

# The Legal Rights of Religious Refugees in the ‘Refugee-Cities’ of Early Modern Germany

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*Abstract: Nowhere in early modern Europe (15<sup>th</sup>-18<sup>th</sup> centuries) did religious refugees enjoy more special legal protections than they did in the so-called ‘refugee-cities’ (Exulantenstädte) of Germany. These were new cities founded, mostly in the seventeenth century, by German princes with the express intention of attracting religious refugees to settle them. Offering two case studies, of Neuhau and Neuwied, this article examines the legal provisions that extended personal, economic, civil, and religious rights to the refugees who settled them. The article shows that these rights reflected the needs and desires of refugees as well as the agendas of early modern princes. It also shows why, to achieve the goals of both parties, it became standard practice to combine the refugees’ special rights with separate urban status for their settlements.*

Although medieval Europe had its fugitive heretics and wandering Jews, both real and imagined, it was the early modern era that turned the religious refugee into a mass phenomenon.<sup>1</sup> Beginning in the fifteenth century with the expulsion of large Jewish populations, continuing in the sixteenth, when the Protestant and Catholic Reformations unleashed unprecedented religious conflicts, and peaking in the seventeenth century, when hundreds of thousands of Christian dissenters fled persecution, the number and variety of Europeans migrating for religious reasons was enormous. The scale of the phenomenon was

sufficient to reshape Europe's social geography and populate some of its overseas colonies. Economically, the contribution of certain refugee groups to the development of the host lands that took them in was decisive, while religiously, the experience of exile left a powerful mark on the thought of figures such as John Calvin and on the movements they led. It also played no small role in shaping the course of religious and political events in many lands (Niggemann, 2016; Janssen, 2017; Terpstra, 2015: 4; Lachenicht, 2017; Bahlcke, 2008; Grell, 2011; Spohnholz and Waite, 2014; Jürgens and Weller, 2010, Fehler et al., 2014; Kaplan, 2007: 156-61. Oberman, 1992 has been influential conceptually).

Even as the refugee became a common, visible figure in many parts of Europe, though, the refugee remained an elusive figure in early modern law. In part that was because the concept of 'refugee' as a distinct category of displaced persons did not yet exist. Until the late seventeenth century, the closest equivalent in general usage was 'exile', a category that included both those who had fled their native land to escape persecution and those whom authorities had banished. These two groups were not usually distinguished from one another in either law or common parlance. More frequently, refugees were simply called 'strangers' or 'foreigners', an even broader category that made no distinction between refugees, exiles, and economic migrants. Change came only around the time that Louis XIV revoked (1685) the famous Edict of Nantes (1598). In so doing, Louis not only outlawed Protestantism, but forbade French Protestants to leave France, as in fact they had been forbidden since 1669. Most of the affected French Protestants were called Huguenots, while a smaller group, from the mountainous region of Dauphiné, were known as Waldensians. They risked severe punishment if they were caught fleeing: men were usually sentenced to row on the king's galleys until they died, while women were shut up in convents for the rest of their lives. These refugees therefore could not be mistaken for banished 'exiles', which is perhaps why a distinct term came to be used for them. Initially, however, 'refugee' referred principally to

members of the French Protestant diaspora. Its use as a general category became common only in the eighteenth century.<sup>2</sup>

Until then, a conceptual framework did not exist to accord refugees a set of legal rights distinct from that of exiles as well as other foreigners. To be sure, a concept of asylum existed, but when early modern theorists of natural law, such as Francisco de Vitoria and Hugo Grotius, discussed it, they did not distinguish those whom we would call refugees from others who had been banished or fled from justice, and they grounded such rights on a duty to offer hospitality to strangers generally (Wilde, 2017; Grotius, 1625: 458-60 [2/21/5-6], 745-46 [3/20/41] ). In any event, there existed no framework of international law or institutions that could have effectuated such rights. On the level of individual states as well, no early modern ruler or government ever bound itself by a legal obligation toward refugees in general. No ruler acknowledged such an obligation even for refugees who shared his or her religious beliefs, never mind ones who did not; indeed, many rulers held beliefs that ruled out offering a new home to people who adhered to what they regarded as false religions. The only legal stipulation that came close to approximating an obligation toward all religious refugees was the so-called 'jus emigrandi', or right of emigration, that prevailed after 1555 in that huge but loose polity known as the Holy Roman Empire. Spanning much of central Europe and including more than three hundred territories, the Empire is generally regarded as the predecessor of modern Germany. The right of emigration that prevailed in it did not require rulers to take in refugees but rather to let them leave: that is, to allow dissenters – at least, ones who adhered to one of the Empire's legally recognized confessions (Catholicism, Lutheranism, and later also Calvinism) – to depart from the rulers' territory, and to do so without confiscating the dissenters' property (Asche, 2007; Ehrenpreis and Ruthmann, 1997; May, 1988). As far as taking in refugees was concerned, rulers sometimes felt a sense of duty as Christians to aid co-religionists, and their sympathies sometimes extended beyond the

latter, for example to fellow Protestants who belonged to other confessions. Uniquely, the Dutch Republic began in the seventeenth century to identify itself as a haven for religious refugees of all stripes, while the eighteenth century saw the British government articulate general humanitarian grounds for protecting refugees and other persecuted groups (Janssen, 2017; Arnold, 2016; Arnold, 2017). Legally, though, it remained up to each ruler or government to determine, on a case by case basis, whether or not a particular group of refugees would be admitted, and if so, what rights its members would enjoy.

When early modern rulers allowed refugees to settle in their lands, they did not necessarily promulgate special laws concerning them. Refugees might fall under more general legislation regarding foreigners, or they might become denizens (long-term legal residents) or citizens of a community and be treated as such. The incorporation of refugees in these other categories increased their elusiveness in law, which perhaps went furthest in England, where foreigners who did not become denizens or citizens enjoyed few legal protections (Yungblut, 1996: 77-113; Dölemeyer, 1997-99: 309-11; Esser, 1996: 154-69; Lachenicht, 2010: 121-24). Even in places where laws were issued concerning foreigners of a particular religion, those foreigners were not necessarily refugees. The laws regulating the presence of Turkish merchants in Venice, for example, or of Calvinist ones in Hamburg exemplify this point (Kafadar, 1996; Tucci, 1985; Whaley, 1985: 111-44). And even when special laws were issued specifically for a group of refugees, those laws did not necessarily grant the refugees rights or protections different from those of other groups. Indeed to some extent, by the very act of formally admitting refugees, rulers assimilated the latter to the condition of their other subjects, subjecting them to the same authority, imposing on them at least some of the same laws, and extending to them at least some of the same protections enjoyed by other subjects. The famous Edict of Potsdam, issued in 1685 to encourage Huguenot refugees to settle in Brandenburg-Prussia, offers an example. To be sure, it made

special provisions for the Huguenots, allowing them to hold religious services in their own language and to elect arbiters to resolve disputes among themselves (these were possibly the two most common special rights granted to religious refugees by authorities who took them in). For the most part, though, the edict assured the Huguenots they would enjoy the same rights and status as “native subjects”. Its article seven provided that

As soon as these Our French co-religionists of the Evangelical-Reformed faith have settled in any town or village, they ... shall be entitled to the benefits, rights, and privileges enjoyed by Our other, native, subjects, residing there. We also declare them totally exempt from the so-called *droit d'aubaine* and other similar charges commonly imposed on foreigners in other Kingdoms, Lands, and Republics and, in general, wish them to be regarded and treated on the same footing as Our own native subjects. (1685, art. 7)

Paradoxically, this granting of equal status was itself a kind of special privilege in that newcomers to early modern communities did not usually enjoy rights as extensive as those of natives.

To ask, therefore, what legal rights were enjoyed by religious refugees in early modern Europe might be considered a *question mal posée*. None of the rights that some refugees enjoyed extended to all religious refugees, and most of the rights that some refugees enjoyed did not apply to them exclusively.

That said, there were still many cases in which special legal rights were accorded to groups of refugees. Sephardic Jews fleeing the Spanish and Portuguese inquisitions were welcomed and indeed enticed to some European port cities by the offer of such rights (Cesarani, 2002; Cooperman, 1998; Israel, 1989). So were Huguenot and Waldensian refugees, whom many rulers were eager to attract to their lands (Kiefner, 1990; Klingebiel, 1994; Mempel, 1986). Here, though, I wish to consider another, less well known set of cases in which early modern rulers established what German historians call ‘Exulantenstädte’: new

cities founded with the express intent of attracting religious refugees to settle them. In fact, the last two sets overlap, as numerous refugee-cities were established toward the end of the seventeenth century for Huguenots and Waldensians. These later examples were modelled on older refugee-cities, some of which dated as far back as the sixteenth century. Among the earliest were Frankenthal (1577 municipal privileges), Otterberg (1581), Freudenstadt (1597), Mannheim (1607), Glückstadt (1616), and Friedrichstadt an der Eider (1620). In total, more than forty refugee-cities were founded, most of them in the Holy Roman Empire. The settlers of these planned cities were extended robust packages of personal, economic, civil, and religious rights.

These legal rights have, of course, received previous scholarly attention. Every European city has its local historians, who invariably study its founding documents. Comparisons between different refugee-cities have been made by Heinz Stoob, Étienne François, Walter Grossmann, and Rudolf Endres (Stoob, 1970: 246-84; François, 1982; Grossmann, 1980; Endres, 1985). The group of historians to take the greatest interest in the laws of these cities has been experts on the Huguenot diaspora, among them Barbara Dölemeyer, who has examined the legal provisions for Huguenot refugees across Europe but especially in Germany. All these provisions were a mix, giving Huguenots in some regards special status and in others equal treatment with natives. The balance, though, between special status and equal treatment varied greatly, finds Dölemeyer, tilting most heavily toward the former in the German lands (Dölemeyer, 1997-99; Dölemeyer, 1988; see also Schätz, 2010; Lachenicht, 2010). I would go further and argue that the special privileging of religious refugees (not just Huguenots) went to an extreme in the establishment for them of new cities: distinct municipal corporations that constituted their own jurisdictions and had laws that differed from those of the surrounding society. To demonstrate this point, I will offer case studies of two refugee-cities, Neuhanau and Neuwied (Map 1). Between them,

these two cities exemplify the legal provisions typical of early modern refugee-cities. What makes these two cases distinctive and significant, though, is the degree of legal experimentation that took place at the time of their establishment, for in fact their founders initially got the basic formula wrong. Both cities threatened in their early years to fail unless their legal foundations were radically revised. A successful refugee-city had to attract settlers and satisfy their needs, fulfil the purposes of the princes who invited them, and protect the settlers from the hostility of native populations. In Neuhanau and Neuwied only a combination of two things succeeded in achieving these goals: special rights for the refugees plus separate municipal status for their settlements. An examination of these two cities shows how their founders learned, through trial and error, the need for this combination. It thus helps explain the success of a legal formula that became the norm across the German lands.



Map 1. Neuhanau and Neuwied, with their environs, in west-central Germany. The counties of Hanau and Wied, to which they respectively belonged, are marked with stippling. Source: Wikimedia Commons, adapted by the author.

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Neuhanau was one of the first refugee-cities to be created. Its founding is traditionally dated to 1597, when Count Philipp Ludwig II of Hanau-Münzenberg signed a document known as the Kapitulation, which offered terms of settlement to a group of Reformed Protestants who had fled Habsburg persecution in the Netherlands and moved to the Imperial City of Frankfurt. Many of these refugees were in the textile industries known as the ‘New Draperies’, which were innovative not only in the new kinds of cloth they produced but in their organization, which followed the so-called putting-out system by which merchants farmed out to laborers the different stages of production. While the refugees were a great boon to the Frankfurt economy, the city’s native artisans saw them not just as direct economic competition but as threatening their way of life as independent master craftsmen and undermining the power of their guilds. Religiously too, the refugees faced bitter hostility in the Lutheran city, and in the 1590s the city’s magistrates had begun to prevent the Reformed refugees from worshiping even privately, in a barn (Schilling, 1972: 52-59, 125-34; Fischer, 1997; Scholz, 2017). It was consequently the refugees themselves who went looking for a new home and initiated negotiations with the young Count Philipp Ludwig, who in 1595 became ruler of the adjacent county of Hanau-Münzenberg. Those negotiations were tough and lengthy, reflecting the strong position of a group who obviously could bring a powerful economic impulse to the county. The representatives of the refugees dangled before the count the prospect of a new city that would compete with Frankfurt as a commercial entrepot.



Thus while it took the form of an edict, the Kapitulation was really a kind of treaty or contract between the count and the refugees, some of whose leaders eventually co-signed the document (full text at Bott, 1970-71: 1:431-38). Designed to make the move from Frankfurt an attractive proposition, the document set out the rights and obligations of the count as well as the refugees. On the most basic level, it required the refugees to take an oath of homage in which they vowed to obey and be loyal to the count and his government. In return, the count promised to accept them as subjects and extend to them the same protection, assistance, and justice enjoyed by his other subjects. Refugees would have to pay most of the same taxes as other subjects, and would be eligible not only to become citizens but to hold offices in city government. In addition to these provisions assimilating the refugees, the Kapitulation offered them special privileges. In exchange for a modest fee, it exempted them from performing corvée labor for the count – unpaid labor a set number of days per year, a remnant of serfdom. It excused them too from paying a ‘departure fee’ should they subsequently choose to leave the county. These two provisions gave the refugees a different personal status from that of other subjects. The Kapitulation exempted settlers of the new city from certain building ordinances, firefighting duties, and plague regulations. Most important, however, was article eight, which assured the refugees

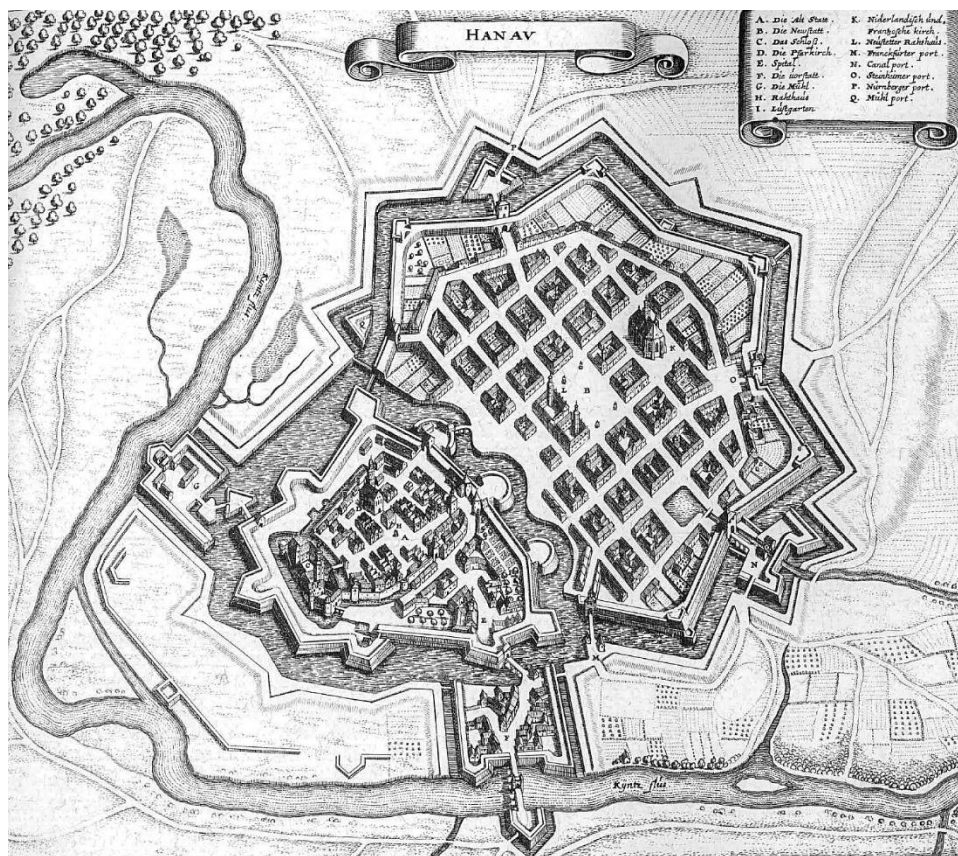
that it shall be free and available to denizens, as also to other burghers, merchants and shopkeepers, to engage in any sort of occupation and livelihood [that is] honorable and not harmful to the common good, and to trade in all kinds of goods, so long as they are honest, [such] as [are] customary and permitted everywhere in the Holy [Roman] Empire.<sup>3</sup>

This provision promised the settlers freedom to engage in whatever commerce they pleased; to practice any craft they wished; and to organise their economic activities without being

subject to the monopolies and restrictions traditionally imposed by guilds. In fact, the provision was not interpreted in the seventeenth century, as it was much later, to mean the city could have no guilds. Guilds brought economic benefits as well as restrictions, for example, quality standards to reassure potential customers, and at the refugees' own initiative guilds were subsequently established in Neuhanau. In practice, the economic deregulation that characterized the city was relative, not absolute, and its degree varied by industry. No obstacles, though, were permitted to hinder the putting-out system in cloth-production, the city's largest industry, or later tobacco-production (Dorner et al., 1997: 330-35; Schreiber, 1927: 14-15, 24-25, 41-43; Brandt, 1963: 17-18).<sup>4</sup>

Thus there rose a new city for newcomers who spoke different languages (Flemish and French) than natives of the county; had different occupations and ways of living than the natives, who subsisted mostly on agriculture; and enjoyed privileges that in some respects made them the equals of natives and in others set them above the latter. The potential was obvious for friction between newcomers and natives. In fact, initially the count and his advisors thought it would be better to locate the new city some distance from the old city of Hanau so that one 'need not fear that they [the newcomers] would not get along with the Germans' (Bott, 1970-71: 1:103). They were right, but the refugees insisted on building right next to the old city on fields used by the locals for agriculture and gardening. It caused great bitterness that the houses going up in the Neustadt blocked the paths along which locals were accustomed to drive their animals. For of course the Neustadt was a planned city, laid out with a strict geometry that took no account of rural customs or needs (Map 2). Rather, its design, by the 'Ingenieur' Nicolas Gillet, accorded with contemporary ideas about the inherent value of regularity and order, and the moral virtues which those qualities could instill in a community (Merk, 1997; Dorner et al., 1997: 312-25. For comparisons to other planned refugee-cities see Krufft, 1989: 68-81; Jakob, 2000). For their part, the magistrates of

the Altstadt were especially aggrieved that the new roads being laid funneled commercial traffic directly to the new city, circumventing the old one.



Map 2: Hanau, showing both the Altstadt and Neuhau. From Matthäus Merian, *Topographia Hassiae* (1655).

Source: Wikimedia Commons.

While the magistrates submitted to the count one remonstrance after another, the local sheriff conducted a campaign of harassment, obstructing the building-works being undertaken by the newcomers. This prompted the count to transfer authority over the Neustadt to a different sheriff, who was assisted by an unofficial council of four men chosen by the refugees. When that sheriff grew ill the following year, the council took over the administration of the Neustadt. Although intended as temporary, these measures appear with hindsight as the first steps toward the constitution of the Neustadt as a separate, self-governing municipality. By no means had this been the original intention: the count himself

had admonished the newcomers to avoid antagonizing the natives of Althanau, ‘since it [the new city] should be one body with the other citizenry and they [the refugees] cannot have a separate polity, as [they could] if they were alone’ (Bott, 1970-71: 1:352). The refugees themselves had proposed only the establishment of a ‘*consulatus mercatorum*’ to adjudicate commercial disputes. The inadequacy of this plan became obvious, if it was not already, after a violent incident in which a group of local men tore down the fences erected on a building site. In the investigation that ensued, it emerged that some magistrates had actually been present at the incident and bore some responsibility for it. Thus by 1600 the count and his councillors had concluded that the old and new cities could not be joined together ‘as [the] *mores* and *commercia* [of their inhabitants were so] different’ (Bott, 1970-71: 1:289). The next year the count issued two key documents, a Ratsordnung and a so-called Transfix, giving Neuhanau a constitution, magistracy, and tax base of its own. It was by virtue of these documents that Neuhanau became a legal entity distinct from the old city (Bott, 1970-71, 1:510-17 and 1:538-42; Dölemeyer, 1997).<sup>5</sup> Accommodating the refugees within the pre-existing municipal structure had proven impossible.

From the beginning, only one matter had been as important, to both the count and the refugees, as the economic benefit to be gained from the new city. That was the establishment in it of the Reformed faith. In fact, when searching for a new home the refugees had selected the county of Hanau-Münzenberg from among the territories near Frankfurt primarily because it was an officially Reformed territory. Under the rule of Philipp Ludwig’s grandfather and then his father, who died prematurely, Hanau had been a Protestant state where Lutheran leanings predominated, but not consistently. While Philipp Ludwig was a minor, his guardians, who included the dynamic Johann VI of Nassau-Dillenberg, younger brother of William of Orange, had started to move the established church and inhabitants of the county to Reformed doctrine and practice. Immediately upon coming to power in 1595,

the young count had initiated a vigorous ‘second Reformation’ to complete this process (Rauch, 1997; Bott, 1970-71: 1:42-81). For him, offering a home to a large contingent of co-religionists was an act of ‘Christian compassion’, as he called it in the Kapitulation, a fulfilment of his duty, both as a Christian ‘and according to God’s word and command, ... to accept and, with all true diligence, earnestness, and zeal, offer a helping hand to his fellow Christians in distress’ (Bott, 1970-71: 1:432). It was also, though, an effective way for him to promote and strengthen the position of the Reformed faith in his county, where some Lutherans predictably were resisting his reform efforts.

Article one of the Kapitulation accordingly guaranteed the refugees that in Neuhanau they

shall be permitted and allowed to practice and use freely and publicly their Christian liturgy, discipline, and church ordinance etc., including the administration of the holy sacraments and performance of weddings....

French- as well as Dutch-speaking Reformed congregations were quickly established and a handsome double-church erected to serve both of them (Zuschlag, 1997). Unlike many other German princes of the Reformed faith, Philipp Ludwig was willing to compromise his own episcopal authority (*ius episcopale*) by allowing the refugees to participate in foreign synods (on this issue generally see Dölemeyer, 2006: *passim*). The refugees obtained two further special religious privileges: the right to choose their own ministers (subject to the count’s ratification) and conduct services in their own languages. Finally, at their demand the count agreed that no foreigner who was not of the Reformed faith or refused to submit to the discipline of the Reformed churches would be allowed to settle in Neuhanau or elsewhere in the county. Consequently, for the first sixty years or so of its existence Neuhanau was a one-faith town where only Reformed worship was tolerated. That changed only in the 1650s,

after a Lutheran branch of the ruling family came to power and began promoting its own religion. In 1670, the county became officially bi-confessional, with established Lutheran as well as Reformed churches. It never hosted dissenting groups such as the Mennonites, and Neuhanau got its first (post-Reformation) Catholic church only in the nineteenth century. The case of Neuhanau should thus serve as a corrective to the common assumption that the refugee-cities were all oases of religious toleration. This assumption is a product of the celebration in later centuries of those refugee-cities that were indeed characterized by a wide religious diversity. Among those cities was Neuwied, on the right bank of the Rhine in the diminutive county of Wied.

Neuwied was founded more than fifty years later than Neuhanau, in the wake of the Thirty Years' War, which ravaged the county of Wied, as it did so many parts of the Empire, leaving it depressed and depopulated. The founding was an enterprising move by Count Friedrich III zu Wied, who had no prospective settlers in the immediate offing but intended nonetheless to create *ex nihilo*, in his entirely rural county, a center of industry and commerce. To do this he obtained in 1653 the confirmation of an old imperial charter permitting him to establish a city on the site of an existing village named Langendorf (1853: 5-10). To the count's disappointment, however, this act by itself attracted no more than a handful of settlers, and nine years later, the intended city had only ten houses. At that point, in 1662, the count issued a key document, 'Daß Andre Gräfflich Wiedtisch Privilegium', which for the first time offered prospective settlers an extensive package of special rights (1853: 10-18). As in Neuhanau, it included freedom from the obligation to perform *corvée* labor and freedom to emigrate. These provisions marked the city off from the rest of the county, where serfdom prevailed and the count's subjects did owe him labor – which the count drew on so heavily that in 1659 his demands triggered a peasants' revolt (1659-1663)

(Troßbach, 1991: 23-43; Reck, 1825: 212-22). Monopolies were abolished and freedom of commerce was proclaimed. This too contrasted with the countryside, whose peasants were now subjected to the monopoly of the city, where they were obliged to sell their agricultural products. There was no mention of freedom from industrial restrictions, and in fact the privilege anticipated the formation of guilds. As was usual for such documents, the 1662 privilege offered prospective settlers financial incentives, including free land on which to build a house and a ten-year tax exemption. Settlers were also promised the right to choose their own magistrates, who would have full civil jurisdiction.

Given the development of Neuwied into an exemplary religious 'Freistadt', it is striking that the religious rights initially promised to settlers were somewhat restricted. Friedrich himself was Reformed and the established church of his territory was Reformed (Schlüter, 2010). Under the terms of the Peace of Westphalia (1648), the count had to allow Lutherans and Catholics, the Empire's other two recognized confessions, to perform 'domestic devotions' in their homes. This is exactly what he did in article one of the privilege, going beyond the terms of the Peace only in offering a solemn pledge that, even if the terms of the Peace should in future be changed (which he hoped would never happen), he and his successors would always grant 'those who did not adhere to the Reformed religion freedom of conscience and unhindered *Exercitium Religionis* in their houses', and would never, 'contrary to these, disturb them directly or indirectly or in any form, or [allow] them to be disturbed therein' (1853: 12). The count did not extend the same right explicitly to Mennonites, who were among the earliest settlers of the city, having fled persecution in Jülich and the area of Monschau, out of fear that the privilege would be deemed invalid in imperial law. Instead he left the phrasing of article one somewhat ambiguous, while in practice turning a blind eye to the Mennonites' discreet, private worship, tolerating it by connivance. Friedrich tried to convince the Mennonites to attend Reformed sermons but did

not coerce them when they refused. As limited as this initial grant of religious rights was, it too contrasted sharply to the rest of the county, where Friedrich and his successors never tolerated any worship, even private, by any confession other than the Reformed (Scotti, 1836: 89-90). Furthermore, religious minorities in Neuwied enjoyed from the beginning civil equality with the Reformed: the 1662 privilege specified their right to hold office and serve in municipal government (1853: 15. In 1680, Reformed, Lutherans, and Catholics were apportioned specific numbers of seats on the city council; see François, 1991: 235).

This package of rights was enough to attract a modest stream of settlers, and by 1679 the size of the population finally warranted establishing the long-promised city council. According to a tally done the following year, the town then had fifty-two houses. It was right around this time that settlers began to demand more extensive religious rights, which the count readily conceded. In 1680 a group of Mennonite families demanded, as a condition of their settlement, reassurances regarding their religious freedom. Friedrich guaranteed them and their posterity 'freedom of conscience and doctrine in their houses'. Citing precedents set by Brandenburg's Great Elector and other German princes, he promised the Mennonites they would never be forced to attend Reformed services or conform to Reformed 'statutes and ceremonies', but would rather 'be left free in their religious belief' (Grossmann, 1980: 215-16). Two years later, Lutherans petitioned the count for permission to build a more commodious place of worship – 'a suitable housing for their private *Religionis Exercitio*', which was needed because the 'burghers' houses' in which they currently met had become 'too small for their communion-assemblies' (Volk, 1991: 213). Friedrich granted their request and a similar one by Catholics that soon followed, issuing in 1682 a revised version of the 1662 privilege according to which both groups would be allowed, as soon as their numbers were sufficient, 'to build at their own cost a church of their own ... and to worship, with the ringing of bells and other customary ceremonies'. To prevent Catholics from



offending Protestant sensibilities and possibly triggering conflict with them, the revised article one forbade the Catholics to carry monstrances or march in processions through the streets of the town. The appointment of Lutheran and Catholic clergy would require the count's approval, just as did that of Reformed clergy (Scotti, 1836: 15).

These new rights conceded by the count in 1680-82 were substantial. They helped attract a sizeable wave of new settlers and contributed to a growing confidence among the dissenting minorities in Neuwied. Looking forward to the completion of their new place of worship, in 1688 the Lutherans asked the count to grant them all the rights that went together with the conduct of regular services. Again, the count approved, drafting a concession according to which they were guaranteed

their *Exercitium religionis* with the administration of the holy sacraments, appointment of clergy [and] teachers, ditto the holding of services and whatever was connected with them, entirely, fully, and unhindered.... (Volk, 1991: 213-14)

This time, however, when word of the new concession got out in 1691, it provoked an uproar among Reformed Protestants, both in and outside the city, and the Ministerium Ecclesiasticum of the whole county formally protested. Relations between the various religious groups in Neuwied had become tense. For political reasons, the count felt compelled not only to withhold the new concession but to retract the earlier, revised privilege of 1682. Only in 1698 did the count feel in a position again to allow Lutherans and Catholics to build proper churches.

This was not the last time or the only matter over which the counts of Wied encountered resistance from the burghers of Neuwied. Starting in 1709, to meet the extraordinary expense of rebuilding a fortress, Friedrich's son and successor Friedrich Wilhelm imposed a series of sharp tax hikes on the city. In the dispute that ensued, the new

count learned that even new cities, creations of absolutist princes, could not be held entirely subservient – that endowing them with privileges gave them an autonomy that their overlords sometimes came to rue. When Neuwied resisted paying the new taxes, the count threatened in 1717 to revoke the 1662 privilege that was the foundation of all the rights its burghers enjoyed. But the city was not defenceless: in response, its magistrates launched a suit against the count before the imperial cameral court. The ruling of the court, issued in 1721, constituted a kind of treaty between the city and its overlord, resolving the fiscal issue through a compromise. Known as the *Wetzlarer Punctation*, it also, though, gave the city's original privilege a force in imperial law that meant that it was no longer in the power of the counts of Wied to revoke or even alter it (Lützenkirchen, 2004: 118-19; Volk, 1991: 218).

In the eighteenth century, Neuwied became famous for its religious toleration. Catholics, Lutherans, and Reformed Protestants worshiped openly there in proper churches with clergy and schools, and tensions between them declined. These groups were joined in the middle of the century by two new ones, Pietists (called *Separatisten* or *Inspirierten*) and Herrnhuters. Like the Mennonite families who had come to Neuwied in 1680, both negotiated favorable terms before they settled in the city. Those terms included the right to worship publicly, which was granted in the same period to Mennonites and Jews as well (a synagogue was constructed in 1748, a Mennonite church in 1766). In addition to receiving the same exemptions from oath-taking and militia duty that Mennonites enjoyed, the Herrnhuters were allowed to live in their customary, communal manner, in their own quarter of the city. Known for their industriousness and the quality of their handiwork, Neuwied's Herrnhuters were cited by contemporaries as proof that religious toleration yielded major economic benefits. Thanks partly to their activity, the city finally developed some sizeable industries, chiefly in textiles and metals, and to fulfil the economic ambitions that its counts had cherished for a century (Troßbach, 1991: 242-49; Ströhm, 1988).

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To summarize: the personal, economic, and civil rights enjoyed by refugees in these two case studies displayed many common features. In both Neuhanau and Neuwied, settlers had no obligation to perform *corvée* labor and could choose to emigrate without penalty. They enjoyed full citizenship and were eligible for public office. (In fact, even after some native German-speakers joined the foreign refugees in settling Neuhanau, the city's magistrates had by law to be members of the Flemish or French Reformed church – that is, refugees or their descendants; in Neuwied seats on the city council were apportioned by religious group, a fixed number going to Lutherans, Catholics, and the Reformed.) In both cities too monopolies were banned and refugees could engage freely in commerce. Only in Neuhanau were they freed also from restrictive guild regulations, though even there practice was inconsistent. From a legal perspective, though, the sharpest difference between Neuhanau and Neuwied lay in the refugees' religious rights. In Neuhanau the law promoted a single faith, Reformed Protestantism, and granted it a monopoly over religious life that was modified only when later laws made the city biconfessional, establishing a second official faith, Lutheranism. Neuwied too had an official faith, but there special religious rights protected dissent and nurtured diversity. Limited at first to private worship by two, or unofficially three, non-Reformed groups, the rights expanded over time in fits and starts until eventually no fewer than seven religions were practiced publicly.

These rights reflected first and foremost the agendas of the princes who granted them. Like all princes who founded refugee-cities, the counts of Hanau-Münzenberg and of Wied had a powerful agenda that was simultaneously economic and political: they sought to boost the wealth of their territories by promoting population growth, commerce, and industry.

Prosperity, they anticipated, would in turn generate the higher tax revenues they needed to meet military, administrative, ceremonial, and other expenses that were far higher than those of their forebears in previous centuries. In this respect, refugee-cities were a product of the economic ideology known as mercantilism and of the political system known as absolutism. To pursue their mercantilist agenda effectively, princes had to grant refugees special economic rights. But above all, as a *sine qua non*, they had to attract settlers to their new cities, and this required them to offer a much broader package of rights that refugees would find appealing. Personal and civil rights were always part of the package, but so too were religious ones. In the case of Neuwied, the religious rights accorded to dissenting groups should be seen principally as concessions made by the counts of Wied for the sake of their mercantilist agenda, which took priority in the aftermath of the Thirty Years' War. By contrast, in Neuhanau the religious rights of the refugees aligned precisely with another agenda the count of Hanau was pursuing. This was in the first place to promote his own faith and protect its adherents; the later counts who made Lutheranism a second official religion were acting similarly, as were many of the German princes who later established refugee-cities for Huguenots. Even in states like Brandenburg-Prussia where the principle of *cuius regio eius religio* did not prevail, it was typical of early modern statecraft for princes to promote their own religion at the expense of others. In fact, the agenda of Philipp Ludwig was more ambitious still: to implement a reformation that would fashion his territory into an orthodox and godly state. This too was an agenda shared widely among early modern rulers, especially in the late sixteenth and early seventeenth century. In its pursuit rulers found it no small help to import large groups of pious, committed adherents to the 'true' faith and allow them to establish exemplary communities.

In short, refugee-cities were designed for purposes that were characteristic of the early modern state. In this respect they resembled the other kinds of new city that were established

in the early modern period: the militarized fortress-city, the mountain-city for intensive mining operations, and the residence-city, built by princes to house their court and government. It made complete sense, then, that some refugee-cities functioned also in one of these other capacities; Neuwied, for example, was founded to serve also as residence for the counts of Wied. Much of the scholarship on refugee-cities emphasizes their character as creations and tools of the early modern state (Jakob, 2000; Zumstrull, 1983; François, 1982; Stoob, 1970; Volk, 1991; Grossmann, 1980; Schreiber, 1927). As this implies, refugee-cities were created by princes exercising a top-down authority that took little account of the desires and needs of native subjects. The pattern is there but muted in the case of Neuwied, where the surrounding peasants remained mired in an oppressive serfdom; it could scarcely be clearer in the case of Neuhanau, whose neighbors in the Altstadt tried to obstruct the plans for the refugee settlement, resorting even to violence. In fact, it was more the rule than the exception for early modern refugees to face hostility from native subjects of the states that hosted them. The grounds and degree of hostility varied, but by the end of the sixteenth century it was clear that rulers could anticipate tensions between newcomers and natives. This was one of the principal reasons why so many German princes subsequently resorted to establishing new cities for refugees rather than trying to accommodate them in existing ones. Of course, there was an issue of space that was most easily resolved by directing the refugees to found what amounted to colonies (and were sometimes called such) on underutilized lands. The most important advantage, though, of establishing new cities was that it evaded the restrictive norms and regulations of cities founded in the Middle Ages and circumvented the resistance of their inhabitants, or at least reduced its potency. With the arrival in the late seventeenth and early eighteenth century of Waldensian and Huguenot refugees who were peasants, princes pursued a similar policy in the countryside: most of these refugees were settled not in existing villages but in ones that had been abandoned and left empty since the

devastations of the Thirty Years' War. Even so, the revival of these defunct rural settlements was resented and resisted by peasants in neighboring villages, who contested the newcomers' rights to woods, pastures, and other resources (Dölemeyer, 2006: 90-91, 97, 105-6, 108-111, 126, 128, 144, 161-64).

From a princely perspective, though, refugees were a hot commodity, highly desirable for the powerful economic impulse they brought to territories, the revenues they brought to state coffers, and in some cases also their religious commitment. German princes even competed at times to attract refugees, especially the merchants and skilled craftsmen among them. Therefore, however vulnerable refugees were, however much in need of protection and a home, some bargaining usually went on between them and prospective hosts. As the case of Neuwied shows, trying to establish a refugee-city without according the refugees ample special rights was an exercise in futility; refugees simply voted with their feet, as it were, and did not come. In this regard, the case of Neuwied resembles that of the Italian city Livorno – not a refugee-city proper, but a new, planned city to which the Dukes of Tuscany failed to attract foreign merchants until the 1590s, when after decades of frustration they offered settlers far-reaching special privileges (Trivellato, 2009: 74-84). In Neuhanau, by contrast, the bargaining took place through explicit negotiations and the refugees actually had the upper hand in them. Agreeing a robust package of special rights was therefore the first step in founding Neuhanau. Later arrivals in Neuwied went on to do as the original group of refugees had done in Neuhanau, negotiate rights before agreeing to settle. They and their fellow burghers had the autonomy and self-confidence to oppose princely policies on at least two occasions.

Thus the settlers of both Neuhanau and Neuwied exercised an agency and power that has only recently won recognition in historical writing on religious refugees in early modern Europe. Recent research has begun to reveal the many roles played by early modern refugees

in mobilizing support, choosing among options, setting the terms of their reception, and defining their own identities (Lachenicht, 2017; Janssen, 2017; Arnold, 2017; Niggemann, 2016; Linden, 2015: Part III; Fehler et al., 2014; Schunka, 2006: 102-30; Schunka, 2003; Spohnholz and Waite, 2014; Strohmeyer, 2008). This new wave of research, though, has largely ignored the refugee-cities. Religious refugees in early modern Europe had their own needs and agendas, which their mobility, economic value, and religious commitment allowed them to pursue often with great success. The legal rights they enjoyed in refugee-cities, like the ones they enjoyed elsewhere, were not gifts but products of an intersection between the agendas of early modern princes and those of the refugees themselves.

To fulfil those agendas, though, something else was often needed in addition to special rights. In the case of Neuhanau, such rights without urban status proved as unworkable as the opposite, urban status without special rights, proved to be in Neuwied. Not that refugee settlements in early modern Europe always took the form of new cities, and indeed for Waldensian peasants such a form would have been alien and useless. The large majority of early modern refugees, though, were merchants, craftsmen, and their families. Their livelihoods and lifestyles required markets, transportation links, and other distinctly urban assets. Though they might be accommodated in existing cities, as they had been in the sixteenth century, it became clear to princes and refugees alike in the seventeenth century that it was usually preferable, and often simply necessary, instead to establish separate, new urban corporations: the refugee-cities.

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<sup>2</sup> See search results for ‘réfugié’ in atilf (Analyse et traitement informatique de la langue française) at [www.frantext.fr](http://www.frantext.fr) (accessed 22 January 2018), ‘Flüchtling’ in Deutsches Textarchiv (1473-1927) at <https://www.dwds.de/r> (accessed 5 February 2018), ‘vluchteling’ at De Geïntigreerde Taal-Bank at <https://gtb.inl.nl> (accessed 5 February 2018), and ‘refugee, n.’ in OED Online (January 2018) (Oxford University Press) at <http://www.oed.com.libproxy.ucl.ac.uk/view/Entry/161121?result=1&rskey=Y3UUlv&> (accessed 22 January 2018).

<sup>3</sup> All translations are by the author, unless otherwise noted.

<sup>4</sup> The founding in 1613 of a *Grobgrün Gesellschaft* that would exercise a monopoly over a specific type of woollen cloth formed a rare exception, and was allowed because it helped rather than hindered the city’s industrial development.

<sup>5</sup> The Alt- and Neustädte retained a common sheriff, but the latter was an appointee of the count, unlike the magistrates, and represented the county government.