg: Mühlberger, 1975), 5. See also Duane Corpis, "Mapping the Boundaries of Confession: Space and Urban Religious Life in the Diocese of Augsburg, 1648–1750," in *Sacred Space in Early Modern Europe*, ed. Will Coster and Andrew Spicer (Cambridge: Cambridge University Press, 2005) 302–25, here at 312.

11   During a major renovation from 2002 to 2007, the exterior color of the Lutheran church of St. Ulrich was changed to better blend in with the basilica behind it. This change is one mark of the city's modern emphasis on its history of ecumenical cooperation.

12   See Michele Zelinsky Hanson, *Religious Identity in an Early Reformation Community: Augsburg, 1517 to 1555* (Leiden: Brill, 2009); Philip Broadhead, "Internal Politics and Civic Society in Augsburg During the Era of the Early Reformation, 1518–37" (PhD diss., University of Kent at Canterbury, 1981). The early Reformation in Augsburg was influenced by many different reforming philosophies. Non-Catholic churches can only be considered "Lutheran" after the Peace of Augsburg in 1555 effectively outlawed other variations of evangelical practice.

13   For details on how each of the city's evangelical parishes emerged, see Rolf Kießling, Thomas Max Safley, and Lee Palmer Wandel, eds., *Im Ringen um die Reformation: Kirchen und Prädikanten, Rat und Gemeinden in Augsburg* (Epfendorf: Bibliotheca Academica, 2011).

and 1540s, when Catholic clergy were exiled and the celebration of the Mass outlawed. The emperor's victory in 1547 brought Catholic practice back to Augsburg and restored many churches to Catholic control, and the imperial Edict of Restitution (1629) granted the bishop of Augsburg full control of all the city's churches. The Catholics only lost that hegemony when the Treaty of Westphalia assigned specific churches to the Lutherans. The vacillating control over various churches allowed both Catholics and Lutherans to tell polemical and didactic stories of loss and redemption, desecration and resacralization, and suffering and triumph associated with their churches. These long-contested, hard-won buildings became key *lieux de mémoire* that represented confessional struggle and confessional victory.

Augsburg's festivals and holidays were confessional—not civic—events, and they took place in and around sites that had specific confessional meaning. The Lutheran *Friedensfest* observances, like the Catholic Corpus Christi and other holiday occasions, took place in church buildings, and the feasts and games that were also part of the day often were held quite close to the space of the church.[14] Festive occasions formed a sense of identity that was not shared throughout the civic body: the purpose of these festivities was to define and reinforce the collective memory of the community. In constructing a specific confessional memory, these occasions deepened the distinctions between Lutheran and Catholic citizens of Augsburg.

Despite the efforts of civic and confessional leaders, the festivals could never be entirely isolated from the broader civic space: noises like singing or the ringing of bells escaped the physical borders of church property. On some occasions, festivals included processions that moved through city streets, effectively moving confessionally distinct space throughout the city. The portion of the population for whom the occasion had no special meaning could not help but be aware that their neighbors were not enjoying the same ordinary day as themselves.

11 Separation and Toleration: The Inaugural *Hohes Friedensfest* of 1650

The first *Friedensfest* celebration held in Augsburg illustrates the strategies for boundary formation employed by Lutherans following the Peace of Westphalia. Festival space was confined to the churches, and the borders of Lutheran space were carefully defined and defended. The sermons and music told participants a story of Lutheran triumph over adversity and offered a uniquely Lutheran

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14   This tradition continues in the *Kirchenweihe* church festivals in many parishes to this day.

perspective on the experience and meaning of the war. Yet despite all these attempts at separation, aspects of the *Friedensfest* celebration deliberately trespassed beyond the boundaries of the churches into the confessionally neutral streets of the city. The sounds of the celebrations could not be contained, and indeed little evidence exists of any attempt on the part of the Lutherans to keep quiet. Musicians traveling from church to church and children in procession also brought the festival beyond church walls into city streets. Keeping the peace during the "peace festival" thus required active tolerance and restraint on the part of Augsburg's Catholic authorities and citizens. In some cases, evidence even suggests that some Catholics acknowledged and appear to have supported their Lutheran neighbors' festival day in various ways. The Lutherans returned the recognition of their neighbors. Embedded within the festival itself were Lutheran acknowledgements of the multiconfessional nature of their civic identity. The festival was spatially bounded and confessionally divided, but these borders remained porous.

In 1650 Lutheran political and religious leaders planned an entire week of observances leading up to and following the first *Friedensfest* holiday, themed to ensure that the particularly Lutheran context of the peace celebration would not be misunderstood. Festivities began on Wednesday, 3 August. Bartholomäus Bayr, a Lutheran chronicler and instructor in St. Anna's Gymnasium, described a special morning prayer service in St. Anna's Church followed by evening children's sermons at St. Anna and at the *Barfüßer* church, "to express great thanks unto God for the establishment of a Lutheran Council." These events were followed by a special morning sermon on Friday, 5 August, to "remember the 1629 dismissal of the Lutheran ministry."[15] The main celebration of the Peace of Westphalia was thus primed with special observations of the two major benefits the Peace brought to the Lutheran community of Augsburg: increased political power vis-à-vis Catholics, and the restoration of Lutheran services throughout the city.

The main day of the festival (8 August 1650) fell on a Monday. Augsburg's Catholic citizens observed a regular workday while their Lutheran neighbors packed into the city's six Lutheran churches.[16] The *Barfüßer* church boasted the largest gathering, reported to be nearly one-thousand strong, while hundreds of others crowded into the other five churches.[17] Lutheran chronicler

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15   Staats- und Stadtbibliothek Augsburg (SuStBA), 4° Cod Aug. 238, 135.
16   Bayr observed, "for the Papists it was like another common workday." SuStBA, 4° Cod Aug. 238, 135.
17   As Holy Cross had not yet been rebuilt, services for the Lutheran parishes of Holy Cross and St. George took place in St. Anna's Collegium.

Ludwig Hainzelmann described parishioners entering the churches through doors hung with lettered signs that read, "Peace Brings Joy" (*Durch frid kann freud*), and finding the church interiors bedecked with finery and festive decor. Flowers filled the churches with color and scent. In St. Anna's Church, garlands of flowers were draped over a massive city insignia located at the head of the congregation. Fancy wallpapers, Turkish carpets, paintings of allegorical images, and new portraiture hung about the walls.[18]

The choice of commissioned portraits is intriguing. In the *Barfüßer* church, a massive painting of Holy Roman Emperor Ferdinand III hung from the gallery rail, flanked on the right by a portrait of the late Swedish king Gustavus Adolphus and on the left by French king Louis XIV. The emperor and the French king were both currently sitting Catholic monarchs in 1650, who shared the same confessional loyalties but had fought on opposite sides in the war. Gustavus Adolphus, killed in action in 1632, was a Lutheran whose military forces had briefly occupied Augsburg. Visually uniting these three antagonists was a powerful symbol of the peace agreement reached in 1648, but also an acknowledgment of the reality of the multiconfessional political situation post-1648. Hanging portraits of Catholic monarchs in a Lutheran church suggests that Lutheran confessional identity after 1648 included giving recognition and loyalty to political leaders of rival confessions—perhaps even, by extension, at the level of the biconfessional city. St. Anna's Church emphasized the city's crest, a symbol for both Catholic and Lutheran citizens and a similar acknowledgment of membership in a larger multiconfessional political community.

Triumphal music was central to the 1650 celebration of the Lutheran *Friedensfest*. Trumpeters and huge military drums called *Heerpauken* supplemented the traditional organ music in the churches. In St. Anna's, two choirs were situated at alternate ends of the church to fill the space with sound.[19] The musicians moved from church to church, leaving the celebrations at St. Anna's and the *Barfüßer* to perform in the smaller gatherings at the church of St. Ulrich, St. Anna's Collegium, the church of St. Jakob, and the Hospital church. The musical programs in the Collegium and the church of St. Jakob emphasized their organs, which had been moved from the Lutheran churches of Holy Cross and St. George, before these buildings were dismantled by Catholics after the Edict of Restitution.[20] These newly reacquired organs were tangible evidence of the benefits of the Peace of Westphalia for the Lutheran community of Augsburg.

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18   StadtAA, Reichstadt, Chroniken 32; Horst Jesse, *Friedensgemälde 1650–1789: Zum Hohen Friedensfest am 8. August in Augsburg* (Pfaffenhofen: W. Ludwig, 1981), 19.

19   SuStBA, Chroniken, Aug. 137, 58.

20   SuStBA, 4° Cod Aug. 238, 135.

The Lutherans considered these items as rightfully theirs, returned to them by Catholics due to the requirements of the peace treaty, and thus central to the message of the *Friedensfest.*

At key points in the musical program at St. Anna's and the *Barfüßer* churches, the striking of the *Heerpauken* signaled the release of volleys of gunfire from uniformed musketeers outside. Fifty of these men ringed the perimeter of St. Anna's Church, and an unknown number circled the *Barfüßer.*[21] The presence of armed military men in a protective formation around a Lutheran church in Augsburg communicated a strong message about confessional boundaries separating the Lutheran churches from the space of the city, as well as the Lutherans' ability and willingness to defend the privileges they celebrated on that day. The Peace of Westphalia created a clear division of civic space in Augsburg by making the streets, markets, and political buildings confessionally neutral. This division of civic and confessional space may have contributed to the city's long-term success with religious coexistence.[22] The Peace also turned the churches from contested civic goods into established confessional spaces. Thus, the defensive posture of the musketeers around the city's two largest Lutheran churches defined and defended the existence of these confessional boundaries.

François described the *hohes Friedensfest* of 8 August 1650 as a work of art, a carefully choreographed multimedia performance piece about Lutheran triumph over adversity.[23] For whom were they performing? The rituals and processions certainly were staged for the Lutheran citizenry, but also for their Catholic neighbors. The sounds of choral singing, organs, trumpets, and drums—to say nothing of gunfire—could not be kept within the defined confessional boundaries surrounding the churches. Nor did the Lutherans try to keep the noise down; they opened the church doors so "all could hear the great festival."[24] This invasion of triumphal Lutheran sound into the confessionally neutral streets of the city could have provoked outrage or violence. Yet no evidence recounted in any city records suggests that it did either. One chronicler reported that Catholic citizens stayed in and kept their windows closed throughout the entire day, which, if accurate, must have been oppressive in the August heat.[25]

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21   SuStBA, Aug. 137, 58; StadtAA, Reichstadt, Chroniken, 32; Jesse, *Friedensgemälde*, 19.

22   Gantet, "Peace Festivals," 66.

23   Etienne François, "Polaritäten und Dimensionen eines Festes," in Burkhardt and Haberer, *Das Friedensfest*, 23–26.

24   SuStBA, 4° Cod Aug. 238, 135.

25   SuStBA, Chroniken, Aug. 137, 58.

Some intriguing evidence even shows possible active contributions on the part of Catholic authorities to the success of the Lutheran festival. One chronicle source even mentioned that the Catholic bishop of Augsburg sent his own personal trumpeter to be part of the musical ensemble in St. Anna's.[26] If indeed the bishop had lent such support in the person of his trumpeter to the Lutheran's *hohes Friedensfest*, it would suggest that this insular and polemical Lutheran celebration was acknowledged and perhaps even supported by the Catholic leadership. At the very least, Catholics in Augsburg showed great forbearance and toleration of the Lutherans' activities throughout the festivities of 8 August. The *hohes Friedensfest* was no celebration of tolerance, but it acknowledged in small ways the new realities of sharing power and space with Catholics in a permanent biconfessional arrangement.

The week of *Friedensfest* activities in 1650 culminated in a children's festival, or *Kinderfriedensfest*, two days after the main celebration. The timing corresponded with the regular Wednesday catechism class held for Lutheran children at the churches of St. Anna, St. Ulrich, and the *Barfüßer*. Children gathered to hear sermons on the Psalms, filling the "women's seats" on the main level of all three churches.[27] At St. Ulrich, the pastor preached on Psalm 3, in which the faithful are promised protection against enemies. The pastor at St. Anna preached a similar message from Psalm 12.[28] The *Barfüßer* children heard Psalm 34, praise for God's deliverance of his people.[29] The messages of these chosen psalms reinforced the Augsburg Lutheran story of endurance and triumph amidst those that harass and attempt to destroy their religious practice.

After the sermon, the congregations and clergy sent the children out into the streets, among the enemies against whom the sermons had just warned. The boys in the *Kinderfriedensfest* procession wore white shirts and wreaths on their heads and carried green boughs. Girls wore white aprons, with pearl headbands, wreaths, or small crowns on their heads. "They were dressed like angels," wrote Bayr, "and when they began to sing, they sounded like angels."[30] In the upheavals surrounding the enforcement of the 1629 Edict of Restitution that made Lutheranism illegal, the city council prohibited public singing of Lutheran hymns in the streets of Augsburg, even by real angels.[31] Yet, exactly

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26   StadtAA, Reichstadt, Chroniken, 32; Jesse, *Friedensgemälde*, 19.
27   SuStBA, 4° Cod Aug. 238, 136.
28   StadtAA, Reichstadt, Chroniken, 32; Jesse, *Friedensgemälde*, 19.
29   SuStBA, Chroniken, Aug. 137, 59.
30   SuStBA, 4° Cod Aug. 238, 136.
31   Allyson F. Creasman, *Censorship and Civic Order in Reformation Germany, 1517–1648: "Printed Poison & Evil Talk"* (Farnham: Ashgate, 2012), 185.

twenty-one years later, Lutheran children were able to walk through Augsburg singing the very same hymns that had provoked a violent response in 1629 without coming to any harm. Perhaps this is because they were children, or perhaps this is because active toleration by Catholic citizens successfully neutralized religious tension in public spaces to such an extent that even organized, provocative, public expressions of Lutheran religiosity could be quietly accepted.

III   Spatial Dimensions of Memory: The *Friedensgemälde*

To help the children remember the experience of the first *hohes Friedensfest* in 1650, the pastor at the *Barfüßer* church gave the children of his congregation a small illustrated pamphlet to keep "in joyful remembrance" of the great festival.[32] The following year, on the date of the second *Kinderfriedensfest*, the pastors of St. Anna's and St. Ulrich's followed suit and issued a broadsheet image for the children that would become the model for the release of future didactic images known as the *Friedensgemälde* (peace pictures).[33] From 1651 to 1789, the yearly observance of the *hohes Friedensfest* was marked by a new copperplate engraving that children could collect to remember their ancestors' survival and the essentials of their own confessional history. Early *Friedensgemälde* emphasized the concept of "peace" through biblical stories or allegories such as the "Tree of Peace" (1660) or the "Fountain of Peace" (1662). Some images even celebrated contemporary political events, such as the choosing of the new Holy Roman Emperor (1657) and the crowning of that emperor, the staunch Catholic and Jesuit-educated Leopold I (1658). These depictions of Catholic rulers implicitly acknowledged their authority, regardless of confession, much like the portraits of Catholic rulers that hung in the churches had done during the 1650 *Friedensfest*. But the *Friedensgemälde* gradually became didactic images that emphasized Lutheran doctrines set within familiar Lutheran spaces, reinforcing the existing connection between the *hohes Friedensfest* and the physical Lutheran church buildings of Augsburg that the Peace of Westphalia had secured. The *Friedensgemälde* of the later seventeenth and eighteenth centuries were not about peace, or about tolerance: they were public propaganda about the triumph of Lutheranism.[34]

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32   SuStBA, Aug. 137 Chroniken, 59.

33   Jesse, *Friedensgemälde*, 19.

34   Hans-Otto Mühleisen, "Augsburger Friedensgemälde als politische Lehrstücke," in Burkhardt and Haberer, *Das Friedensfest*, 117–45.

The *Friedensgemälde* images provide insight into the Lutheran population's continued self-fashioning as a community deeply rooted in Augsburg, yet distinct and set apart from its Catholic counterpart. Demographic trends into the eighteenth century shifted the religious population balance in the Catholics' favor. In 1645 Lutherans had outnumbered Catholics seven to three, but, by the 1750s, the proportions equalized and Lutherans became the minority confession in Augsburg soon thereafter.[35] As the proportion of Lutherans diminished in Augsburg, the message of the *Friedensfest* retained its urgency even as lived memory of the Thirty Years' War and Peace of Westphalia faded into the past. The *Friedensfest* told a Lutheran story of triumph, redemption, and confessional identity made visible in the distinction of Lutheran churches from multiconfessional civic space. Perhaps the increasingly didactic nature of the images reflects a renewed sense within the Lutheran community of the danger of erasure from Augsburg's civic life, and a need to reinforce the narrative history of Augsburg's Lutheran community to preserve confessional distinctions in a changing time.

A noteworthy example was released in 1720, showing an image celebrating both the *hohes Friedensfest* and the bicentenary of the Lutheran reform of communion (fig. 8.1). In the foreground, Jesus celebrates the Last Supper within the recognizable interior of Augsburg's Lutheran Church of St. Jakob. Jesus offers the six apostles to his right the wafer, while those six to his left look toward the chalice of wine. In the background, men and women in typical eighteenth-century dress move toward the familiar altar of the church to take communion in both kinds, parallel to the New Testament scene taking place apparently contemporaneously in front of them. Scenes from Old and New Testament scripture adorn the columns that frame the Lord's Supper. The accompanying text alludes to Martin Luther, who reformed the communion service in 1520. By conflating Old Testament prophecies, New Testament events, the reforms of 1520, and a familiar contemporary church in 1720, this engraving reminded the Lutheran children of Augsburg that they were like God's chosen Israelites and Jesus's disciples, separated from the errors of the larger world. At the same time, it reinforced a central and recognizable point of difference between Lutheran and Catholic Eucharistic practices. No Lutheran child in Augsburg would need to wonder which of Augsburg's two confessions was most true to the ancient gospel. Thanks to the *Friedensfest* of 1720 and its accompanying *Friedensgemälde*, they saw Christ himself celebrating the Last Supper in their own St. Jakob's Church.

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35   François, *Die Unsichtbare Grenze*, 45.

FIGURE 8.1   Friedensgemälde 1720: Last Supper in St. Jakob's Church by Karl Remshard
IMAGE COURTESY OF STAATS- UND STADTBIBLIOTHEK AUGSBURG

A pointed reminder of the benefits of the Peace of Westphalia to Lutherans came with the *Friedensgemälde* issued in 1736 (fig. 8.2). This image emphasized Lutheran church space in Augsburg by reminding viewers of the dark period a century earlier, during the Thirty Years' War, when Lutheran services had been relegalized but most of the Lutheran churches were seized or destroyed by Catholic forces. Lutherans at that time had the option of meeting in either the *Barfüßer* church or in St. Anna's Collegium. As there were many more parishioners in the city than these two structures could possibly accommodate, open-air services were held in the courtyard outside the Collegium. The *Friedensgemälde* image from 1736 depicts one such service, eschewing all biblical imagery for full-sized illustration of Lutheran Augsburg's own history. In this engraving, the outdoor space looks like a typical church interior, with parishioners gathered to hear a sermon preached from a pulpit. Some sit in pews while others occupy what look like gallery spaces in the exterior arcade of the neighboring building. In the open heavens above the worshippers are glorious images of all six Lutheran churches as they looked in 1736, at the time of the *hohes Friedensfest*: St. Jakob, the *Barfüßer*, St. Anna, St. Ulrich, Holy Cross, and the Hospital church. The juxtaposition of six contemporary church buildings with the historical scene of a Lutheran service bereft of a church reinforced the triumphalist narrative of the *Friedensfest* celebration and reminded parishioners of the dangers of Catholic rule.

The increasing demographic power of Catholics makes the *Friedensgemälde* image from 1748 particularly interesting for its complete erasure of Catholicism in the civic space of Augsburg. That year's *Friedensfest* marked both the annual and centennial remembrance of the Peace of Westphalia. In the image (fig. 8.3), the city of Augsburg (easily identified by Elias Holl's iconic *Rathaus*) stands behind a fortified wall guarded by a winged and well-armed angel. Additional angels fly about with their flaming swords, ready to defend the city, while the all-seeing eye of God watches over it. The city is set in a landscape full of rolling waves and dark storm clouds that produce jagged streaks of lightning, yet Augsburg remains safe above all that on an island of rock covered in a lush carpet of trees and grass. The meaning of this image is clarified by the title given in the text below: "Augsburg's Constitution is founded on Rock and Guarded by Angels." The rock presumably refers to the New Testament parable about the wise man who builds his house upon a rock, safe from the floods.[36] Augsburg's constitution, wisely founded on this rock by the Peace of Westphalia, established the confessional parity that guaranteed Lutherans political power in proportion to and parallel with Catholics. But Catholics are conspicuously

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36   Matt. 7:25; Luke 6:48.

FIGURE 8.2   Friedensgemälde 1736: Lutheran services in St. Anna Collegium by Philipp
Andreas Kilian

missing in this image. The distinctive onion dome of the Basilica of Sts. Ulrich and Afra and the double towers of the Cathedral Church of Our Lady dominated Augsburg's cityscape in reality, but they are nowhere to be seen here. In fact, not a single Catholic church is visible, though all six Lutheran churches appear above the jumble of roofs inside the walls. Ironically, this allegory of the stability of Augsburg's parity constitution negated the presence of Catholicism.

In 1751 Lutheran authorities chose to use the *Friedensgemälde* image to celebrate a contemporary event—the rededication of the newly-renovated *Barfüßer* church—by placing that event in time and space alongside the dedication of Solomon's Temple (see fig. 8.4). The viewer looks at both scenes simultaneously through an arcade. A column separates the two scenes, but their scale and perspective match, as if they occupy the same space. On the Jerusalem side, a priest speaks with the masses of people that crowd the foreground while, in the background, the altar of sacrifice spews flames and smoke. The priest reaches across time toward the Lutheran pastor, preaching from the recognizable pulpit of the refurbished *Barfüßer* church. The elaborate Baroque communion altar of the church, like the sacrificial altar at the temple, is in the background, with eagerly attentive parishioners in the foreground. The parallelism of this image again connects eighteenth-century Lutherans of Augsburg with the ancient Israelites and suggests a link between Lutheran ritual practices and those of the ancient church. This connection between the two reinforced both the larger Lutheran narrative of connection to God's people of the Old Testament, and the Augsburg Lutheran position as God's chosen people performing the purest rites within their own city.

Images like these demonstrate the didactic purpose of the yearly *hohes Friedensfest* celebrations well into the eighteenth century. As the proportion of Lutherans in Augsburg decreased, the reinforcement of the unique Lutheran narrative of Augsburg's history increased. The annual Peace of Westphalia commemorations maintained their relevance a century after the end of the Thirty Years' War as demographic changes gave Lutheran authorities reason to feel that their civic rights might continue to be precarious. Where the first few decades of *Friedensgemälde* emphasized biblical allegories of peace, contemporary civic events, and loyalty to rulers of other confessions, the images from the eighteenth century focus more narrowly on events unique to Lutherans or on theological points of distinction between Lutherans and Catholics. The later *Friedensgemälde* draw clear historical, spatial, and theological boundary lines. Augsburg's six Lutheran churches are no longer just the sites of the *Friedensfest* celebrations, but the subject focus of multiple *Friedensgemälde*, emphasizing their function as *lieux de mémoire*, imbued with the peace festival's story of Lutheran triumph. The Lutheran churches are the places in Augsburg from

FIGURE 8.3 Friedensgemälde 1748: City of Augsburg built on a Rock by Christoph Friedrich
Hoermann de Guttenberg
IMAGE COURTESY OF STAATS- UND STADTBIBLIOTEK AUGSBURG

FIGURE 8.4 Friedensgemalde 1751: The Barfußer Church and Temple of Solomon by Christoph Friedrich Hoermann de Guttenberg

which Catholics are entirely excluded; similarly, the *Friedensgemälde* images omitted Catholics from the story of the treaty that established Augsburg's political stability and peaceful confessional coexistence. Such visual confessionalization of Augsburg's Reformation experience made visible what had previously been an invisible boundary.

IV   Competing Festivals and Confessional Identity Formation

The annual *hohes Friedensfest* was one of many anniversaries and holidays celebrated annually and centennially by citizens of Augsburg. It was the major Lutheran event each year, but in certain years it was subordinated to or subsumed within observances marking centennial anniversaries of events that defined the Lutheran confession, or represented victories for the status and free practice of the Lutheran faith. Just seven years after the Peace of Westphalia and five years after the inaugural *hohes Friedensfest*, Augsburg's Lutherans participated in the centennial commemoration of the 1555 Peace of Augsburg, which recognized and legitimated Lutheran practice within the Holy Roman Empire. Its celebration blended with the 1655 *hohes Friedensfest*, with which it was closely linked in theme, giving the Peace of Augsburg observances within the titular city a unique character.[37] In the eighteenth century, Augsburg's Lutherans staged elaborate bicentennial commemorations of Luther's Ninety-five Theses in 1717 and of the Augsburg Confession in 1730. A sequence of anniversaries in 1748, 1752, and 1755 recognized the centennial of the Peace of Westphalia, the bicentennial of the Treaty of Passau (a precursor to the Peace of Augsburg), and bicentennial of the Peace of Augsburg. The 1730 and 1755 events had special significance in Augsburg, as the location for the Reichstag meetings that produced the agreements being celebrated. The "anniversary consciousness" that drives civic remembrance in the late twentieth and early twenty-first centuries is nothing new.[38]

Augsburg's Catholics also celebrated confessionally exclusive annual holidays and important local and churchwide centennials. Catholics participated in a yearly pre-Lenten carnival as well as a more pious observance of the early summer Corpus Christi holiday and procession. Like the Lutherans' *hohes*

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37   Stefan W. Römmelt, "Erinnerungsbrüche: Die Jubiläen des Augsburger Religionsfriedens von 1655 bis 1955," in *Als Frieden Möglich War: 450 Jahre Augsburger Religionsfrieden*, ed. Carl A. Hoffmann et al. (Regensburg: Schnell & Steiner, 2005), 258–70.

38   David W. Blight, "The Memory Boom: Why and Why Now," in *Memory in Mind and Culture*, ed. Pascal Boyer and James Wertsch (Cambridge: Cambridge University Press, 2009), 238–51, here at 245.

Friedensfest, the Catholics' Corpus Christi observances began in the churches with sermons and solemn observances, but then moved out into confessionally neutral civic space with elaborate parades that had high potential to spark confrontation between Catholics and Lutherans. But no records suggest that any confessionally motivated violence took place during Corpus Christi, so the Lutherans of Augsburg appear to have treated the Catholic celebrations and processions with the same passive tolerance as that exercised by Catholics each year on 8 August. The two separate festivals paralleled each other in many ways, and after 1806, the Catholic Corpus Christi celebrations were recognized as the official counterpart to the Lutheran *hohes Friedensfest.*[39]

Stefan Römmelt has suggested that the divergent festival traditions of Augsburg's Lutherans and Catholics could be seen as *Jubiläumskonkurrenz* or anniversary competitions, with each confession striving to outdo the other. The first major Lutheran centennial jubilee came in 1617 at the one-hundredth anniversary of the publication of Luther's Ninety-five Theses, celebrated in Augsburg with processions and sermons that emphasized a vision of the Lutheran tradition as a renewal rather than a rejection of true Christian history.[40] Catholics celebrated a counteranniversary in 1640, on the century mark of the establishment of the Society of Jesus. Ignatius Loyola was set up as a contrast figure to Luther, and the multiday celebrations included new triumphal architecture, elaborate decoration, and theatrical productions.[41] The anniversary of the Jesuit founding was celebrated enthusiastically in Augsburg, with most festivities centered in and around the Jesuit school building, including many of the elements Augsburg Lutherans would pick up for the first *hohes Friedensfest* in 1650. It is not unreasonable to surmise that the extravagance of the Lutheran celebration was a direct response to the Catholic celebration of a decade prior, and perhaps compensation for the Lutheran community's inability to publicly observe the 1630 centennial of the Augsburg Confession due to the restrictions of the Edict of Restitution.

Both Lutherans and Catholics in Augsburg tolerated one another's annual and centennial celebrations, acknowledging the events and working to avoid confrontations. However, the lack of overt conflict does not mean that they were indifferent to the highly confessionalized messages communicated each time the alternate confession held a festival. The Lutherans' *hohes Friedensfest*

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39   Gantet, "Peace Festivals," 66.

40   Stefan W. Römmelt, "Jubiläumskonkurrenz?—Zur Entwicklung von protestantischer und katholischer Erinnerungskultur in der Frühen Neuzeit," *Geschichte in Wissenschaft und Unterricht* 51, no. 10 (2003): 564–77, here at 567–68.

41   Ibid., 573.

and other observances became opportunities for Catholics to engage in anti-Lutheran polemics within the Catholic churches.[42] Catholic sermons referred to the Lutherans' "false-holiday" (*pseudo-Jubiläum*) using the then-pejorative term "Lutheran" (*Lutheranisch*) rather than the name the community used to refer to itself: Evangelical (*evangelisch*). Sermons emphasized the Lutherans' rejection of the genuine traditions of the true church and the falsity of the alternate history these celebrations reinforced.[43] Confessionally exclusive festivals provided opportunities for both factions to reinforce the cultural and narrative boundaries separating Catholic Augsburg from Lutheran Augsburg. The appearance of toleration in the public places of Augsburg on festival days masked the divisive rhetoric that issued from the pulpits of all the city's churches.

The distinct festive cultures that developed in Lutheran and Catholic Augsburg have many parallels despite their divergent messages. Both Lutherans and Catholics centered their festivities primarily in their churches, and largely avoided public space except during carefully choreographed processions. Sermons and other forms of communal worship services characterized both confessional traditions, and the local leaders of the churches were instrumental in the planning and execution of each festive commemoration. Both Lutheran and Catholic festive culture involved over-the-top extravagance in decoration, music, and performance, as though trying to outdo each other in the pomp of the occasion. Both produced souvenirs to serve as reminders to attendees: the Lutherans issued their yearly *Friedensgemälde*, but both sides also released books, images, medals, and other commemorative items to serve as memorial objects.[44] The messages conveyed through the Lutheran and Catholic celebrations were self-consciously distinct, creating and inculcating two incompatible and competing narratives of civic and religious history. Catholic festivities emphasized long continuity and the ancient significance of the Roman church in Augsburg. Lutherans created an Old Testament–like story of triumph over tribulation and victory in the face of enemies who would thwart the true and proper worship of God. Which story of the past represented the "true" history of Augsburg? Each confession worked hard to ensure that its own adherents knew the correct answer to that question.

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42   Marianne Sammer, "Augsburger Friedensblätter und katholische Gegenpropaganda in der Zeit der Salzburger Emigration," in Burkhardt and Haberer, *Das Friedensfest*, 146–64.

43   Römmelt, "Jubiläumskonkurrenz?," 570–71.

44   Helmut Gier, ed., *350 Jahre Augsburger Hohes Friedensfest: Ausstellung der Staats- und Stadtbibliothek Augsburg* (Augsburg: Stadt Augsburg, 2000).

v   Conclusion

Pierre Nora's work has emphasized the significance of united civic identity produced by shared attachment to "places of memory" and memorial rituals such as celebrations and anniversaries.[45] In confessionally divided Augsburg, however, Lutherans observed separate annual and centennial festivals and centered them largely in their own churches, which served to create separate, confessionally distinct *lieux de mémoire*. As a result, early modern Augsburg had two distinct but parallel civic identities: Lutheran Augsburg and Catholic Augsburg. Festive events marking dates and/or years significant only to one confession or the other led to the creation and perpetuation of competing historical narratives that reinforced differing confessional identities. The Lutherans' *hohes Friedensfest* and centenary celebrations taught parishioners a history of triumph over adversity. The six Lutheran churches were important symbols and reminders of the Lutherans' hard-won right to maintain a presence in Augsburg, especially as the proportion of Lutherans shrank over the eighteenth century. No civic festivals brought Lutherans and Catholics together under a single identity as Augsburgers, and the confessionally neutral public buildings, streets, and marketplaces were rarely used for festive events.

The example of Augsburg suggests that political unity and collective *lieux de mémoire* may not be essential to the effective functioning of political institutions or the maintenance of peace between rival confessions. The "parity" constitution introduced by the Peace of Westphalia in 1648 created parallel political structures for Lutherans and Catholics and facilitated the divided cultural identities that developed in the later seventeenth and eighteenth centuries. At the same time, it created a workable system of peaceful coexistence. Each side tolerated the other, of necessity, despite exclusive celebrations that characterized the other confession as antagonist, or erased their existence altogether. Despite all of this, the two sides averted violence and made their dual political and cultural system work, and that, in itself, is a feat worthy of celebration.

Perhaps it is appropriate, then, that the *hohes Friedensfest* as currently celebrated in Augsburg brings all faiths together to commemorate the success of the biconfessional experiment that began in 1648. As Johannes Burckhardt and Stephanie Haberer have noted, "History changes, and naturally the meaning and orientation of festivals can also change."[46] The confessional divisions

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45   Pierre Nora, "Between Memory and History: *Les Lieux de Memoire*," *Representations* 26 (Spring 1989): 7–24, here at 12.

46   Burkhardt and Haberer, *Das Friedensfest*, 10.

that once marked the annual celebration of the *hohes Friedensfest* and the observance of centenaries of the 1555 Peace of Augsburg and 1648 Peace of Westphalia have given way to unified civic pride in a new historical narrative: that of Augsburg as prototype of ecumenism and religious tolerance.[47] "Augsburg is exemplary because it is unique," declares Peter Menacher in his history of the Augsburg Peace Prize.[48] While arguably unique in its system of political parity and the success of its experiment in peaceful confessional coexistence, Augsburg is perhaps most notable for its ability to adjust its civic culture and redefine its community celebrations to adjust to changing cultural mores. While the purposes of Augsburg's peace festivals have utterly changed since their inception, these celebrations continue to be vital and current because of their dynamic ability to adapt to the values and interests that characterize the diverse citizens of Augsburg in the current day.

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47   Gerhard Hetzer, "Krise und Erneuerung eines städtischen Feiertags im 20. Jahrhundert," in Burkhardt and Haberer, *Das Friedensfest*, 366–83. Perhaps this shift can be associated with the traumatic events of the early mid-twentieth century in Germany and the radical cultural shifts and reassessments of values that resulted. Or perhaps it is due to the desire to discover that impulse toward religious tolerance that underlies the current academic interest in cases of peaceful religious coexistence.

48   Peter Menacher, *Gelebtes Miteinander: Der "Preis Augsburger Friedensfest" und seine ökumenischen Impulse* (Augsburg: Wissner, 1997).

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Discord via Toleration
Clerical Conflict in the Post-Westphalian Imperial Territories

David Mayes

In 1747 Georg Blum, the Lutheran minister of Steinau an der Strasse in the county of Hanau-Münzenberg, lodged yet another grievance against his rival Friedrich Grimm, the Reformed minister of Steinau.[1] He reported that Grimm had buried two children of a Lutheran man from nearby Seidenroth and received the standard fees for it. Blum acknowledged that the children had attended the Reformed school, but he objected that they had not been confirmed in the Reformed confession. Grimm, in reply, conceded that they had not, but he asserted that the Lutheran man's wife was Reformed, and that from the beginning both parents talked freely about having their children educated in the Reformed religion. Indeed, over time they sent the children to the Reformed church and school, and the Reformed consistory even provided his children with necessary clothing and books because the man was poor. The children were thus cared for in life by the Reformed, continued Grimm, and, according to him, local custom held that the means for their burial should be provided by those to whom such care had fallen. Blum remained unconvinced, firing a parting shot in his final appeal that "[Grimm] should leave to his fellow man what is his and abstain from these totally unchristian and, for a Christian, very dishonest violations."[2] Grimm promptly retorted: "Good God! What incriminations! I know what is mine to do and I, too, understand the [1670 *Religionshauptrecess*]. I call on any man to show convincingly that I have ever acted in violation of [it] in my eighteen years of service here."[3]

Blum and Grimm often clashed in this way, and they were hardly alone. Starting in the mid-seventeenth century, conflicts between ministers of differing confessions became very common in Hanau-Münzenberg, the landgraviate of Hesse-Kassel, and the imperial abbey of Fulda, all central territories of the Holy Roman Empire. Such clerical disagreements generated a seemingly

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1 Friedrich Grimm was the grandfather of the Grimm brothers, Wilhelm and Jacob.

2 Hessisches Staatsarchiv Marburg (hereafter cited as HStAM) 83, no. 5749.

3 HStAM 83, no. 5749; HStAM 83, no. 425 (1670). The 1670 *Religionshauptrecess* granted Lutherans in the county of Hanau-Münzenberg the same "free" and "unrestricted" exercise of their religion that the Reformed had (*Coexercitium Religionis*) as well as the accompanying rights and liberties.

endless paper war of written complaints, appeals, and adjudications. When compared to the violent hostilities of the pre-1648 period, these quarrels can seem mundane, even if the energy spent in courts of appeals was preferable to the hours that might have been spent on a battlefield.[4] Yet the very existence of the conflicts is noteworthy because they were an unanticipated and unintended consequence of the proceedings at the Congress of Westphalia in the late 1640s.

Clerical discord, in short, was another testament to how well-intentioned measures of toleration could and did spawn division and conflict in the early modern period.[5] Moreover, clerics clashed regardless of which confessional affiliations were involved. Their interests largely concerned rights, jurisdiction, and precedent instead of the doctrinal and liturgical matters of the pre-Westphalian period. The conflicts, in other words, were not Lutheran- or Reformed-versus-Catholic affairs. They occurred as often and intensely between Reformed and Lutheran clerics in Hanau-Münzenberg and Hesse-Kassel as they did between Lutheran and Catholic clergy in the Fulda region.

Tellingly, such conflicts had not materialized in these imperial territories prior to the Westphalian proceedings. During the 1555–1648 period, the sovereigns successfully enforced the rights granted by the 1555 Peace of Augsburg in their respective territorial church.[6] Across the early seventeenth century, Landgrave Moritz of Hesse-Kassel (1572–1632) brought his territorial church, including the parishes of Upper Hesse, into conformity with the standards of his chosen religion as spelled out in his *Verbesserungspunkte* (points of improvement).[7] Landgrave Ludwig v of Hesse-Darmstadt (1577–1626) did the same to Upper Hesse after he acquired the region in 1624. He removed Moritz's religion from it, installed his own, and expelled all nonconforming clerics.[8] In

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4   David M. Luebke, "A Multiconfessional Empire," in *A Companion Guide to Multiconfessionalism in the Early Modern World*, ed. Thomas Max Safley (Leiden: Brill, 2011), 150.

5   See David Mayes, "Divided by Toleration: Paradoxical Effects of the 1648 Peace of Westphalia and Multiconfessionalism," *Archive for Reformation History* 106 (2015): 290–313, which demonstrates that the experience of many clerics and many local communities in the post-Westphalian period paralleled one another.

6   The rights alluded to here were summed up later in the sixteenth century by a Greifswald jurist as *cuius regio eius religio* (whose the rule, his the religion). According to this *cuius regio* principle, the territorial sovereigns were responsible for their churches' governance and subjects' consciences. Subjects were to conform to the ruler's chosen religion or emigrate.

7   Gerhard Menk, "Die 'Zweite Reformation' in Hessen-Kassel: Landgraf Moritz und die Einführung der Verbesserungspunkte," in *Die reformierte Konfessionalisierung in Deutschland—Das Problem der "Zweiten Reformation": Wissenschaftliches Symposium des Vereins für Reformationsgeschichte 1985*, ed. Heinz Schilling (Gütersloh: Gerd Mohn, 1986), 154–83.

8   Hessisches Staatsarchiv Darmstadt E5 A1 14:1, 14:2; HStAM 318, Marburg nos. 430, 483, 531, 623.

Hanau-Münzenberg Count Philipp Ludwig II (1576–1612) installed a change of religion in most parishes. The only ones he did not alter were a few just outside Frankfurt am Main and those he shared with the archbishop of Mainz.[9] In 1610 Philipp Ludwig even arranged the so-called *Erbvereinigung* with Hanau-Lichtenberg, which included a proviso that protected the exercise of his religion in Hanau-Münzenberg should the territory fall to the other confession.[10] During the same decades prince-abbots in Fulda steadily removed elements of the religion of the Augsburg Confession from the abbey's territorial church, despite stiff opposition from some towns and nobles.

The scholarly reflex is to name these religions Reformed or Lutheran or Catholic. Thus, an historian would typically label Moritz's religion as Reformed, Ludwig V's as Lutheran, Philipp Ludwig II's as Reformed, and the prince-abbots' as Catholic. However, one must be careful of such anachronisms. In the context of Christian monism, the terms "Reformed" and "Catholic" as well as "evangelical" and "Apostolic" were invoked by all three parties, and "Lutheran" was a charged and disputed term. Instead, these sovereigns, like others, called their religion exclusively "Christian" in contrast to erroneous and damnable confessions. They typically enforced the *cuius regio* principle and compelled any unwilling ministers to leave the territory.

The clerical staff of a territorial church therefore comprised coreligionists. Within this setting clerics were educated and trained in the theology to which they subscribed.[11] Once appointed to a post, a minister stood unopposed within the geographical bounds of his parish and could focus his energies on instructing parishioners on the doctrines of true religion.[12] This cleric also had

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9   Ute Müller-Ludolph, *Philipp Ludwig II. von Hanau-Münzenberg (1576–1612): Eine politische Biographie* (Darmstadt: Hessische Historische Kommission, 1991), 170–223.

10   HStAM 83, no. 105.

11   Luise Schorn-Schütte, "The New Clergies," in *The Cambridge History of Christianity*, vol. 6: *Reform and Expansion, 1500–1660*, ed. R. Po-chia Hsia (Cambridge: Cambridge University Press, 2007), 444–64; Luise Schorn-Schütte, *Evangelische Geistlichkeit in der Frühneuzeit: Deren Anteil an der Entfaltung frühmoderner Staatlichkeit und Gesellschaft: Dargestellt am Beispiel des Fürstentums Braunschweig-Wolfenbüttel, der Landgrafschaft Hessen-Kassel und der Stadt Braunschweig* (Gütersloh: Gütersloh Verlagshaus, 1996), 152–226; Thomas Kaufmann, "The Clergy and the Theological Culture of the Age: The Education of Lutheran Pastors in the Sixteenth and Seventeenth Centuries," in Dixon and Schorn-Schütte, *Protestant Clergy*, 120–36; R. Emmet McLaughlin, "The Making of the Protestant Pastor: The Theological Foundations of a Clerical Estate," in Dixon and Schorn-Schütte, *Protestant Clergy*, 60–78; Amy Nelson Burnett, *Teaching the Reformation: Ministers and Their Message in Basel, 1529–1629* (Oxford: Oxford University Press, 2006), 67–194.

12   Burnett, *Teaching the Reformation*, 197–278; Ian Green, "Teaching the Reformation: The Clergy as Preachers, Catechists, Authors and Teachers," in Dixon and Schorn-Schütte, *Protestant Clergy*, 156–75; Hans-Christoph Rublack, "Success and Failure of the Reformation: Popular Apologies from the Seventeenth and Eighteenth Centuries," in

a monopoly on performing ministerial acts such as baptism, marriage, and burial for residents in his parish. Non-coreligious clerics were those of a false religion who lived beyond the territorial borders. For the many parish ministers not near the borders, these adversaries were not only out of sight but perhaps out of mind, as their own time was taken up with pastoral concerns and communal demands. In retrospect, the situation was benign in as much as it prevented adversarial clerics from encountering and entangling with one another. Across many parts of Europe, local laypeople who differed over religion lived in close proximity and struggled to tolerate or suffer (*dulden*) each other's immediate presence.[13] By contrast, clerics of these imperial territories typically did not have to deal with non-coreligious clerics living and operating in close proximity.

In 1648 changes at the Congress of Westphalia took steps that inadvertently triggered a transformation of these circumstances. These agreements led to stark changes in the ministerial experience in many territorial parishes. Two measures set down in the 1648 Peace did the most to prompt this.

One was the delegations' recognition of the exact equality of the three confessional religions or faiths.[14] Instead of an empire in which each faith could and did invoke the name *Christian* exclusively, this measure caused the disputed names Lutheran, Catholic, and Reformed to become naturalized and categorized.[15] Imperial territories steadily codified them such that the names were applied or attached to things across the territorial and local landscape,

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   Germania Illustrata: Essays on Early Modern Germany Presented to Gerald Strauss, ed. Andrew C. Fix and Susan C. Karant-Nunn (Kirksville, MO: Sixteenth Century Journal Publishers, 1992), 141–65; Gerald Strauss, "The Reformation and Its Public in an Age of Orthodoxy," in *The German People and the Reformation*, ed. Ronnie Po-chia Hsia (Ithaca, NY: Cornell University Press, 1988), 197; Gerald Strauss, *Luther's House of Learning: Indoctrination of the Young in the German Reformation* (Baltimore: Johns Hopkins University Press, 1978); Jay Goodale, "The Clergyman between the Cultures of State and Parish: Contestation and Compromise in Reformation Saxony," in Dixon and Schorn-Schütte, *Protestant Clergy*, 100–119; Jay Goodale, "Pastors, Privation, and the Process of Reformation in Saxony," *Sixteenth Century Journal* 33, no. 1 (2002): 71–92. Whereas Rublack and Strauss depict laypeople as disinclined toward the clerics' doctrinal instruction and having frustrated their efforts, Goodale portrays clerics as having to navigate between the interests of the governing authorities and the local communities.

13   See Benjamin J. Kaplan, *Divided by Faith: Religious Conflict and the Practice of Toleration in Early Modern Europe* (Cambridge, MA: Harvard University Press, 2007), pt. 1.

14   Konrad Müller, ed., *Instrumenta pacis Westphalicae—Die Westfälischen Friedensverträge* (Bern: Herbert Lang, 1975), Articles 5 and 7 of *Instrumentum Pacis Osnabrugense*.

15   Peter Marshall, "The Naming of Protestant England," *Past & Present* 214 (2012): 87–128, here at 110. By way of comparison, Marshall asserts that in England the name Protestant became naturalized around the 1580s.

including parishes, church buildings, schools, and cemeteries. Crucially, too, imperial territories were no longer populated by "Christian" subjects, nor by those who, possibly, erred from true Christian religion and needed to conform to it. Rather, as the post-Westphalian period unfolded, subjects inexorably acquired one of three names—Lutheran, Catholic, or Reformed—and all were, theoretically, considered Christian.

The other measure concerned the exercise of religion.[16] The Peace of Westphalia set religious practice and the possession of ecclesiastical properties in a territory according to the "normal year" rule, which restored the status quo of 1 January 1624. Any lawful confession that had been exercised publicly on that date was to be restored to its former condition, and adherents of the official religion were to enjoy the rights of public worship. Others were allowed the right of private worship in chapels without spires or bells. Finally, those who had not enjoyed rights of worship prior to 1 January 1624 were permitted the right of domestic devotion. These clauses effectively nullified the *cuius regio* principle in the imperial territories, and therefore the line separating one form of Christianity from another might no longer lie at the territorial border, as it had whenever sovereigns successfully enforced the principle. Rather, the line could be moved to within a territory itself.

The newly emerging reality facilitated a head-on collision between many clerics of opposing confessions. No longer did they remain exclusively on opposite sides of a territorial border. Many territories were soon populated by clerics of multiple confessions after non-coreligionist clergy crossed territorial borders and took up residence. Ministers of one confession typically outnumbered those of the other(s), but the point to note here is that territories eventually had not one parish network with its set of clerics but rather multiple, competing ones.[17] Consequently, many clerics ceased to be the only ordained minister within the boundary of their parish, for the parish jurisdiction of a non-coreligious counterpart could overlap their own.

As adherents of the three legal and recognized confessions, such ministers had to acknowledge each other's coequality. In a purportedly more progressive, tolerant age, one might have expected them to have coexisted amicably.[18] But for a parish minister in post-Westphalian Europe, the prospect of an opposing

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16   Art. 5 and 7 of *Instrumentum Pacis Osnabrugense*.

17   For one case study, see David Mayes, *Communal Christianity: The Life and Loss of a Peasant Vision in Early Modern Germany* (Boston: Brill, 2004), 205–337.

18   See, for example, Michael Maurer, *Kirche, Staat und Gesellschaft im 17. und 18. Jahrhundert* (Munich: Oldenbourg, 1999), 15–17; and Joachim Whaley, *Germany and the Holy Roman Empire*, vol. 2: *The Peace of Westphalia to the Dissolution of the Reich 1648–1806* (Oxford: Oxford University Press, 2012), 322–29. Mauer discusses the notion of the Peace of

confessional minister's encroachment and overlapping jurisdiction was wholly novel, unwelcome, and threatening. Whatever their thoughts regarding the new era of Christian pluralism in the empire, these now rival ministers lived in circumstances that prompted them to cry foul against each other again and again. Their newfound proximity led not to toleration or peaceful coexistence but rather to discord that frequently spilled over into prolonged acrimony and occasional hostility.

One cause of conflict concerned alleged *Eingriffe* (encroachments)—that is, occasions when one cleric accused the other of an interference or violation or intrusion that deprived him of his ministerial rights (*jura stolae, jura parochialia*). The cleric appealed to the authorities not least because he did not want his rival to gain a precedent and use it as leverage in future cases. To be silent, in other words, was to concede. Yet whether his counterpart had acted legally or illegally was seldom clear. Both the plaintiff and the defendant typically had reason to argue the right was his. For example, tempers flared in 1721 over who was to bury Lutherans in Erbstadt.[19] The Windecken Reformed minister claimed the right because Erbstadt was incorporated in his parish and Lutherans did not exercise their religion in the locale of Erbstadt per se. The Windecken Lutheran minister claimed the right because the Lutherans, particularly those from nearby Eichen, were of his confession and attended services he conducted in his parish. The governing authorities ruled in favor of the Lutheran minister in this case, an unusual outcome for the county of Hanau-Münzenberg.

Yet the occasion itself testifies to the unprecedented and confused situation in which imperial territories existed as a result of the 1648 Peace they had helped compose. Such disputes did not materialize prior to the treaty because only one parish network had operated in each territory with one minister appointed to each parish to serve all parishioners. Increasingly in the post-Westphalian era, a local, competing cleric claimed some of them.[20] Territorial authorities had to delineate one minister's jurisdiction from another's and adjudicate cases whenever a grievance was filed.

Disputes between ministers arose from not only acts of commission, such as when Grimm buried the children of the Lutheran father, but also acts of

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Westphalia as a model for the coexistence of various confessions. Whaley, in contrast, describes a more complicated picture of coexistence after 1648.

19   HStAM 83, no. 5541.

20   "Priests also maintained an all-important monopoly on the distribution of the sacraments." Marc Forster, *Catholic Germany from the Reformation to the Enlightenment* (Basingstoke: Palgrave Macmillan, 2007), 124. They did maintain it in parishes where no rival cleric emerged, but did not in those where one did.

omission. In Hanau-Münzenberg, if one spouse was Reformed and the other Lutheran, the minister of each was to announce the coming marriage a few times in his church. Only then did the minister of the groom's confession officiate the wedding. Occasionally, weddings occurred before the bride's minister had opportunity to announce it.

The latter could interpret such incidents as a slight, an *Eingriff* by omission, and possibly even something done maliciously. At times the defendant in such cases pleaded his innocence. In 1715, for instance, the Marköbel Reformed minister explained that "my God knows that in no way was it my intention to deprive [the Rüdigheim Lutheran minister] in the slightest, although it is the case that he did not first request written notification." But more often the defendant defied the accusation. Friedrich Grimm dismissed a rival's charge in 1733 on grounds that the announcement of a wedding by both sides was not done in the city of Hanau as well as Steinau.[21] Besides, he noted that an announcement was unnecessary because all weddings were common knowledge in a town such as Steinau. His words revealed the discrepancy that could exist between formal decree and actual perception and practice. As usual, the matter fell into partisan dispute. The Reformed consistory backed Grimm while the Lutheran consistory charged him with acting irresponsibly and against better judgment.

As these cases suggest, post-Westphalian church authorities themselves fostered ministerial discord by nurturing a climate of coercion, distrust, and vengefulness.[22] In 1736, for example, the Burghaun Lutheran minister reported how Catholic authorities, as high as the prince-abbot himself, had been strong-arming prospective Lutheran and Reformed spouses for decades.[23] Although the law stated that children were to follow their father in religion, certain Lutheran or Reformed men had received princely dispensation from Fulda to marry Catholic women on the condition that they agree to baptize and educate their offspring in the Catholic religion. One immigrant pledged to be married to a Burghaun woman would not consent to these terms, and so with "tears and sighs" the two were married instead in nearby Rothenkirchen.

Parishioners facilitated clerical conflict as well. In an early example, Rosenthal resident Johann Wagner and his wife, both Lutheran, became Reformed in 1668 and shortly thereafter asked the Frankenberg Reformed

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21 HStAM 83, no. 5765.

22 See David Mayes, "Beyond Discipline: The Consistory in the Central Reformed Territories of the Holy Roman Empire," in *Politics, Gender, and Belief: The Long-Term Impact of the Reformation*; *Essays in Memory of Robert Kingdon*, ed. Amy Nelson Burnett, Kathleen M. Comerford, and Karin Maag (Geneva: Droz, 2014), 155–77.

23 HStAM 92, no. 80(I), 80(II), 83.

minister to baptize their newborn.[24] Their maneuver infuriated the Rosenthal Lutheran minister and inaugurated long-term tensions between the ministers who held the respective posts. In a later, lurid example, Altenhasslau Reformed minister Hassenpflug relayed in 1749 how a Lutheran soldier had twice impregnated a Reformed woman.[25] Privately the man had promised her marriage, but publicly nothing had been done to make it legally binding because, purportedly, one in active military service was not readily allowed to marry. In any case, after the first child was born, the woman's father asked Hassenpflug to baptize the child, which he did. But Hassenpflug was not notified after the birth of the second child. Instead, the woman's sister arranged for Schreier, the local Lutheran minister, to handle the baptism. Officially, she did so because the child's father was Lutheran. Unofficially, her apparent motive was to impel the man to abide by his promise of marriage. Hassenpflug protested and cited 1717 and 1733 decrees in his defense. His counterpart should have administered the baptism only if the child's father had personally requested it. If not, Hassenpflug continued, then the law required a bastard child to be baptized by the district's ordained minister, Reformed in this case. Customarily, too, the Reformed midwife was to notify him of the birth, but he claimed she had been prevented from doing so. Schreier submitted his own defense, but the county authorities ruled against him. They issued a decree concerning the baptizing of illegitimate children and required each Reformed or Lutheran minister to read, sign, and forward it to the next minister.

Frequently connected to *Eingriffe* was a second cause of discordant ministerial relations: financial interests. Historians have noted how parish ministers in the post-Westphalian empire busied themselves with the maintenance of ecclesiastical lands, wealth, and power after the deprivations of the Thirty Years' War and did so at a time when rising secularization and state power placed pressure on churches.[26] Cases of *Eingriffe* add to this complex picture as many clerics also had to protect their material well-being from a local competitor. In exceptional cases, a rival's presence could threaten as much as a minister's entire income from a parish. After a majority in the parish Bottendorf affiliate of Willersdorf became Reformed in 1682, Landgrave Karl considered transferring Bock, the parish's Lutheran minister, to a vacant post and channeling parish Bottendorf's income to Reformed minister Krug of nearby Frankenberg.

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24   HStAM 22a, no. 9 pak. 9.
25   HStAM 83, no. 5301.
26   Mary Fulbrook, *A Concise History of Germany*, 2nd ed. (Cambridge: Cambridge University Press, 2004), 60–84; Tim Blanning, *The Pursuit of Glory: The Five Revolutions That Made Europe 1648–1815* (New York: Viking, 2007), 364–85.

When Bock and a local official protested, Karl reprimanded the former, fined the latter, and ultimately redirected the dividends of a Willersdorf parish field from Bock to Krug.[27] The landgrave did similarly elsewhere in Upper Hesse, such as in the parish Münchhausen affiliate of Roda. First, he effectively barred local Lutherans from their own church in 1688, and then, before granting them access to it again seven years later, he required them to work local parish fields for the benefit of the Münchhausen Reformed minister.[28]

More often clerical financial interests were linked to parishioners. While parishioners were, first, souls to be shepherded, they also paid fees for ministrations. Payment came at times in the form of hard money, at other times in kind, such as a determined amount of bread, beer, eggs, or rolls. Ministers might forgo the fee if the person was especially poor, but typically they were keen to collect, especially those clergy with a meager income or those located in tenuous secondary parishes. Such ministers depended on fees to make ends meet. Before assuming a ministerial post, they would learn the number of parishioners and demographic trends in a given parish and therefore know approximately how much income they could expect from fees. In 1740 Hochstadt Lutheran minister Schwalbe protested how Bischofsheim Reformed minister Frey had gone against ordinance and observance by censuring a Lutheran woman shortly before her marriage to a Reformed man and then receiving the customary fee for it.[29] Schwalbe wanted the authorities to correct Frey and order him to restore the fee he had "taken away."[30] Clerics, therefore, had added reason to demand justice in cases of an *Eingriff*—they might lose out on a fee, and worse, lose it to their rival.

Ministers also fought for fees to be restored to the local schoolmaster or sexton (*Glöckner*), who received them for certain duties. In 1764 the Hochstadt Lutheran minister complained to his consistory after the funeral of a child of a Bischofsheim Lutheran subject.[31] He wrote that it was the Hochstadt Lutheran schoolmaster's duty to toll the bells, lead the singing at the cemetery, and read a prayer. Yet, on this occasion, the Reformed schoolmaster of Bischofsheim stepped in and handled the responsibilities without permission, thereby depriving the Lutheran schoolmaster of the customary fee. The Lutheran consistory immediately petitioned the Reformed consistory that the fee be given to him. Because an individual fee was token in amount, a minister could

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27 Mayes, *Communal Christianity*, 296.
28 HStAM 318, Marburg 767 (1688); HStAM 315f, Ref. Pfarrei Münchhausen IV, 4.
29 HStAM 83, no. 2679. The Lutheran authorities dropped the case after Schwalbe declared he had done neither.
30 HStAM 83, no. 2679.
31 HStAM 83, no. 2673.

belittle his rival for petty greed if ever the latter appealed for it. Around 1762, after Frankenberg Lutheran minister Stausebach had baptized the child of a Brunswick officer, the local Reformed minister, Hast, protested that the right was his. Stausebach countered that the officer was Lutheran, the husband of a local Lutheran woman, and not part of the local military community to which Hast was appointed. Stausebach had no reason not to baptize their child, and besides, he did not receive a fee for it. If Hast wanted that money, Stausebach sneered, then he could "go get it from the mother."[32]

The tone of Hast's letter points to a third cause of clerical conflict: personal honor and dignity. It is first noteworthy that rival ministers expressed contradictory impulses toward each other. On the one hand, they were supposed to treat the other as a fellow Christian. This was unchartered territory. In the pre-Westphalian world of Christian monism, for one minister to behave in a Christian manner toward an adversary meant revealing the latter's error and instructing him in the truth. If persuaded, the latter would turn to the truth and relocate to a region or parish where the true religion was being practiced.[33] The Peace of Westphalia and the Christian pluralism it ushered in fundamentally restructured and redefined the ministers' public relationship. Christian behavior now meant that the one was to recognize the other as Christian, accept his presence in the same region or parish, and coexist peacefully with him.

On the other hand, their emerging squabble over rights and fees gave the ministers grounds for new kinds of conflict. This, too, was unchartered territory.[34] A host of factors exacerbated the situation. One was how ministers tried to exploit advantages and negate disadvantages. Ministers who staffed parishes of the original territorial church felt themselves superior. In the first generations after 1648, they could treat a rival condescendingly because they enjoyed a well-established parish income, infrastructure, and the larger communities to which they usually ministered. Ministers of the new, secondary parishes could feel acutely inferior. They usually ministered to smaller communities that might be teetering on the brink of extinction. In the 1690s, for example,

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32   HStAM 315c, M68.

33   Alexander Schunka, "Transgressionen: Revokationspredigten von Konvertiten im mitteldeutschen Raum im 17. Jahrhundert," in *Konversion und Konfession in der Frühen Neuzeit*, ed. Ute Lotz-Heumann, Jan-Friedrich Mißfelder, and Matthias Pohlig (Göttingen: Gütersloher Verlagshaus, 2007), 491–516.

34   Nicholas Hope, *German and Scandinavian Protestantism 1700 to 1918* (Oxford: Oxford University Press, 1995), esp. 60–61. Hope's work contains considerable discussion of clergymen, yet the contentious nature of interconfessional ministerial relations is largely absent in his analysis.

the Münchhausen Reformed minister lamented to Landgrave Karl that one should give up altogether trying to establish a Reformed presence in the area.[35] Ministers of the secondary parishes struggled to build up a stable income, and they frequently had sprawling parish domains that placed greater physical demands on them. So it was for the Reformed ministers in Lutheran Upper Hesse. Their Lutheran counterparts could be tempted to let a worship service run late, thereby forcing the subsequent Reformed service to start late and disrupting their rival's inflexible and exhausting schedule. Exceptionally, the Schwabendorf Reformed minister exacted a little revenge in 1707 by barging into a Lutheran catechism lesson in Schiffelbach and conducting a service for the minority Reformed community, in turn driving the stunned, grief-stricken Lutherans out into the churchyard.[36] Yet the norm for ministers of the secondary parishes was to suffer the ignominy of slights.

A trump card, and perhaps the only one, held by a minister in an inferior position was when the territorial sovereign and top local officials were coreligionists. He knew he could appeal to them and expect partisan support. According to the terms of the 1648 *Hauptakkord* between Hesse-Darmstadt and Hesse-Kassel, the region of Upper Hesse was to have a Lutheran ecclesiastical network within the larger Reformed landgraviate of Hesse-Kassel.[37] Nevertheless, as decades passed, Reformed officials in the region increasingly requested ministrations from a Reformed minister instead of the local Lutheran one, and they helped establish a network of Reformed mother churches and affiliates. Any Reformed minister appointed to a network post faced local Lutheran resentment yet typically enjoyed favor in courts of appeal that were staffed by coreligionists.

A similar scenario played out in the Burghaun district. The region and its exclusively evangelical exercise of religion came into the fold of Catholic Fulda by the early 1690s. Before long Catholic practice was wedged into the district. Evangelicals outnumbered Catholics, but to hear the evangelical *Gemeinde* describe it, as they did in a 1736 grievance, their cleric, like their *Gemeinde*, suffered one loss after another, each time to the Catholic priest's gain.[38] Some of

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35   Landeskirchliches Archiv Kassel A: Münchhausen, ref. (Marburg-Land).
36   HStAM 315f, Ref. Pfarrei Gemünden a.d. Wohra IV, 7.
37   HStAM 4c 4, nos. 971, 988–91; Hessisches Staatsarchiv Darmstadt E5, A1 20:3 and 24:2.
38   HStAM 92, no. 80(11). The term *Gemeinde* (plural: *Gemeinden*) is a complex one whose translation can be problematic. In the early modern period the term could be used to designate a political commune or a religious community. Especially as it did in the post-Westphalian period, the notion of *Gemeinde* could undergo change such that distinctions between political and religious designations could become blurred. For this reason the term would be translated here more ambiguously as "community."

his salary was taken away and consigned to his rival. The priest arrogated the burial and the baptisms of Catholics, rights that had been held by the Lutheran minister, and even did the same of some evangelicals. In one case, a Burghaun father was forbidden from letting the evangelical minister bury his infant. While the father was away at Fulda to plead, the Catholic minister buried the child according to the Catholic rite in a Catholic cemetery. The evangelical *Gemeinde* complained to the Fulda authorities, who responded by asking whether they wanted to have the child's corpse back. The *Gemeinde* did not, but the members and minister did petition that such an incident never happen again. The Catholic official, however, rejoined that such was the way affairs were to be run. In short, the Lutheran minister no longer had the prerogative. That was now held by the Catholic priest, who was supported by the governing authorities. The point was hammered home again just days later when the Catholic minister buried a Rudolphshan youth who had recently received his first evangelical communion.[39]

With the many tensions at play, it is not surprising that clerical discord could emit a strong odor of bitterness. In 1757 Gemünden Reformed minister Wackerberg charged Löhlbach Lutheran minister Wanzell with having taught and confirmed the daughter of Reformed parents from Dodenhausen. Wanzell denied the charge, claiming the "peace-hating and truth-hating" Wackerberg had lodged an unfounded complaint against him.[40] The wording is revealing. In the pre-Westphalian world of Christian monism, Wanzell would have linked the hatred of truth to erroneous beliefs held by his adversary. In the post-Westphalian world of Christian pluralism, he linked it not to errant doctrine but rather a wrong understanding of the laws governing catechization and confirmation, to actions committed by Wackerberg, and to what had transpired.

These examples touch on a fourth cause of ministerial discord: the authority of the princely state and its notion of order. Prior to the Peace, territorial order for a prince meant getting subjects to conform to his chosen religion, a goal that the princes of Hesse, Hanau, and Fulda sought to reach. The 1648 agreement then sowed the seeds for a different kind of challenge. It required the estates to respect a subject's freedom of conscience and to allow him to adhere to the religion of his choice. At the same time, territorial sovereigns, like their predecessors, desired order. Yet now they had to achieve it in territories that could be populated by clerics of multiple confessions, by parish networks additional to the original one, and by subjects who had been baptized and confirmed as either Lutheran, Catholic, or Reformed. Maintaining

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39   HStAM 92, no. 80(1).
40   HStAM 315c, M68.

order became more complicated with each decade as these complexities took root, rival parish networks expanded their reach, the animosity between opposing local confessional communities festered, people relocated from one locale or territory to another, men and women crossed confessional boundaries in marriage and child-rearing, and opportunities for disputes over ministerial acts steadily grew.

Thorny dilemmas chronically manifested in many parishes. For example, could a subject venture beyond the territory to receive ministrations according to his or her confession, assuming he or she could not access them otherwise? The Marköbel Reformed minister posed this question in 1731 after the Catholic wife of a Reformed man took her daughter out of the territory for Roman Catholic baptism and education. "[One wants to know] how far the freedom of conscience extends," he wrote, "so that one knows what one should do in future cases."[41] He wondered whether her behavior could be regarded as subversive and promoting disorder, and especially whether her husband's could be, since he allowed her to do it. The Reformed consistory in Hanau in fact addressed his behavior, not hers, and suggested the minister might reprove the man and keep an eye on his "contrarian conduct."[42] If persons of differing confessions died on the same day in the same locale, then in what order should their funerals be held? This question arose a few times in Windecken alone in the 1730s. On one occasion in 1736, two children, one Lutheran and the other Reformed, died on a Friday.[43] Their funerals were scheduled for Sunday, but a dispute ensued over which funeral should be held first. The Reformed minister was not in any doubt. He had been notified of the Reformed child's death around 3:00 p.m., whereas the Lutheran minister reported on the Lutheran child's death sometime after 6:00 p.m. Besides, he noted, albeit anachronistically, the local Reformed church and community were much older than those of the Lutherans. The Lutheran minister objected that the Lutheran child had died in the morning and the Reformed child in the afternoon. The two clerics also offered pointed information regarding the child's status: the Lutheran minister remarked that the Lutheran child was born to a married couple and the Reformed one out of wedlock, yet his rival countered that the latter's mother had married since becoming pregnant. The reports were not, in fact, incompatible, but that in itself is revealing. The respective parties were presenting a partisan account that favored their case. Ultimately, the ruling came

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41   HStAM 83, no. 4739.

42   Ibid.

43   HStAM 83, no. 4674.

down that whichever one had been notified first would conduct the funeral first.

Because the princely state issued ordinances designed to regulate ecclesiastical affairs, any minister or subject who ran counter to the ordinances promoted "disorder" or "disorders," or "ruinous, sinful disorder," as one minister put it.[44] The Eschersheim Reformed minister warned that although he had announced certain weddings in his church, his Lutheran counterpart stealthily conducted the marriage ceremonies "in quiet" and "behind closed doors" in the local house where the Lutherans gathered for services. If such practices continued, he wrote, it would give rise to "great disorder."[45] Employing such rhetoric could stir the authorities against a rival. An *Eingriff*, then, not only affected him but also struck the nerve of the princely state's authority.

This matter offers opportunity to comment on the confessionalization thesis that has occupied scholars over the past few decades.[46] The thesis has argued that the fusion of state and church strengthened in the century up to the 1648 Peace of Westphalia, even to an unprecedented degree. Religion thus served as a key cog in the state-building process because territorial sovereigns proactively demanded that subjects conform to their chosen confession and utilized the church as an organ of state governance. The process encouraged order and control within a territory. The clerical conflicts discussed here argue that 1648 was not the endpoint, as the confessionalization thesis would have it. The year 1648 was, rather, a watershed. The Peace of Westphalia caused the links between state and church, governance and confession, and sovereign and subject to be restructured. It made them as dynamic, and arguably more, in the late seventeenth and eighteenth centuries, albeit in a different way.

A territory's transition to multiconfessionalism in the post-Westphalian period and the novelties engendered by this change created tremendous potential for confusion, dispute, and disorder. Reactively, a sovereign sought to control and regulate matters before they unraveled the territorial fabric. At the same time, they also offered him opportunity to augment his power. While

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44　HStAM 83, no. 5542.

45　Ibid.

46　Schilling, *Die reformierte Konfessionalisierung in Deutschland*; Hans-Christoph Rublack, ed., *Die lutherische Konfessionalisierung in Deutschland: Wissenschaftliches Symposium des Vereins für Reformationsgeschichte 1988* (Gütersloh: Gerd Mohn, 1992); Wolfgang Reinhard and Heinz Schilling, eds., *Die katholische Konfessionalisierung: Wissenschaftliches Symposion der Gesellschaft zur Herausgabe des Corpus Catholicorum und des Vereins für Reformationsgeschichte 1993* (Münster: Aschendorff, 1995); Heinz Schilling, "Confessional Europe," in *Handbook of European History, 1400–1600*, ed. Thomas A. Brady Jr., Heiko A. Oberman, and James D. Tracy (Grand Rapids, MI: Eerdmans, 1995), 2:641–70.

sovereigns might attempt to compel subjects to their chosen confession—Landgrave Karl of Hesse-Kassel and prince-abbots of Fulda were among those that tried—their focus was comparatively less on policing belief. Rather, they wanted to bring order to diverse conflicts, including those the sovereigns themselves incited while pursuing their confession's advantage.

Highlighting this development was a fifth cause of ministerial discord, one alluded to in the 1731 query by the Marköbel minister: namely, subjects of a region's tertiary confession. By the early eighteenth century, subjects of all three confessions could be found in the regions examined here. Generally speaking, in Upper Hesse the leading two confessions were Lutheran and Reformed, with Catholic in the tertiary place; in the county of Hanau-Münzenberg the leading two were Reformed and Lutheran, with Catholic as tertiary; in the region north of Fulda the leading two were Lutheran and Catholic, with Reformed as tertiary. Heading into the post-1648 period, the principal confession, with certain exceptions, retained the posts and infrastructure of the long-established, original parishes. The posts and infrastructure of the secondary confession gradually took shape. Meanwhile, members of the tertiary confession were typically few and scattered and usually did not possess a parish network or the free exercise of religion. Those who held firm allegiance to the confession might brave the distance and hazards, and risk potential punishment, to receive ministrations in a neighboring territory. Otherwise, they likely received them from a local non-coreligious minister.

But for those who lived wherever the principal and a secondary parish network overlapped, which minister should that be? The princely state issued ordinances designed to clarify and regulate the complex matter. For example, a 1699 decree pertaining to Upper Hesse granted rights over Catholic parishioners to the local Reformed minister and not the Lutheran one.[47] Despite the measure, disputes still surfaced. In 1722 Haina Lutheran minister Faust was outraged after the Gemünden Reformed minister accompanied a condemned Catholic man to his execution.[48] The man had confessed his sin to Faust amid eight days of counseling and purportedly said he wanted Faust to accompany him. Like other ministerial acts that Faust unsuccessfully contested during the same years, he believed the duty was his, just as it had been his predecessors'.

Regulation proved difficult in the county of Hanau-Münzenberg as well. By the early eighteenth century, ministerial rights over Catholics were to be exercised by the minister whose confession possessed the properties of the local original church. But troubling reports spurred county authorities in 1725 to

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47 HStAM 318, Marburg 461 (1710). The decree was reaffirmed in 1710.
48 HStAM 5, vol. 3, no. 10162.

solicit Reformed ministers for word on who in fact was exercising them. Their responses brought irregularities and discrepancies to light.[49] At Marjoss, the Catholic wife of a Reformed man was buried in 1713 by the Lutheran minister, even though he had been warned against doing so twice in correspondence. At Dorheim, the Reformed ministers had always carried out ministerial acts for Catholics, yet the Schwalheim Lutheran minister was elbowing his way in. Recently, he quietly officiated the wedding of a Catholic man in the house of a local official. The Reformed minister sought direction on how to handle such cases, for he believed the 1670 *Religionshauptrecess* did not indicate clearly one way or the other, and consequently matters were being run according to long-standing local custom. The Niederrodenbach Reformed minister had also been handling duties for Catholics, except in one recent case. After a Catholic woman fell ill, the minister, upon her request, diligently visited her several times. Before dying, she asked him to handle her funeral and stipulated which text and song to include. However, the Lutheran minister ultimately conducted the funeral after the woman's Lutheran husband claimed she had subsequently changed her mind.

A final and not uncommon cause of clerical discord concerned foreigners, migrant workers, and military personnel. Here, too, local ministers grappled over who held ministerial rights over them; and here, too, the authorities capitalized on the opportunity to accrue greater regulatory power. Who, for example, should bury a deceased military invalid in Wangershausen? As the one appointed to the district regiment, the Frankenberg Reformed minister claimed the right, but in its 1762 decision the Marburg consistory noted the soldier was Lutheran and gave the nod to the Wangershausen Lutheran minister instead.[50] In 1724 Hochstadt Lutheran minister Sebastian cried foul after Bischofsheim Reformed minister Cress officiated the wedding of a Frankfurt am Main couple in the local Reformed church. The groom was Lutheran and therefore, Sebastian exclaimed, the act blatantly ran counter to the 1670 *Religionshauptrecess*. He demanded the restoration of his right and fee. Cress submitted his defense. The groom was from Frankfurt but the bride, the daughter of a local Reformed Gemeinde member, was herself Reformed. It was the groom who had asked Cress to marry them, and as a foreigner from another land he was not a county subject and therefore the 1670 *Religionshauptrecess* was declared not binding on him.[51]

49   The cases in this paragraph can be found in: HStAM 83, no. 34.

50   HStAM 315c, M68.

51   HStAM 83, no. 34. Cress double-checked the 1670 *Religionshauptrecess* and, finding no reference to foreigners, assumed he could perform the wedding. Cress noted, pointedly,

Questions and thus ministerial conflict could even arise over who a "foreigner" was. According to a 1722 consistorial decision in Upper Hesse, when foreign Lutheran men wanted to marry Reformed women but did "not yet stand in the communion of the locale," then the right to announce and conduct the wedding fell to the Reformed minister. Yet in a 1729 case the Lutheran minister of Gemünden a. d. Wohra argued the statute did not apply. Although the groom was from nearby Kleinseelheim and thus a foreigner in the sense that he was not an enfranchised resident of Gemünden, he intended to reside not in Gemünden, the home of his Reformed bride, but rather elsewhere.

Unlike marriage, the burial of a foreigner involved only one person—and a deceased one at that. Although rival ministers would seem to have had less cause to clash over such cases, they disputed them just as passionately. As in other instances, a minister's reflex was to carry out ministrations for those of his confession. Yet in the interest of order, territorial authorities set down regulations that often eclipsed confessional affiliation. In Hanau-Münzenberg the right to bury, regardless of the foreigner's affiliation, went to the minister whose confessional Gemeinde possessed the original parish church and cemetery.[52] The 1670 *Religionshauptrecess* had legally assigned a majority of these to the Reformed, and therefore in most county parishes the Reformed minister held the right. Ordinances from 1743 to 1785 affirmed the statute.

Disputes, however, still flared in Hanau-Münzenberg. In the 1747 spat between Blum and Grimm discussed at the beginning of this chapter, Grimm asserted that the Reformed Gemeinde possessed the "town and main church" and therefore also the prerogative to handle ministerial acts for foreigners. By contrast, he wrote, condescendingly, the Lutheran exercise of religion took place in the outlying district of the city (*Vorstadt*) and not in the town itself.

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that Sebastian was the one who had recently baptized the child of a Reformed Gemeinde member of Hochstadt. The Lutheran consistory dismissed Cress's defense as mere pretexts. The baptism was done on an emergency basis at the parents' request at a time when Cress was absent, and as for the wedding, the 1670 *Religionshauptrecess* was universal, and, without exception, a wedding was to be done by the minister of the groom's confession. The Hanau government echoed the judgment. Article 18 applied to not only county subjects but also all foreigners and those from other lands.

52   For an exception that proved the rule, see HStAM 83, no. 3358. After a Lutheran linen weaver from the county of Schlitz fell ill in Rüdigheim in 1784, he summoned the Lutheran cleric for ministrations before dying the next day. The local Reformed minister hurriedly petitioned the Hanau authorities to verify that he could handle the funeral the following morning. When the Lutheran minister learned of it, he quickly sent his own letter. On this occasion, the Reformed minister was directed to let the Lutheran minister handle it even though the right was officially his.

In 1762 Blum and Grimm butted heads over the funeral of a foreign worker.[53] Paperwork revealed that he originated from a Lutheran region, yet again the top official authorized Grimm to handle the funeral. Blum started to appeal until the official barked, "Does it matter to me whether the man was Lutheran or Reformed? Enough! The observance is for foreigners to be buried by the Reformed." Blum then pleaded directly to Grimm, who refused, saying it was his right and that he had already registered the deceased's name in the church protocol. Deflated and defeated, Blum could only stand by and watch. He did not appeal for a restitution of fees to himself but did for those to his schoolmaster and sexton.

The developments described above offer a critique on one leading narrative of post-1648 confessional history—namely, that tensions between Protestants and Catholics surfaced after Westphalia due to Catholic apprehension about Protestant renewal and revivalism and to Protestant alarm about Catholic ambitions and gains.[54] Particularly troubling to Protestants was a growing Catholic presence within Protestant royal families and the conversion of certain Protestant sovereigns to Catholicism.[55] Yet the evidence from these central imperial territories offers contrasting storylines. The first is that Catholic subjects in Lutheran and Reformed territories did not so much pose potential, subversive threats as offer welcome opportunities for Lutheran and Reformed sovereigns to increase their power by exerting regulatory control over ministrations performed on Catholics. The same was true for Lutheran

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53   HStAM 83, no. 5750.

54   Ralf-Peter Fuchs, "The Right to Be Catholic—the Right to Be Protestant? Perspectives on Conversion before and after the Peace of Westphalia," in *Conversion and the Politics of Religion in Early Modern Germany*, ed. David M. Luebke et al. (New York: Berghahn, 2012), 69–86; Ronald Asch, "Religious Toleration, the Peace of Westphalia and the German Territorial Estates," *Parliaments, Estates and Representation* 20, no. 1 (2000): 75–89. As Fuchs notes, Catholic and Protestant powers engaged in a tense tug-of-war through the early modern period and not merely into the seventeenth century. In a sense, their positions reversed around the time of the 1648 Peace of Westphalia. Whereas Catholics prior to 1648 sought to freeze Protestant gains and the spread of Protestantism, most notably with the 1555 Peace of Augsburg, Protestants by the post-Westphalian period invoked the normative, or normal, year of 1624, as established in the Peace, in a conservative effort to prevent any Catholic advances. Asch offers a similar view in his work.

55   Hartmut Lehmann, "Continental Protestant Europe," in *The Cambridge History of Christianity*, vol. 7: *Enlightenment, Awakening, and Revolution 1660–1815*, ed. Stewart J. Brown and Timothy Tackett (Cambridge: Cambridge University Press, 2006), 45–48; Nigel Aston, "Continental Catholic Europe," in *The Cambridge History of Christianity*, vol. 7: *Enlightenment, Awakening, and Revolution 1660–1815*, ed. Stewart J. Brown and Timothy Tackett (Cambridge: Cambridge University Press, 2006), 16; W. R. Ward, *Christianity under the Ancien Régime, 1648–1789* (Cambridge: Cambridge University Press, 1999), 4–7; and Jeremy Black, *Eighteenth-Century Europe*, 2nd ed. (New York: St. Martin's Press, 1999), 204–13.

and Reformed subjects of Catholic sovereigns in Catholic territories. A second is that the conventional juxtaposition of Protestant and Catholic as the main rivals in the post-Westphalian period is arbitrary and stems from anachronism. The relationship between Lutheran and Reformed could be as strained and full of intrigue, only it did not result from disagreement over Eucharistic theology or images in the church as it had in the sixteenth century. Rather, it had to with which confessional community had possession of an original parish or parishes in a territory and which one emerged as its principal threat and rival. Moreover, that pattern held true regardless of the confessional communities involved, whether one was Reformed and the other Lutheran, or vice versa, or one Lutheran and the other Catholic.

To conclude, the aim of the Peace of Westphalia was to calm religious tensions and provide the basis on which adversarial confessional adherents could coexist peacefully. Subsequently, Lutheran and Reformed leaders sought to ameliorate their relations and, potentially, to unite by gathering at colloquies, most notably in Kassel (1661) and Berlin (1663), both of which followed in the tradition of those in Maulbronn (1564), Mömpelgard (1586), and Leipzig (1631).[56] In light of these efforts, competing clerics in the generations after 1648 were not the exemplars they ought to have been. And yet, one should not fault them too quickly. While they could have foreseen the need to tolerate each other on confessional or theological matters, scarcely anyone could have anticipated the way in which additional parish networks would form within territories and the jurisdictions of rival ministers would overlap so extensively. It proved difficult for a minister to tolerate and coexist with his rival when he believed the same had picked his pocket or deprived him of his ministerial rights. Nor did the passage of time bring much resolution. Disputes continued right into the nineteenth century. For Lutheran and Reformed ministers, they ended only when the *Vereinigung* united the two parties as evangelicals starting in 1817, and then only in those regions where the *Vereinigung* successfully took hold.

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56   C. Scott Dixon, *Protestants: A History from Wittenberg to Pennsylvania, 1517–1740* (Chichester: Wiley-Blackwell, 2010), 137.

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Parish Clergy, Patronage Rights, and Regional Politics in the Convent Churches of Welver, 1532–1697[*]

Marjorie Elizabeth Plummer

In 1697 the Cistercian nuns of St. Mary's convent in the village of Welver, located in the county of Mark near Soest, were finally given permission to build a convent church more than 450 years after the foundation of their religious house in 1240.[1] This need for a church is surprising given that the nuns already had a functioning church attached to their convent where they had worshipped since the thirteenth century.[2] The convent church, however, had first served as the parish church, and agreements made in the thirteenth century precluded the building of a second church in the region. Even as the religious practices and affiliation of the lay parishioners and congregation of nuns diverged after the Reformation took hold in the Soest region in 1532, this arrangement did not prove to be a serious problem until religious conflicts intensified during the seventeenth century. The primary points of contention in Welver centered on the traditional right of the abbess to choose and install the priest of the parish church. The numerous legal, and occasional physical, clashes over this issue—between the laity in and around Welver, the city council from the nearby multiconfessional city of Soest, and the Catholic nuns—finally pushed the nuns

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1 LAV NRW R Jülich Berg II, No. 313, 109v; *Begründete Ex Actis Judicialibus und durch Bewehrte è Lit A. bis FF. inclusivè Documenta Verificirte Antwort, Auf die An Seiten Chur-Pfaltz Zu Regensburg übergebene anmassliche Clev=, Marck= und Revenspergische Religions-Beschwehrden* (1720), G2v–H1v.

2 Margit Mersch, "Gehäuse der Frömmigkeit—Zuhause der Nonnen: Zur Geschichte der Klausurgebäude zisterziensischer Frauenklöster im 13. Jahrhundert," in *Studien und Texte zur literarischen und materiellen Kultur der Frauenklöster im späten Mittelalter*, ed. Falk Eisermann, Eva Schlotheuber, and Volker Honemann (Leiden: Brill, 2004), 45–102, here at 65.

to build a much larger, highly Baroque, and exclusively Catholic church little more than fourteen feet away from the older church, which now served as the Lutheran church for all the laity of the entire parish. This physical separation of convent and lay congregations into distinct religious communities that no longer shared space established a boundary that was to foment religious tensions between the groups. As each confessional group became more entrenched, the interactions between them generated growing intolerance against the minority Catholic lay population that continued to reside outside the convent walls.

In the years prior to the building of the second church, the convent church served as the sole religious center of the parish of Welver, which included several nearby villages. After the mid-sixteenth century, the Welver convent church can best be characterized as a church housing several different, intertwined congregations that shared space without recognizing each other's right to exist even as they accommodated the devotional rituals of their non-coreligious confessions. The lack of a sustained historiography on such hybrid, pluriconfessional religious communities and on mixed confessional convents or convents sharing space with mixed confessional lay congregations means religious houses, like Welver and others in Westphalia, have been overlooked in discussions of tolerance and intolerance.[3] Even within the context of pluriconfessional communities, however, the unique situation of a largely evangelical lay congregation and a fully Catholic convent congregation worshipping concurrently in the Welver church for almost 150 years is an anomaly. The closest approximation to describe the Welver convent church during the mid-sixteenth and seventeenth centuries might be as a *simultaneum*, or shared church where different religious groups shared space and sometimes clergy and devotional rituals, similar to those that existed in other regions.[4]

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3   Scholars have only recently begun to explore these issues. See, for instance, David M. Luebke, *Hometown Religion: Regimes of Coexistence in Early Modern Westphalia* (Charlottesville: University of Virginia Press, 2016); Jesse Spohnholz, *Tactics of Toleration: A Refugee Community in the Age of Religious Wars* (Newark: University of Delaware Press, 2011); Benjamin J. Kaplan, *Divided by Faith: Religious Conflict and the Practice of Toleration in Early Modern Europe* (Cambridge, MA: Harvard University Press, 2010); and C. Scott Dixon, Dagmar Freist, and Mark Greengrass, eds., *Living with Religious Diversity in Early Modern Europe* (Farnham: Ashgate, 2009). A much richer scholarship exploring the pragmatic coexistence of plural religious groups exists for the Netherlands and Spain, especially dealing with the interactions of Jewish, Christian, and Muslim communities.

4   For recent discussions on *Simultanea*, see David M. Luebke, "Misremembering Hybridity: The Myth of Goldenstedt," in *Archeologies of Confession: Writing the German Reformation, 1517–2017*, ed. Carina L. Johnson et. al (Oxford: Berghahn, 2017), 23–44; Paul Warmbrunn, *Zwei Konfessionen in einer Stadt: Das Zusammenleben von Katholiken und Protestanten in den paritätischen Reichsstädten Augsburg, Biberach, Ravensburg und Dinkelsbühl von 1548*

In this case, the mixed confessional church possessed a preexisting division between the nuns and the laity that allowed both groups to continue to worship much as they had, albeit with some modifications. As with many of the convents in the confessionally and politically disputed territories of Jülich-Cleves-Berg, especially the counties of Mark, Berg, and Ravensberg immediately after 1609 and 1648, local, regional, and transregional contexts mattered a great deal in determining confessional identity and maintaining confessional boundaries.[5] Yet, neither local nor ecclesiastical authorities recognized the church in Welver as an official *Simultankirche*, even after the Peace of Westphalia (1648); moreover, the nuns and clergy for the lay congregation did not recognize the legitimacy of the other's use of the space. This situation also meant that the existence of a small, but firmly resolute, Catholic lay congregation in the parish church went largely unacknowledged by the Soest evangelical authorities.

Welver was at the nexus of an overlapping series of ecclesiastical and secular jurisdictions and boundaries. Located in the Sauerland agricultural region in the county of Mark, Welver was under the territorial jurisdiction of the duchy of Westphalia in the early sixteenth century, the elector of Brandenburg after 1609, and the king in Prussia after 1701. As part of the Soester Börde, the town of Welver was under the judicial jurisdiction of Soest through the late Middle Ages.[6] After the Peace of Westphalia, Soest reasserted its judicial and political sway by using legal and spiritual authority, in the form of a religious commission and committee of Lutheran pastors granted it by the government of the elector of Brandenburg.

The connections between the city and the convent began early. The parish church of Welver originally had been built for the laity, but in 1240 Walter, an advocate in Soest, sold some of his inherited land located in Welver, including the church, to the Cistercian convent of Marienborn in Lippramsdorf to found

bis 1648 (Wiesbaden: Steiner, 1983); Hans-Georg Aschoff, "Simultaneen im Reich zwischen der Reformation und dem Westfälischen Frieden: Ausgewählte Beispiele," *Römische Quartalschrift* 103 (2008): 113–46; Helmut Neumaier, "Simultaneum und Religionsfrieden im Alten Reich: Zu Phänomenologie und Typologie eines umkämpften Rechtsinstituts," *Historisches Jahrbuch* 128 (2008): 137–76; and Spohnholz, *Tactics of Toleration*, 16–17.

5   For a brief overview of the complicated situation in the region after 1609, see F. L. Carsten, "The States General and the Estate of Cleves about the Middle of the Seventeenth Century," in *Essays in German History* (London: A & C Black, 1985), 81–90; and Alison Deborah Anderson, *On the Verge of War: International Relations and the Jülich-Kleve Succession (1609–1614)* (Leiden: Brill, 1999).

6   Klaus Diekmann, *Die Herrschaft der Stadt Soest über ihre Börde* (Diss. jur., University of Münster, 1962).

a new convent.[7] At the same time, however, he gave over patronage rights to the church in Welver "freely … and in perpetuity" to the new owners.[8] Two years later, Archbishop Conrad of Cologne allowed a group of nuns to build a new Cistercian convent on the property and to expand and adapt the church building for their needs.[9] He placed the convent under the spiritual care of the abbot of the Abbey of Kamp (*Alten Campen*). In this way, although the lay territory in and around Welver was under the legal jurisdiction of Soest, the convent, its church, and lands were not. These overlapping jurisdictions were to have a profound impact on how, when, and where various parties could and could not conduct their devotional practices and rituals.

The adapted church building followed a very typical building style for shared parish and convent churches in the area. Clergy, laity, and nuns inhabited distinct spaces within the church to allow it to serve its dual function. The pastor celebrated at the high altar and sanctuary that was elevated slightly above the ground floor of the church, and a second clerical position was added for a chaplain serving the St. John's altar in 1319. A small congregation of laity continued to worship on the ground floor of the church, entering from a small churchyard.[10] A nuns' choir (*Nonnenempore*) soon was added above the lay congregation, and the convent building was linked directly to the church via a walkway from their dormitory to the choir. Thus, the nuns could enter the church to sing the canonical hours and worship without entering the lay part of the church below. The only time a nun would enter the lower portion of the church was when her coffin was brought in for a funeral Mass before burial. The nuns had their own smaller altar in the choir where they followed the service from below. They also had their own confessor, usually a monk sent by the abbott from the Abbey of Kamp. They most likely took Holy Communion from him in their chapter house, rather than in the church.

The relationship between the lay and convent congregations changed fundamentally, although not physically, when the Soest city council accepted the

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7   See, for instance, LAV NRW W, Kloster Welver, Urk. 8 (03.12.1544); Urk. 9 (1245); Urk. 10 (1547); Urk. 15 (01.04.1251); Urk. 121 (07.05.1303); and Urk. 122 (01.07.1303). With the construction of the new convent buildings in Welver in the thirteenth century, individuals gave or sold additional fields and woodlands near to the convent. Gifts and bequests from citizens in Soest and local nobles continued throughout the fourteenth and fifteenth centuries.

8   VAL NRW W, Kloster Welver, Urk. 4 (26.02.1240). See also Johann Suibert Seibertz, *Urkundenbuch zur Landes- und Rechtsgeschichte des Herzogthumbs Westfalen* (Arnsberg: A. L. Ritter, 1839–43), 1:274–75 (No. 216).

9   LAV NRW W, Kloster Welver, Urk. 5 (1242); Urk. 6 (25.02.1242); Seibertz, *Urkundenbuch*, 1:284–85 (No. 225); 1:285–86 (No. 226).

10 LAV NRW W, Kloster Welver, Urk. 165 (30.06.1319).

Reformation in 1532.[11] They ordered the abbesses in Welver, Paradiese, and St. Walburgis to allow clergy to "announce" the new teachings in the parish churches under their control.[12] The city council quickly followed up the general call for evangelical preaching with a personal note to all clergy to instruct the "simple, uneducated, common folk" in God's Word in their parish, or if unable to do so, they promised to send another pastor chosen by the city superintendent to serve in this capacity.[13] They then ordered that convent property and devotional items be inventoried and confiscated from all the convents, including Paradiese and Welver.[14]

Due to external pressure from the emperor and ecclesiastical authorities, the territorial ruler, Duke William V of Jülich-Cleves-Berg (1539–92), remained neutral despite his personal support of the evangelical movement.[15] His position limited the ability of authorities in Soest to challenge the abbess's authority over the convent church. The Soest authorities did make indirect attempts to gain at least lay conformity to their new church order by eroding the authority of the clergy serving the convent. In 1542, for instance, the Soest city council simultaneously accused Johannes Elias, the Catholic parish and convent priest, of absenteeism, withheld his salary, and demanded that the nuns get rid of their convent confessor for financial reasons.[16] Representatives of the convent quickly accused the city of confessional motives for taking this action. Johann van Hülss, abbot of the Abbey of Kamp, protested this action to the Soest city council, reminding them that the Diet of Regensburg (1541) had left questions of confessions to be resolved at a future diet.[17] Margarethe von Fürstenberg,

11   For discussions of the Reformation in the Soest, see Hubertus Schwartz, *Der Geschichte der Reformation in Soest*, 3 vols. (Soest: W. Jahn, 1932–33); Franz Jostes, *Daniel von Soest: Ein westfälischer Satiriker des 16. Jahrhunderts* (Paderborn: Ferdinand Schöningh, 1888), 1–80; Hugo Rothert, *Zur Kirchengeschichte der "ehrenreichen" Stadt Soest* (Gütersloh: C. Bertelsmann, 1905); and Wilfried Ehbrecht, "Reformation, Sedition, und Kommunikation: Beiträge zum Soester Prädikanten Johann Wulff von Kampen," in *Soest: Stadt—Territorium—Reich*, ed. Gerhard Köhn (Soest: Mocker & Jahn, 1981), 243–325.

12   StadtASoest, A6168 (1532); Gerdt Oemecken, *Der Erbaren, Erenriker Stadt Sost Christlike Ordenunge, tho dense dem hilgen Euangelio, Gemenem vreede und eindracht ouergesen dorch D. Urbanum Regium, und mit ener des sülffigen latininschen Commedation* (Lübeck: Johan Balhorn, 1532).

13   StadtASoest, A7167 (25.10.1532).

14   Jostes, *Daniel von Soest*, 91, Ratsprotokoll (12.01.1532).

15   Heribert Smolinsky, "Jülich-Kleve-Berg," in *Die Territorien des Reichs im Zeitalter der Reformation und Konfessionalisierung: Land und Konfession, 1500–1650*, vol. 3: *Der Nordwesten*, ed. Anton Schilding and Walter Ziegler (Münster: Aschendorffische Verlagbuchhandlung, 1991), 87–105, esp. 90–91, 93–95.

16   StadtASoest, A7144 (11.08.1542); StadtASoest, A6717 (15.08.1542).

17   StadtASoest, A6716 (21.09.1542); LAV NRW W, Kloster Welver, Urk. 552a (24.04.1542).

abbess of Welver, was more direct: She stated that removing their confessor and chaplain would have left the "poor children" in the complete "power of the devil."[18] She adamantly refused to allow the city to dismiss the church's priest or their confessor or to consolidate those two functions into one person.[19] Nonetheless, the Welver nuns were unable to prevent evangelical pastors from entering the Welver church to preach, inventory the church and their property, or remove their devotional objects throughout the 1530s and 1540s.[20]

Despite these efforts, the nuns staunchly protected their priest and confessor and refused to allow their devotional space, worship services, and rituals to comply fully with the Soest evangelical church ordinance.[21] They allowed only minimal implementation of the Soest church order in the parish church and none at all in the choir. Elias, the Catholic priest, later praised how the nuns had maintained "the old Catholic teachings, order, and ceremonies" in their parish church during the time they were under duress, despite decades of efforts by the city of Soest.[22] During the 1548 Interim, the Welver convent overturned some of the changes undertaken in the previous fifteen years, including the reconfirmation of the position of the Catholic priest, Latin Mass, and traditional devotional rites.[23] Their success in doing so, like the Interim, was limited in its impact, so that while the convent was able to regain some functions, the nuns were unable to fully eliminate elements of evangelical practice in the church due to the presence of an evangelical lay congregation.

The progression of Protestantism within the lay congregation remains unclear. The evangelical members were a minority of the congregation at best, largely due to the efforts of the convent up to 1548, but that soon changed. Throughout the next decades, the nuns allowed an evangelical pastor to preach to the lay evangelical population in exchange for being able to retain their confessor. The result was that a growing number of the lay congregation did become Lutheran. A major shift in the relationship between the city, convent, and lay congregation came after the Peace of Augsburg (1555). In 1556 the city council of Soest, under pressure from Duke William V of Jülich-Cleves-Berg,

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18　StadtASoest, A6716 (22.12.1542).
19　StadtASoest, A6717 (06.10.1543).
20　Reinhard Braunisch, ed., *Johannes Gropper: Briefwechsel* (Münster: Aschendorff, 1977), 1:49; Rothert, *Zur Kirchengeschichte*, 83–84; http://www.kirchengemeinde-niederboerde.de/historie/welver/pfarrstelleninhaber (accessed April 6, 2018). The pastors commonly listed on the Welver church webpage for 1532 until 1548 are: Heinrich Velthuß (1532–35), Peter von Emmerich (1535–41), and Johan Christbach Georgis (1541–48).
21　StadtASoest, A 6181 (n.d.).
22　StadtASoest, A7144 (16.11.1548).
23　StadtASoest, Rademacher II, 416; StadtASoest, A6717, 48v–49v (28.11.1548).

confirmed that it would allow convents in the city where nuns and monks wished to follow Catholic devotional rituals to do so without fear of reprisal.[24] This concession afforded the Welver nuns certain protections within their convent and in the choir. This toleration of practice also extended to recognized non-coreligious congregations in predominantly Catholic or evangelical areas, including the Catholic and evangelical lay congregation in Welver.

In the aftermath of this decision, the Welver parish experienced a dynamic confessional culture in which the lay congregation gradually developed a hybrid worship and multiconfessional space. By the early 1560s, the laity and nuns occupied separate ritual spaces presided over by clergy of different confessions within the church. The lay congregation worshipped on the ground floor led by a evangelical curate and Catholic priest. The Catholic nuns of Welver worshipped separately above and in their cloister, where they could hear divine services, sing the liturgical hours, and give their confessions to a Catholic priest without any limitations.[25] In this way, while the evangelical laity followed the Augsburg Confession, the Catholic laity and nuns were able to worship simultaneously and completely separately with, in theory, little to no contact, thereby avoiding conflict. Indeed, it looked much as it had before, but with the official appointment and confirmation by the abbess of a second clergyman following the Augsburg Confession and the presence of a confessionally mixed lay congregation.

This is not to say that this transition was either smooth or that the Catholic nuns fully accepted the presence of the vice-curate. A century later, the nuns still described how the magistrates of Soest had seized the "convent church" and demanded the introduction of a "simultaneous exercise of Lutheranism" (*simultaneum exercitium lutheranum*).[26] In 1565, the abbess complained to Duke William that she had been pressured into accepting an evangelical vice-curate by Soest authorities and members of the evangelical congregation in Welver. She expressed concern about attempts to push for the evangelical vice-curate to hold all sermons and conduct church services, including communion, blessing marriages and baptizing children, for the laity. She then pointed out

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24   StadtASoest, Rademacher II, 636.

25   StadtASoest, A7149 (29.07.1638).

26   AEBP, Welver, Bd. 293 blau, 336–43; GStA Pk, I. HA GR, Rep. 34, No. 7959 (ca. 1683), (13.02.1721). This concept is used in the 1721 document on the "Wahrhafftes gravamen des Högstbedrängten Jungfrauen Closters Welweren Citerniensen Ordens" to show how the *simultaneum* had developed and where this practice had been violated to exclude Catholics or Protestants. The complaints remain, showing the violent takeover of the original church in 1649 and then the removal of the rights of the Catholic officials to officiate after 1709.

that the new religion was a violation of "the truth" and "lies" against the "holy religion" that would only lead to damage for the convent and the parish.[27] Her objections did not sway either the predominantly evangelical city council or the duke, who now were both more willing to support their coreligionists than previously.[28] The new situation left the unrecognized Catholic laity without an official right to exercise their religion.

Unable to prevent the presence of an evangelical minister in their church, the nuns instead emphasized their right of appointment and the primacy of their own clergy, stating consistently that the Catholic priest held the official pastorate and the evangelical minister served as his vice-curate. The nuns were able to do this largely owing to their prodigiously long-lived Catholic priest and confessor, Anton Grevinghoff.[29] First, by holding the position from 1550 until 1616, Grevinghoff provided the parish a stability that allowed it to weather the shifting confessional and political storms during its transition to a *simultaneum*. Second, despite some initial hesitation, Grevinghoff maintained good relations with the Lutheran vice-curates without conceding his position as the principal parish priest.[30] His participation in choosing and interviewing the vice-curates allowed the abbess to reinforce her patronage rights at a time when the city of Soest sought to strengthen its jurisdiction over parishes in the Soester Börde. In 1603, for instance, Grevinghoff and Heinrich Hanses agreed to work together "peacefully and truly" to serve both their congregations and confirmed their roles as "principal" and "vice-pastor" in the document signed by both.[31] This agreement held, and five Lutheran vice-curates served alongside Grevinghoff with only minor problems within the congregation.[32] In doing so, Grevinghoff and the convent were able to remain a dominant presence in the parish.

As a result, a mixed lay congregation flourished and its membership interacted with minimal conflict, thereby strengthening both groups through accommodation at least through the first decade of the seventeenth century. The longevity of the shared presence of a Catholic priest and Lutheran pastor presiding over a mixed congregation was confirmed in the testimony of

27   GStA Pk, I. HA GR, Rep. 34, No. 8703 (01.01.1565), (11.04.1565); StadtASoest A7149 (29.07.1638).

28   GStA Pk, I. HA GR, Rep. 34, No. 8703 (1565).

29   LAV NRW R, Jülich Berg II, No. 313, 16v. Grevinghoff was 101 years old when he died in 1616.

30   Eduard Vogeler, "Das Kloster Welver," *Zeitschrift des Vereins für die Geschichte von Soest und der Börde* 15 (1896–97): 27–41, here at 39.

31   LAV NRW W, Kloster Welver, Urk. 603 (20.02.1603).

32   StadtASoest A7149 (29.07.1638), 2.

Helena von Plettenberg, the seventy-three-year-old Catholic widow of Johann von Dinklage zu Loixen.[33] In a deposition given in a case of the convent against the city of Soest, arbitrated by the Cleves court, von Plettenberg confirmed that there had been a Lutheran pastor in Welver in the 1590s along with the Catholic Grevinghoff. She went on to state that her parents were of different confessions, and that up until 1623 there had been good relations between the confessions in the church and that those of the Augsburg Confession had been able to worship freely.[34]

The sharing of space and clergy did not mean that the two congregations fully got along, as evidence of tensions within the congregation indicate. In 1569 a member of the evangelical lay congregation started a fight over four pews in the church reserved for the Catholic Plettenberg family, whose family seat was in the Welver district of Meyerich, with the convent lawyer defending the Plettenberg right to maintain their places in the church.[35] This incident, which is not explicitly mentioned in the complaint, does hint that there was some tension between Catholic and evangelical families about the use of the church. In 1582, for instance, the Soest city council tried to force the confessor to leave, or at least give his house (*Bichterie*) to the evangelical vice-curate.[36] In 1595 the abbess and congregation of nuns complained to the Soest city council about the "impertinent" and "hard" words and threats levied against them by the laity.[37] What becomes clear in these incidents is that although the laity and clergy could generally overlook the existence of non-coreligious parishioners, this did not mean everyone accepted their non-coreligious in neighboring pews or above in the choir. While the evidence for these incidents nowhere indicates what exactly was going on between the two congregations, it does point to growing divisions between the nuns and the laity within the church. Nonetheless, when Grevinghoff died in 1616, the abbess appointed both Barthold Varsenius as Catholic priest and Johann Ziegler as Lutheran vice-curate, an apparent rapprochement returning the church to the previous status quo.[38] Yet, as Helena von Plettenberg testified, the convent

33   Eduard Vogeler, "St. Paulikirche," *Zeitschrift des Vereins für die Geschichte von Soest und der Börde* 14 (1895–96): 220–21.

34   LAV NRW W, Kleve-Märkische Regierung, Landessachen, No. 201, 9r–v (ca. 1670); StadtASoest, A6717, 216r–218v (24.07.1668).

35   LAV NRW W, Kloster Welver, Urk. 581 (16.07.1569).

36   Rothert, *Zur Kirchengeschichte*, 137.

37   StadtASoest, A6718 (23.05.1615).

38   StadtASoest, A 6717, 37r (12.03.1616); StadtASoest, A7149 (29.07.1638). Alternative spellings of Varsenius's name in various documents include Bartholdum Varsenium and Bertholdi Versen.

cut Ziegler's salary from previous levels and problems cropped up in the community.[39] Such controversies later made it difficult to determine the exact sequence of the clergy working in Welver and their relationship to each other and to the parish church.[40]

Between 1565 and 1623, the Welver convent church effectively accommodated a relatively stable simultaneous worship for a mixed Catholic and evangelical lay congregation with the Catholic nuns within the church walls. The new regulations established by Soest had emphasized a religious division between the nuns and the laity, without either acknowledging a confessional split in the lay congregation or considering the choir as a separate confessional space. Yet after 1565, all laity could continue devotional practices according to their confessional identity ministered by coreligious clergy. The degree to which simultaneous devotional practice actually happened during this period is difficult to ascertain, in large part due to later denials that it had happened. In reports submitted in 1661 and 1664 to the elector of Brandenburg, the Soest city council admitted that Catholic devotional practices continued alongside those of the Augsburg Confession in Welver after 1532. At the same time, they also made a point to state that only evangelical services had been provided by the curate in the main part of the church.[41] The nuns were just as emphatic that their priest, and later confessors, consistently held religious services in the parish church throughout the period.[42] The differing claims in these testimonies had much more to do with the later struggles for control over the parish after the Thirty Years' War. As a result, they did not necessarily present an accurate picture of devotional life in the late sixteenth and early seventeenth centuries.

The alternating arrival of imperial and then Protestant troops during the Thirty Years' War disrupted confessional relations in Welver by providing opportunities and encouragement for rival coreligious groups to seize full control over choice of clergy and, thus, the church. In July 1623, in accordance with an agreement with the city of Soest, Abbess Anna Schilling confirmed the installation of the evangelical Johann Trentäus as the vice-curate in the church after Ziegler's death, promising Trentäus all the rights enjoyed by his predecessor.

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39 LAV NRW W, Kleve-Märkische Regierung, Landessachen, No. 201, 9r–v (ca. 1670); StadtASoest, A6717, 216r–18v (24.07.1668).

40 StadtASoest, A6717, 152r–59v (ca. 1662) and 162r–68v (1637). This much amended document shifts the relationship between the clergy by changing whether the various evangelical clergy predominately led the divine services in the church or only the "evangelical services as vice curates" (152r) as in the case of Teilerus (Ziegler).

41 StadtASoest, A6118 (28.05.1661), 1r; LAV NRW W, Kleve-Märkische Regierung, Landessachen, No. 152, 642v–43r (08.04.1664).

42 StadtASoest, A7149 (29.07.1638), 2.

Trentäus formally accepted the position and was confirmed in a document witnessed by various members of the clergy, including Barthold Varsenius, the convent confessor.[43] Around the same time, Catholic ecclesiastical authorities used the changed political circumstances to reaffirm jurisdiction over convents in the region. Thus, Schilling received a letter from Abbot Laurence Beuer of the Abbey of Kamp, forbidding her to appoint a Lutheran preacher without consulting him.[44] Soon thereafter, she withdrew her confirmation of Trentäus, emboldened by the presence of Spanish troops and with the support of the Catholic Wolfgang William, count palatine of Neuburg. Varsenius, the convent confessor, took over all the duties as parish priest.[45] Schilling's action led to considerable tensions between the convent, the city of Soest, and the evangelical parish congregation in Welver over the next three years, and became a matter of considerable debate after the Peace of Westphalia.

This event led to an outpouring of reactions from a variety of directions, demonstrating how tentative the previous coexistence had been and how surprisingly peaceful and confessionally diverse Welver still was. In 1623 the city of Soest considered launching a criminal case against Varsenius. The judge, Peter von Schönebeck, cautioned the Cleves government that any meddling in the parish affairs would be problematic since "the majority of the parishioners ... would go to the Catholic church if it were not forbidden by the Soest magistrates," a hint of how firmly rooted traditional rituals, beliefs, and practices remained in Welver.[46] He then made an impassioned plea for allowing religious coexistence, arguing that "this parish church is a convent church and that the nuns' choir is in the church and therefore it is a location where the monastic rule exists and a space for the exercise of various religions, both of which should not be damaged."[47] His appeal for peaceful, nonviolent coexistence did not quiet other voices. In 1624 the evangelical lay congregation sent a supplication to the Soest city council, accusing the new curate, who they disparagingly call Mr. Confessor (*Herr Bichtiger*), of disrupting their devotional culture. They alleged that by holding only Catholic services in their church, he acted "against their consciences," stating that they "know better" what a proper worship service should look like. The letter also made a strong argument for their right to practice their religion by pointing out that

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43   LAV NRW W, Kloster Welver, Akten No. 3 (27.07.1623); StadtASoest, A7155, 55r, (27.07.1623).
44   StadtASoest, A7155, 479r (17.07.1623).
45   StadtASoest, A6717, 4r–11r; Rothert, *Zur Kirchengeschichte*, 201.
46   StadtASoest, A6717, 13v–16v (27.12.1623). For a comprehensive look at rituals, see Susan C. Karant-Nunn, *The Reformation of Ritual: An Interpretation of Early Modern Germany* (New York: Routledge, 1997).
47   StadtASoest, A6717, 12r–16v, here at 14v–15r (27.12.1623).

the Augsburg Confession was allowed in the empire and demanding that they "be allowed the unhindered practice of the resulting religious exercise in this parish church."[48] By bringing the Soest church order and freedom of religion into the discussion, the evangelical congregation effectively questioned the Welver abbesses' independent patronage rights. Under pressure from Soest, the nuns acquiesced to allowing the evangelical congregation to worship in the church, but only at an altar located under the bell tower.

Perhaps not surprisingly given the growing intolerance between the congregations, confessional control of the church was reversed with the reinstatement of Trentäus in late 1625 by Protestant troops led by representatives from Soest. The abbesses described how their assault on the church was done with such violence that Varsenius was forced from the altar during Mass and Trentäus put in his place to continue the worship service. The crowd then threatened to imprison the abbess; confiscate the church book, account books, and keys; and take her back with them to Soest, if she did not give her formal approval to Trentäus, which she quickly did.[49] Confronting a complicated political, confessional, and military situation, the Catholic territorial ruler, Count Palatine Wolfgang Wilhelm of Neuburg, followed a neutral position by confirming that Trentäus and his new sexton could hold Lutheran services in the church and making clear that they could not expel or mistreat the Catholics.[50] The nuns were able to retain their Catholic priest, Varsenius, as their confessor, but his sermons and all Catholic rituals were restricted again to the choir and convent.[51]

Subsequently, both sides attempted to exclude the non-coreligious clergy and congregations from the church or to at least limit where the religions were practiced. In 1628 Johannes Schwartz, the superintendent of Soest, issued a new church ordinance to help evangelical pastors in Soest and its surrounding

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48   StadtASoest, A7148 (1524).

49   LAV NRW W, Kloster Welver, Urk., No. 613 (14.01.1526).

50   StadtASoest, A6717, 11v–13r, esp. 11v–12r (14.01.1626). For more on the church politics of Count Palatine Wolfgang William during the Thirty Years' War, see Hans Schmidt, "Pfalz-Neuburgs Sprung zum Niederrhein: Wolfgang Wilhelm von Pfalz-Neuburg und der Jülich-Klevische Erbfolgestreit," in *Um Glauben und Reich, Kürfürst Maximilian I: Beiträge zum Geschichte und Kunst, 1573–1657*, ed. Hubert Glaser (Munich: Piper, 1980), 1:77–89; and Stefan Ehrenpreis, "Der Dreißigjährige Krieg als Krise der Landesherrschaft: Das Beispiel Wolfgang Wilhelm von Pfalz-Neuburg," in *Der Dreißigjährige Krieg im Herzogtum Berg und in seinen Nachbarregionen*, ed. Stefan Ehrenpreis (Neustadt an der Aisch: Verlagsdruckerei Schmidt, 2002), 66–101.

51   StadtASoest, A7149 (29.07.1638); LWL Archivamt für Westfalen, Ham.Urk [Haus Hameren] No. 1916 (30.03.1636), http://www.westfaelische-geschichte.de/que87802 [accessed March 24, 2018].

territory maintain the Augsburg Confession in the churches under their care. Joining the eight Soest and nine regional evangelical pastors, Hermann Plasius, the evangelical vice-curate in Welver, signed the document as the sole member of the clergy in the "Ecclesia Welver." By excluding any mention of the presence of the Catholic parish priest, he established the rituals of the Augsburg Confession as the only legitimate worship in the Welver church.[52] His action was met with equal force a short time later by the Catholic clergy. During Pentecost week in 1637, Varsenius took possession of the key to the church and locked out the Lutheran vice-curate and his congregation. After the Soest magistrates tried to force the Catholic priest to open the doors to the vice-curate, Emperor Ferdinand III issued a letter of protection (*Schutzbrief*) for the convent of Welver and other monastic institutions in the Soester Börde. The emperor specifically cited the violation of the Mass in 1623 as a justification for his decision to protect the convent, noting the Kyrie had already been sung and that they should have at least allowed the priest to finish the service.[53] He then confirmed the right of the Catholic priest to give the holy sacrament and condemned all the actions that led to the Catholic priest being pulled from the altar during Mass to be replaced by John Trentäus, an "uncatholic" preacher.

What is unclear is whether a Lutheran vice-curate was able to officiate in the Welver church again until 1649. Catholic witnesses later argued that they had retained full possession of the church, while Lutheran witnesses stated that they had only temporarily been shut out.[54] What is clear is that Emperor Ferdinand III confirmed the collation right of the nuns of Welver to place a Catholic priest in charge of their convent church, negating any previous agreements to share the church, and affirmed their right to choose a Catholic sexton, who could collect rents and administer farms on the convent's property, a proclamation he intended to protect with penal sanctions if necessary.[55] Certainly the abbess later referred to this mandate whenever evangelical rulers or pastors attempted interference in the parish church.[56] In 1638 George William, the Reformed elector of Brandenburg, who had gained control over much of the region, asked for an investigation from his local authorities in Cleves. His chancellor confirmed that the abbess possessed the right to appoint the parish priest, but insisted that she still should appoint an evangelical vice-curate. He also noted the Catholic priest generally only gave communion inside of the

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52   StadtASoest, A6325 (12.10.1628).

53   StadtASoest, A6717, 16v–25v, here at 20r (20.08.1637); StadtASoest, A HS 64, 304 (15.06.1643).

54   See, for instance, StadtASoest, A7155, 51r (19.06.1668) (Lutheran version).

55   GStA Pk, I. HA GR, Rep. 34, No. 8703 (29.08.1637); GStA Pk, I. HA GR, Rep. 34, No. 5687 (28.08.1637).

56   GStA Pk, I. HA GR, Rep. 34, No. 8703 (16.05.1638).

convent and that the Lutheran vice-curate undertook all the other parochial services, such as marriage, baptism, and sermons for the lay congregation.[57] The elector wrote to the city of Soest to express concern that that the abbess of Welver had gone too far in her attempts to maintain control over the church, and asked that the parish of Welver be brought back into order.[58] His request was to little avail. By 1638 his advisor, Adam, Count of Schwarzenberg, reported that the religious confusion of Soest had spread to Welver.[59]

The confessional situation continued to shift in Welver and the rest of the region over the next couple of years during the ongoing military occupation. Despite a 1641 complaint from the abbess of Welver about the current handling of the church, the presence of imperial troops did improve her position.[60] As the city of Soest reported, the presence of Field Marshal Count Melchior von Hatzfeldt forced them into a position of confessional neutrality that resulted in the placement of "Catholic prelates in almost all the villages in the Soester Börde, even where evangelical preachers had been holding evangelical services until now."[61] By 1642 the local Cleves authority reported that the exercise of the Lutheran religion in Welver had been restricted, despite the previous history of uninterrupted practice in the town until 1637.[62] The confessional situation in the church and the relationship between the Catholic priest and the Lutheran vicar remained unresolved during the final years of the Thirty Years' War.[63]

What was clear was that an intolerance had grown within the Lutheran and Catholic congregations in the region, which intensified after the conflict ended largely to the benefit of the Lutherans. In 1648 Johann Gottfried Grimmaeus, the Soest city secretary, described how the evangelical parishioners had complained of being deprived of their rights to the customary evangelical divine service previously practiced in the church "for more than 80 years."[64] In 1649 Soest accused the nuns of using physical force and other methods to pressure the parishioners to become Catholic during the previous decade, including excluding them from the church building. They reported that the evangelical parishioners, unable to use the church, had had to worship outside "in the rain

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57 "Ein zeitlich Römisch Catholischer Pastor in dem bezirck des Closters die divinia den Junffern verricht," GStA PK, I. HA GR, Rep. 34, No. 8703 (29.07.1638).

58 GStA PK, I. HA GR, Rep. 34, No. 8703 (13.06.1637).

59 GStA PK, I. HA GR, Rep. 34, No. 5687 (07.07.1638).

60 GStA PK, I. HA GR, Rep. 34, No. 5687 (25.07.1641).

61 GStA PK, I. HA GR, Rep. 34, No. 5687 (31.08.1641).

62 GStA PK, I. HA GR, Rep. 34, No. 5687 (23.01.1642).

63 GStA PK, I. HA GR, Rep. 34, No. 5687 (12.01.1642).

64 LAV NRW W, Kleve-Märkische Regierung, Landessachen, No. 1031, 3r (26.03.1648).

and cold" for many years after 1637.[65] These concerns found a receptive audience in Frederick William, the Reformed elector of Brandenburg, who made a swift decision based on the account put forward by the city of Soest and the evangelical congregation of Welver. On 19 December 1649, Stephan von Neuhoff (Altena and Iserlohn) and Eberhard Zahn (Unna), officials from the regional religious commission, formally "restored" the parish, including the church and the church property, to the evangelical congregation. They then installed Albrecht Scheväus as the evangelical pastor of the church in the presence of the mayor, members of the governing council, and the city of Soest.[66] They also commanded the nuns and their priest to worship only inside of the convent walls, including confining the celebration of Mass to the chapter house. By restricting the rights of the Catholic nuns and their confessor to the convent, this move changed the spatial relationship between the parish and convent.[67]

For both sides, 1649 marked a watershed in the confessional relationship in the Welver parish. As external evangelical authorities claimed control of the church, the pragmatic toleration established by coexistence began to erode. Proximity had played an important role in the ability of the groups to accommodate one another. Now the lay and convent congregations were physically divided into separate spaces in different buildings. The nuns no longer worshipped in the church, and their worship space within the chapter house (*Kapitelhaus*) was inaccessible to the Catholic laity in the Welver region. As a result, the Catholic laity were now required to attend devotional services held in the parish church, and they lost access to sacraments from a Catholic priest. The concern now shifted from the church building to demarcating the boundaries of the parish and delimiting of the private and public exercise of religion. Evangelical authorities swiftly implemented the parish jurisdiction (*Parochialia*) over the laity and established the Lutheran ministers and clerical representatives as the sole purveyors of spiritual services. This spatial restriction was followed up by a renewed attempt to enforce religious conformity to the 1628 church order. After 1649 the Lutheran pastor kept a record in the parish register of all (at least in theory) baptisms, marriages, and deaths for all laity residing in the parish, regardless of confession. In 1652 Grimmaeus instructed that the children in Welver could no longer visit any school other than

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65   GStA PK, I. HA GR, Rep. 34, No. 8020, 1649.
66   LKAEKW, Bestand 8,3 Welver, Bd. 1, Kirchenbuch Welver (1649–1770), Bild 5, (19.12.1649);
      Rothert, *Zur Kirchengeschichte*, 200.
67   Ulrich Schulz, "Welver," in *Westfälisches Klosterbuch: Lexikon der vor 1815 errichteten Stifte und Klöster von ihrer Gründung bis zur Aufhebung*, ed. Karl Hengst (Münster: Aschendorff, 1994), 2:449–57, here at 451.

that run by the evangelical sexton, effective in eight days from the receipt of the edict.[68] What this did not clearly reflect was practice, since many Catholics still remained in the parish. The actions taken over the next fifty years point to a growing exclusion of these parishioners from the church records of Welver, as intolerance grew between the groups in practice.

Bolstering the internal stability of the convent mattered a great deal to Catholic authorities with this shift in the parish. Although the numbers certainly dwindled from their height of around fifty nuns in the fifteenth century to between twelve and fifteen nuns in the seventeenth, the congregation managed to stabilize and even build on its position using its financial resources and networks.[69] After 1649 Catholic officials assisted the convent in protecting its right to conduct basic religious rituals and services in the parish. Throughout the seventeenth century, for instance, the abbots of Kamp provided the nuns with necessary support to strengthen their house. In 1650 Abbot Peter Polonius presided over the resignation of the elderly Anna Schilling and facilitated her replacement with the swift election and installation of Clara Adolpha von Schilling using the traditional rituals, thereby avoiding any interference from the Soest city council and insuring the convent's independence.[70] Kamp abbots also oversaw the installation of new nuns into the convent in 1655 and 1668, thereby securing the continued presence of a Catholic congregation of nuns in the parish.[71] They had retained control over property in the villages outside of Welver and used these and their personal wealth to undertake an active building program within the convent. In this way, the convent continued to flourish, creating a facade of authority, despite external attempts to undermine its influence in the parish and parish church.

From this renewed position, the Welver abbesses, with the support of the congregation of nuns, challenged Soest's extension of Lutheran spiritual control over the parish in several key ways. First, they appealed regularly to outside temporal authorities, complaining that the city had violated their free exercise of religion, thus throwing the decision about the use of the church into

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68   StadtASoest, A7151 (03.08.1652); StadtASoest, A6325 (12.10.1628), 10r–11r. The sexton was to teach the children of the parish spelling, reading, writing, and give basic religious education in singing and catechism to all boys and girls.

69   StadtASoest, A6717, 27r–30r. A 1667 register of the inhabitants of the convent lists eleven nuns, seven lay-sisters, and two novices and twenty-five servants by name as living in the convent, followed by a list by name and farm of all the farmers and their families residing on convent property. As such this document serves as a partial census of all the Catholic laity in the parish of Welver.

70   LAV NRW W, Kloster Welver, Urk. 620, 2 (28.10.1650).

71   LAV NRW W, Kloster Welver, Urk. 613a (09.10.1668).

the hands of a series of imperial courts and regional commissions.[72] Second, over the next sixty years, the Welver abbesses sought to provide sacraments to the Catholic population both publicly and secretly with the assistance of their confessor and other Catholic clergy. Third, the nuns managed their property and continued rituals and annual processions that extended the boundaries of their influence beyond the choir and convent walls in order to support the Catholic parishioners economically and culturally. Finally, they developed a cohesive historical narrative that emphasized their exclusive right to use the church as a convent church and employed this to pursue legal cases against the city of Soest for the return of the convent church.

While open conflict was not inevitable, the tensions between the congregations and the city of Soest over the control of the parish and the parish church grew, and finally erupted over the appointment of the next Lutheran pastor. In late 1661, as it became clear that Scheväus, the first Lutheran pastor appointed in 1649, was ailing and unable to fulfill his clerical duties, Abbess Clara Adolpha von Schilling chose Berthold Wessel, born on the convent farm of Westerhof in Dinker, as his successor.[73] In this way, the abbess, congregation of nuns, and their clergy sought to circumvent the authority of the city council and the territorial secular authorities. Although Wessel was evangelical, the Soest church authorities quickly objected to her action. First, they asserted that the abbess had patronage rights only within the convent walls, and that the right to election in the church now belonged only to the congregation in consultation with Soest city ministers. Second, they pointed out that the abbess had already exercised her patronage rights when she chose a preacher, their former confessor Petrus Bernhard, for the convent.[74] They then asserted that all discussion was moot because they already had offered the position to Justus Ahasuerus, after having interviewed him and clearing his appointment with the elector.[75] The unspoken reason for their actions was that Wessel did not have ties to Soest, but that he did to the convent since his family had been dependent on the abbess. They proposed a pastor with clear loyalty to them and to the elector. Wessel continued to serve as pastor for almost two years as the dispute over the appointment continued.

Although the evangelical authorities in Soest previously had accepted and even sought the participation of the nuns and their clergy in the choice and

72   StadtASoest, A7149, 2v–3r (29.07.1638).
73   StadtASoest, A7152, 1r–2r (18.12.1661); 2v (01.09.1661); StadtASoest, A7152, 32v–33v (02.08.1659); Friedrich Wilhelm Bauks, *Die evangelischen Pfarrer in Westfalen von der Reformationszeit bis 1945* (Bielefeld: Luther-Verlag, 1980), No. 6827.
74   StadtASoest, A7152, 3r–4r (20.12.1661).
75   StadtASoest, A7153, 28r–29r (21.10.1664).

approval of evangelical clergy, this cooperation evaporated after 1649. The Soest authorities, therefore, certainly perceived the unwillingness of the nuns to defer to the Soest magistrates when choosing an evangelical clergy as a direct challenge to its authority and a violation of the agreements made under the Peace of Westphalia. While conflicts over the appointment of clergy had happened before, those circumstances in 1623, 1625, and 1637 occurred during external occupation. This conflict was different for all parties. The city argued that the traditional right of the convent and abbess were no longer valid after 1649 in what they now saw as an evangelical church in a fully evangelical parish. The nuns did not accept their argument and continued to underscore their traditional right of appointment in the church using the charters going back to the thirteenth century. The resulting unresolved disagreement was sent for arbitration to the religious commission of the elector of Brandenburg, a process that was to take until 1664 when he confirmed Ahasuerus as the parish pastor.[76] This, too, was disputed and sent for adjudication by the legal faculty at Giessen. One major justification given by the theological faculty at Giessen to support the elector's position on his choice of pastor was that the abbess did not consult the congregation in her choice, and that she had given up her patronage rights in 1659.[77] The city council ultimately prevailed in 1665 in its appointment.[78] It also effectively sought to erase Wessel from the official lists of pastors in Welver. When Ahasuerus died in 1699, the church book noted his career of "thirty seven years as preacher in Welver" in his death notice, thus pushing his "official" date of installation back to 1662 when the city first appointed him.[79]

Despite the statements in the Peace of Westphalia, in Welver at least, the new regulations designed to support freedom of conscience began to give way to tensions within the congregation in practice. The involvement and reaction of the lay congregations, Lutheran and Catholic, in this controversy are not directly evident in the official correspondence. An official report on the votes of the parishioners showed support for Wessel from a minority of the farms held by the convent and populated by Catholic families.[80] Another hint that many parishioners, Catholic and Lutheran alike, did not fully accept Soest's imposition of jurisdiction in choosing the pastor can be found in the church book. Throughout his career, Ahasuerus did not serve as a godparent, and

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76   LKAEKW, Kirchenbuch Welver (1649–1770), Bild 5.
77   StadtASoest, A7152, 8r (13.12.1664).
78   StadtASoest, A7152, (1662–65).
79   LKAEKW, Kirchenbuch Welver (1649–1770), Bild 200 (27.01.1699).
80   StadtASoest, A7155, 61r–62r.

parishioners did not name their sons after him as had been the case with his predecessor. It is only in 1686 that Ahasuerus's daughter was mentioned as a godparent for one of the parishioners.[81] At the same time, the Welver Catholic noble families allowed baptisms to be conducted by the Lutheran pastor, but often asked nuns to be the godparent for their daughters.[82]

The presence of a Catholic laity in the parish was ignored within the official evangelical narrative as Catholics were forced to accept Lutheran rituals and attend the Lutheran church. That they existed and retained their identity becomes increasingly clear in their willingness to vote for candidates supported by the abbess, to worship with the nuns, or to seek the services of a Catholic priest in Soest or elsewhere. In 1669, for instance, Tönnies Albert from the village of Klotingen allowed Bernhard Nadorff, a Catholic priest from Münster, to baptize his recently born infant even through the baby "was not sick." When questioned by the city council, Albert explained that he had had ten children baptized in the church by the Lutheran pastor but that the convent confessor had explained to him that he should not do this anymore.[83] The attempts of the Lutheran pastor to assert control over baptism, marriage, and funerals obscured the continued existence of these Catholic lay parishioners.

The controversy over disputed elections of pastors shifted the relationship between the convent and the Lutheran pastor. These tensions were only exacerbated by subsequent attempts by the Calvinist Elector Frederick William of Brandenburg to arbitrate a resolution between the Catholic and Lutheran congregations in Welver and other mixed confessional parishes and churches of his territory in Mark and Ravensberg. In April 1668 the elector proclaimed that all convents housing Catholic and Protestant (Lutheran and Reformed) congregations that had experienced any religious *Turbation* (or confusion) during the period from 1609 until 1624 within his Westphalian territories should restore the simultaneous (*simultaneum*) practice of religion inside and outside the sacred space for all religious groups.[84] What was supposed to follow was a mutually satisfactory resolution of religious differences such that the

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81   LKAEKW, Kirchenbuch Welver (1649–1770), Bild 73 (28.09.1686).

82   LKAEKW, Kirchenbuch Welver (1649–1770), Bild 92 (10.04.1695); Bild 97b (01.11.1699).

83   See, for instance, StadtASoest, A6717, 27r–30r (1667); LKAEKW, Kirchenbuch Welver (1649–1770); and LAV NRW W, Kleve-Märkische Regierung, Landessachen, No. 201, 1r–v (ca. 1670). Around 1670, the nuns gave testimony that there were at least 400 Catholics in the region in the seventeenth century. Tönneis Albert, along with his second wife Elske and his six sons and four daughters, were listed in the 1667 census of Catholics living on convent property. The baptismal records of the Lutheran church book listed the majority of the Albert children despite the family identifying as Catholic.

84   StadtASoest, A6329, 2r–v (26.04.1668).

congregations could be "restored to a simultaneous exercise" (*restitutionem exercitii simultanei*) in the church or chapels in such places where both confessions resided, with an equal division of rents and goods.[85]

Instead, tensions between the Lutheran pastor and the convent in Welver sharpened during the subsequent attempts to resolve ongoing questions about the confessional use of parish and church space prior to 1648. Both parties argued for the sole use of the whole church building and exclusive parochial rights in the parish. Ahasuerus, the Lutheran pastor, and representatives of the Welver evangelical congregation demanded that witnesses testify as to whether the Catholic priest had held Mass and administered the sacraments only in the choir.[86] With this question and his earlier assertion that the convent had illegally transgressed the church space, Ahasuerus argued that the confessional space in the church had been firmly divided since the sixteenth century. He dismissed any claims that the parish church or parish itself was Catholic, thus negating any need to be included in the negotiations at all, since the church and lay congregation had never been a *simultaneum*. He was not alone in this approach. The Welver convent lawyer presented ten reasons why the Welver church should be considered fully Catholic, since "all the rents, incomes, and levies" were "in Catholic hands" as of 1 January 1624 and that church was Catholic.[87] The convent representatives argued that there had been "seven hundred years of unbroken succession of Catholic services" in the Welver church and that the annual Pentecost procession had been held in the churchyard until 1668.[88] Like Ahasuerus, the congregation of nuns emphasized that the congregation had not been a *Simultankirche* in the determinative years of 1609 and 1624, demanding that the church be returned to full Catholic control.[89]

The 1672 religious settlement (*Religionsvergleich*) between Frederick William of Brandenburg and the Philip William of Neuburg, concerning their disputed territories, sought to establish "tranquility, peace, and security" between their subjects and territories regardless of confession, and so made a series of individual agreements on contested religious houses, parishes, and towns.[90] The text is notably silent on the disputed church of Welver in its

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85   StadtASoest, A757 (01.05.1668).

86   StadtASoest, A7155, 48r–53r, here at 52r (19.061668).

87   StadtASoest, A6717, 17r–18v (10.05.1668), points 6 and 10.

88   LAV NRW R, Jülich Berg II, No. 313, 111r (25.02.1670).

89   StadtASoest, A6717, 19r–24v, esp. 24v.

90   [Elector Friedrich Wilhelm of Brandenburg and Elector Philipp Wilhelm of Palatine], *Religions-Vergleich Welcher zwischen Dem Durchleuchtigsten Fürsten … Friederich Wilhelmen Marggraffen zu Brandenburg, … Und Dem Durchleuchtigsten Fürsten … Philipp Wilhelmen Pfaltzgraffen bey Rhein, in Bäyern, zu Gülich, Cleve und Berg, Hertzogen … Uber*

multiple agreements on confessionally disputed female religious houses. Nor was Welver among the five parishes officially recognized as *simultaneum* within the county of Mark. In part this is due to the uniqueness of Welver's situation. There were no Lutheran nuns in the convent, and both congregations had their locations for worship separate from the other, by returning to the agreement made in the sixteenth century. Thus, technically as long as "free exercise of religion" and the salaries of all the pastors were paid as outlined in the agreement for the county of Mark, the compromise supposedly settled confessional conflicts in Welver.[91] The resolution meant that the congregations at Welver were left to worship as they had in the past, with the Lutheran lay congregation led by its pastor celebrating divine services on the ground floor of the church and the nuns singing the canonical hours above in the choir or with their priest celebrating Catholic Mass with the Catholic laity within a small chapel in the convent chapter house.

This seeming resolution that left the church split once again into two separate congregations on different floors celebrating separately but simultaneously came to a sudden end in 1697 when the nuns built a new church within their convent walls. The nuns thereby delinked their convent physically and metaphorically from the previous church. They then completely rebuilt their convent to encompass this new building. In doing so, the abbess, congregation of nuns, their clergy, and the small Catholic congregation sought to regain their parochial rights. Within their new, much larger, and impressively Baroque church, which towered over the nearby Lutheran parish church (their former convent church), the devotional lives of the nuns were still to be centered in the new choir, linked to a renovated convent dormitory. They planned that the Catholic lay congregation would now be able to worship below on the ground floor. They would share a Catholic priest who could serve both congregations within his church without interference or interaction with non-coreligious congregation or clergy. And now they were technically beyond the jurisdictional reach of the city of Soest and the elector of Brandenburg. Or at least that is what they thought should have happened.

The new church did shift the relations between the two communities dramatically, but not in the way that the nuns could have anticipated. Instead, the newly established border and separation sharpened hostilities between the two congregations and began a new chapter in the confessional conflicts

Das Religions- und Kirchen-Wesen In denen Hertzogthumen Gülich, Cleve und Berg, auch Graffschafften Marck und Ravenßberg respective am 26. Aprilis 1672 (Düsseldorf: Schleuter, 1695), A3a–b.

91   *Religions-Vergleich*, B3b–B4a.

within the village. Despite the building of a new church, for instance, the abbess continued to assert a right to appoint the pastor of the neighboring church. It was only in 1709 that this right was removed when the elector confirmed their convent wall as the border of their power and thus confined it to the new church and not the old.[92] While this was a confirmation of previous policy, it had a new urgency since the boundary had been strengthened. In addition, as Franz Wilhelm Norf, abbot of Kamp, wrote to the abbess, the Lutheran laity challenged the boundary by claiming that they had the right to worship within the new church.[93] Instead of creating tolerance, the separation of the churches increased intolerance between the two groups. Over the next decades, Welver remained one of the most confessionally contentious and contested villages in Westphalia.

From 1532 until 1697, the nuns of Welver maintained a strict cloistering for themselves despite sharing their church with a growing evangelical lay congregation and shifts in confessional identity of the region. Yet, the nuns had allowed evangelical preachers and a growing non-coreligious lay congregation to worship in the parish church from the mid-sixteenth century. All groups shared space, mostly peacefully, expecting that the others would ultimately accept a uniform devotional practice. For almost a century, unwilling to directly confront the other confession for the most part, they practiced a pragmatic toleration born of necessity. The intolerance against non-coreligious congregants, clergy, and ritual was triggered at moments when support from coreligionists outside of the convent gave one of the congregations a sense that it could gain control of the whole church. At such moments, the silent intolerance manifested itself as public action against non-coreligious sharers of church space. Thus, during the seventeenth century, especially after the Peace of Westphalia, the precarious balance between tolerance and intolerance within the church tipped toward increased hostility and discord that was to spread far beyond the small parish and led to attempts to establish concrete boundaries and divisions within the region.

92   Franz G. H. J. Bädeker, *Geschichte der evangelischen Gemeinden der Graffschaft Mark und der benachbarten Gemeinden von Dortmund, Soest, Lippstadt, Essen, etc.* (Iserlohn: Bädeker, 1870), 462.

93   LWL-Archivamt für Westfalen, Wel.A–746 (16.03.1706).

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Epilogue

Amy Nelson Burnett

Narratives of progress are both seductive and misleading. By stressing the differences between the past and the present, they prevent us from seeing deeper similarities and so make it harder to understand the relevance of history for our own day. The familiar narrative of the movement from medieval intolerance to Enlightenment tolerance is a case in point. Europeans in the sixteenth and seventeenth centuries struggled to find ways to live with those they disagreed with religiously, and their responses to the tensions created by religious diversity varied enormously.

The modern understanding of toleration as accepting and even embracing diversity creates another barrier to understanding early modern toleration. The difficulties inherent in a policy of toleration become apparent if we start from the principle that dissent of any kind is a refusal to accept authority, whether that authority is political, religious, or cultural. Toleration then becomes the willingness of those in authority not to use physical or legal coercion to eliminate dissent. It can also be the willingness of those without authority to forgo the use of violence to enforce religious or cultural norms.[1] When dissent concerns minor or unimportant issues, toleration is easy, but when it rejects the power of those in authority or questions deeply held beliefs and practices, toleration becomes much more problematic. Religious dissent in early modern Europe challenged the authority not only of the clergy but also of political rulers who claimed responsibility for their subjects' spiritual well-being, and it undermined fundamental elements of a culture shaped by specific religious beliefs and practices. It is no wonder, then, that toleration was such a contentious issue.

The medieval concept of toleration involved forbearance, the self-restraint of those in authority toward perceived evil, especially where the result of acting against that evil might inflict more harm than it would prevent. Heresy or religious dissent, however, was such a great evil that it could not be tolerated.[2] Andrew Pettegree has called early modern toleration a "loser's creed" used by

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1 For a discussion of how popular violence could be an expression of anger at the failure of authorities to eliminate dissent, see Natalie Z. Davis, "Rites of Violence: Religious Riot in Sixteenth-Century France," in *Society and Culture in Early Modern France: Eight Essays* (Stanford: Stanford University Press, 1975), 152–88.

2 István Bejczy, "Tolerantia: A Medieval Concept," *Journal of the History of Ideas* 48 (1997): 365–84.

religious minorities to justify their right to exist but abandoned once that minority became the dominant elite.[3] In other words, the experience of persecution did not necessarily make a religious group more willing to tolerate dissent from its own understanding of truth. Under these circumstances, toleration as acceptance of religious dissent could only become established when that dissent was no longer seen as endangering religious truth, challenging political authority, or undermining cultural norms.

This change occurred in different ways and to different degrees and at different times in different places. The cases described in this volume demonstrate how difficult it is to make generalizations about toleration in the early modern period. Toleration was not one-dimensional: it had religious, political, economic, and social aspects. It was justified by a combination of theological, philosophical, legal, and pragmatic arguments, but it could also have a political purpose, as Antwerp's defense of religious dissenters and New Christians demonstrates. It could also be based on experience—whether positive, as in the justifications for toleration used by Dutch Mennonites; or negative, as in the complaints concerning procedural abuses and torture in the Bamberg witch trials. The particular form of toleration differed significantly according to local circumstances. In the early seventeenth century, Anabaptists were tolerated in the Dutch Republic and allowed to exist in return for paying "protection money" in Emden, but they faced growing persecution in the Swiss Confederation. Nor was toleration unidirectional, for communities could become less tolerant as well as more tolerant, as shown by developments in Antwerp over the sixteenth century and the convent and parish of Welver in the later seventeenth century.

Despite this diversity, it is possible to draw some more general conclusions about the practice of toleration in central and northwestern Europe in the two centuries after the Reformation. First and foremost is the importance of the particular configuration of political and legal authority. The extent of toleration could become an issue used by competing political authorities to increase their own power, as was the case with Bern and Fribourg in the Common Territories of Orbe and Grandson. It could also be a factor when city governments tried to assert their autonomy under a ruling sovereign, as with Antwerp under Charles v or Emden under the counts of East Frisia. Where it had no rivals, a sovereign government could adopt and enforce more uniform confessional standards at will, whether that meant eliminating Anabaptists in Zurich

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3   Andrew Pettegree, "The Politics of Toleration in the Free Netherlands, 1572–1620," in *Tolerance and Intolerance in the European Reformation*, ed. Ole Peter Grell and Bob Scribner (Cambridge: Cambridge University Press, 1996), 182–98.

or persecuting Huguenots in the Artois region. Once they decided to impose Tridentine standards of clerical discipline, the prince-bishops of Münster, as both secular and ecclesiastical rulers, could take action against concubinary priests in Westphalia, and resistance even by noble canons was ineffective. The legal framework established by the Peace of Westphalia set the parameters for conflicts between pastors of rival churches in Hesse and between the abbess of Welver and the Protestant parishioners of the village, but it also allowed Lutherans in Augsburg to worship in their own churches.

The example of the Augsburg Lutherans also shows the close association between place and the formation of religious identity. Corporate worship is held in a particular public space, and so churches became the center point of confessional rivalry. The yearly *Friedensfest* celebrated by Augsburg's Lutherans in their own churches enabled them to maintain and even to strengthen their corporate identity as their numbers declined. The rapid growth of Emden meant that religious refugees were clustered in the suburbs, and the inclusion of Jewish residences within the new city walls was significant not only for practical but also for symbolic reasons. The importance of place for maintaining religious identity was also reflected in popular religious literature. In the *Dialogues Rustiques*, new converts to the Reformed religion were encouraged to leave the Catholic "wilderness" of the Artois, where they could only practice their new faith in private, and to settle in the Netherlands, where there was a visible community of coreligionists.

Space could also give rise to conflict, and the clergy were sometimes its chief instigators. In the Common Territories of western Switzerland during the 1530s and 1540s, attempts to regulate access to church space were unsuccessful, leading only to deliberate provocation by Reformed preachers, active resistance by the Catholic populace, and the failure of biconfessionalism. Long-term biconfessionalism was largely the product of stalemate. The de facto biconfessionalism established in Welver during the century between the Peace of Augsburg and the Peace of Westphalia reflected a situation where both parties were of roughly equal strength and neither could force its claims to the convent church on the other. Significantly, the changes only occurred when the balance of power was tilted by intervention from outside. In Hesse the Peace of Westphalia ended the parish pastor's monopoly on providing religious services to those within a geographically defined parish. The result was rivalry and conflict as pastors of the confessional church that had been dominant fought to maintain its traditional rights and privileges against clergy of a rival confession.

The attempts of Antwerp's government to defend the city's New Christians suggests that trying to determine whether toleration developed first from ideological justification or on the basis of practical experience is a fruitless exercise, like the proverbial question of the chicken and the egg. In fact, the two could develop together. It is striking, though, that arguments for religious toleration were associated with the places that had the greatest religious diversity. In Emden and in the Dutch Republic, the daily experience of religious coexistence and the ideological justification for toleration went hand in hand, even though clergymen might rail against their theological opponents. At the other end of the spectrum, persecution of religious minorities was strongest in monoconfessional areas such as Catholic France and Reformed Switzerland. The use of similar arguments against the witch trials by theologians and the family and friends of those accused of witchcraft shows the extent that learned and popular culture shared broader cultural attitudes.

Last but not least, the studies in this volume demonstrate that in order to understand early modern toleration, we cannot limit our attention to the philosophical and legal treatises used by earlier generations of historians and focus only on providing broad narratives about an abstract concept. The authors have drawn on records from civil court cases and ecclesiastical disciplinary procedures, popular literary works, commemorative images, and city maps. Like pieces of a mosaic, their studies contribute to the bigger picture of the varied responses to religious pluralism in the early modern period. The initial challenge to a dominant understanding of Christianity upset an equilibrium, and the immediate result was tension and turmoil at the local level, whether as caused by evangelical preaching in western Switzerland in the early Reformation or as an outgrowth of the Peace of Westphalia in Hesse after 1648. It took time to work out a new equilibrium, and that process could include significant conflict according to the specific local circumstances. The full scope of the process of toleration can only be appreciated if we take into account the communal and regional situation as well as the broader social and cultural forces that are revealed in the wide range of both published and unpublished sources generated by the individuals and groups involved.

Western society is no longer torn by rival claims to authority between different forms of Christianity, but other religious traditions can raise similar questions of how to deal with fundamental differences of belief at the local level. The early twenty-first century has also witnessed sharp disagreements over both political policy and cultural norms. Rather than glibly asserting that "we should all just get along," perhaps we can learn something about the costs

and benefits of toleration from those who struggled to define its extent in early modern Europe.

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