

## **2. Negotiating Religious Difference In Early Modern Europe: Ecclesiastical, Political, and Social Processes**

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As the introduction to this volume shows, the phrase 'negotiating religion' can have many meanings. Some of them are indeed applicable to the history of Europe before the modern era. It has sometimes been suggested that the very concept of religion is a modern invention, and that the religious sphere once overlapped so pervasively and profoundly with the political, social, economic, and cultural spheres that there was no meaningful distinction between them. This is an oversimplification. Conceptual and legal distinctions between religion and the state existed already in the Middle Ages, and medieval Europe was not caesaropapist: despite the pretensions of some popes, supreme political and religious authority was never vested in the same person, as it was in the Byzantine Empire. Relations between ecclesiastic and 'temporal' authorities were always subject to negotiation, and the tensions between the two sometimes took dramatic forms, as in the Investiture Controversy of the eleventh and twelfth centuries. Likewise, there was always a distinction between the canon law of the Roman Catholic Church, on the one hand, and different forms of civil law on the other. Neither is it the case that, before modern times, ordinary lay people had no freedom or agency in religious matters. Not only the intensity but also the forms and terms of people's religious engagement were variable, so there was always a relationship to be negotiated between individuals and the religious institutions to which they belonged. This was especially the case when people were confronted

openly with a variety of religious options from which they could choose – most obviously when they could choose between rival faiths, but also when a single faith, like late medieval Catholicism, encompassed a wide range of schools, movements, devotions and models of piety. The experience of spirituality has always had an intimate, personal aspect as well as communal and public ones, and even within rigid orthodoxies there has always been room for the expression of certain preferences.

The purpose of this essay is to consider the forms of negotiation between people of different faiths in early modern Europe.<sup>1</sup> The early modern period witnessed

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<sup>1</sup> For a broader treatment of the history of relations between people of different faiths in early modern Europe, see Benjamin J. Kaplan, *Divided by Faith: Religious Conflict and the Practice of Toleration in Early Modern Europe* (Cambridge, Mass.: Harvard University Press, 2007), esp. chs. 5-8. Other works that treat more than one country include Thomas Max Safley, ed. *A companion to multiconfessionalism in the early modern world* (Leiden: Brill, 2011); Howard Louthan, Gary B. Cohen, and Franz A. J. Szabo, eds., *Diversity and dissent : negotiating religious difference in Central Europe, 1500-1800* (Oxford: Berghahn, 2011); C. Scott Dixon, Dagmar Freist, and Mark Greengrass, eds., *Living with Religious Diversity in Early Modern Europe* (Farnham: Ashgate, 2009); John Marshall, 1 *John Locke, Toleration and Early Enlightenment Culture* (Cambridge: Cambridge University Press, 2006); Richard Bonney and D.J.B. Trim, eds., *Persecution and Pluralism: Calvinists and Religious Minorities in Early Modern Europe, 1550-1700* (Oxford-Bern: Peter Lang, 2006); Thierry Wanegffelen, 1 *L'édit de Nantes: Une histoire européenne de la tolérance du XVIe au XXe siècle* (Paris: Librairie générale française, 1998); John Christian Laursen and Cary J. Nederman, eds., *Beyond the persecuting society: religious toleration before the Enlightenment* (Philadelphia: University of Pennsylvania Press, 1998); Ole Grell and Bob Scribner, eds., *Tolerance and Intolerance in the European Reformation* (Cambridge: Cambridge University Press, 1996); Henry Kamen, *The Rise of Toleration* (New York: McGraw-Hill, 1967); and Joseph Lecler, *Toleration and the Reformation*, trans. T.L. Westow, 2 vols. (London: Longmans, 1960). For the distinctive zone of east-central Europe, see E. William Monter, "Toleration and Its Discontents in East-Central Europe," in *Ritual, Myth and Magic in Early Modern Europe*, ed. E. William Monter (Athens, Ohio: Ohio University

the formation of a distinctive form of religious plurality, for it was this period that saw Europe divide for the first time into rival Christian churches – Catholic, Calvinist, Lutheran, Mennonite, Anglican, and so on – whose relations with one another, and whose places in the socio-political order, had to be negotiated. A product of the Protestant and Catholic Reformations, the sundering of western Christendom was entirely unintentional, as all the reformers of the sixteenth century conceived of the Christian religion as a single faith, church and body of believers. From the outset, they sought to effect not some division of this entity, but its reform and revitalization. Even as divisions rapidly emerged – not only between Protestants and Catholics, but between different sorts of Protestants as well – reformers maintained that their own version of ‘true Christianity’ was the only genuine one, that it alone enjoyed divine favour, and that it could not but prevail. When this did not happen in their own lifetimes, they projected this victory into the future. As the victory of God over the devil, Christ over Antichrist, good over evil, it remained in their minds an eschatological certainty.

By the seventeenth century, a ‘confessionalization’ process had hardened initial divisions, transforming them into bitter rivalries between opposing churches, each with its own orthodoxies, rites and governing institutions.<sup>2</sup> At the same time, a

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Press, 1983).. Among the most conceptually innovative works on this subject are Alexandra Walsham, *Charitable hatred: Tolerance and intolerance in England, 1500-1700* (Manchester: Manchester University Press, 2006). and Keith P. Luria, *Sacred Boundaries: Religious Coexistence and Conflict in Early-Modern France* (Washington, D.C.: Catholic University of American Press, 2005)..

<sup>2</sup> For an overview of the large body of historiography on confessionalization, see Ute Lotz-Heumann, "Confessionalization," in *Reformation and Early Modern Europe: A Guide to Research*, ed. David M. Whitford (Kirksville: Truman State University Press, 2008)..

great complex of factors – social, political, economic and cultural, as well as religious – led Europe’s peoples to embrace, and Europe’s rulers to impose, if they could, different churches. Some parts of the continent ended up monoconfessional, with a single, overwhelmingly dominant faith: for Iberia and Italy, that was Roman Catholicism; for Scandinavia, Lutheranism. Loose polities, most notably the Holy Roman Empire and Swiss Confederation, included some territories that were more or less uniformly Protestant, like Saxony and Zurich, and others that were Catholic, like Bavaria. But Europe as a whole was now profoundly divided by faith, as were kingdoms like France and Hungary. On a local level, the division replicated itself in tens of thousands of communities, large and small, scattered across lands from the British Isles in the west to the great Commonwealth of Poland-Lithuania in the east. Thus there arose the difficult question of how, if at all, people of different faiths could coexist peacefully. Of course, in the Middle Ages some Europeans had lived alongside Jewish communities or, more rarely, encountered Muslims. But in the early modern era, divisions within a once-united western Christendom gave new meaning and unprecedented urgency to the problem of toleration.<sup>3</sup>

How could a state divided by religion avoid falling into civil war? How could subjects of one faith be loyal to a ruler who championed a different one? And how could neighbours and fellow citizens form a cohesive, harmonious community – how could they practice Christian love and charity towards one another – if they did not worship the same God, together? To most early modern Europeans, the answer to all these questions was that they could not. Religion was considered the *vinculum*

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<sup>3</sup> This essay deals only with negotiations between different sorts of Christians, not ones between Christians and either Jews or Muslims, which are large topics in their own right and followed rather different patterns.

*societatis*, the chain that bound society together, and churches were the religious embodiment of communities that were simultaneously secular and spiritual entities. Religious divisions were thus understood to be fundamentally incompatible with political and social unity either on the local or level or within kingdoms and other states.

At the same time, the very existence of such divisions were understood to impose on sincere Christians a sacred obligation to reject and oppose those forms of Christianity that differed from their own. To be pious, one had to be intolerant, otherwise one's loyalty to the 'true' faith was deemed questionable, one's zeal for it weak. To tolerate meant to be complicit in allowing heinous forms of sin – heresy, idolatry, blasphemy – to be committed. It was thus no virtue; to the contrary, toleration was regarded as a morally dubious act by which one grudgingly endured a regrettable situation. The only accepted excuse for it was that one simply did not have the means to eradicate the evil. In learned circles, it was debated whether civil war was an even greater evil than heresy, and whether one could justifiably tolerate the latter if it meant avoiding the former. In either case, religious toleration suffered from a fundamental illegitimacy in post-Reformation Europe, an illegitimacy that would be challenged and reversed only with the Enlightenment, and even then only among certain segments of society. Thus in the wake of the Reformations, negotiating religious differences was a very fraught business.

This essay identifies three different kinds of negotiating process that were undertaken to address the dilemmas posed by religious diversity: ecclesiastical, political and social. These three kinds of process should be considered ideal types. They had distinct dynamics, distinct groups of actors involved, and to some extent

different goals as well. But in reality these processes overlapped and flowed into one another in a host of ways.

### **Ecclesiastical Processes**

The goal of the first, ecclesiastical kind of negotiating process was to restore, in whole or at least in part, the lost unity of Christendom. This was grounded on the belief that the ultimate solution to religious divisions was to resolve and heal them, bringing Christians who were divided by faith back together as members of a single church.<sup>4</sup> Such efforts were the work primarily of ecclesiastics, for they involved discussing in an informed manner and seeking agreement regarding the points of difference that divided the churches. Ecclesiastics conceived of those points primarily in theological terms, concerning above all the respective roles of faith and grace in salvation and the nature of the eucharist. It was the latter that Martin Luther and Huldrych Zwingli famously disputed in 1529 at the Marburg Colloquy. Their failure to find agreement ended any chance of an alliance between German and Swiss Protestants and laid the foundation for a permanent split between Lutherans and Reformed Protestants. Other points concerned church governance: from the beginning, Protestants repudiated the authority of the pope, and indeed it was this point more than any other that defeated the efforts at reconciliation made by Protestant and Catholic moderates at the 1541 Regensburg Colloquy. Within the Protestant camp, some held that particular forms of church governance were matters

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<sup>4</sup> See in general Howard P. Louthan and Randall C. Zachman, eds., *Conciliation and Confession: The Struggle for Unity in the Age of Reform, 1415-1648* (Notre Dame: University of Notre Dame Press, 2004); Kaplan, *Divided by Faith.*, ch. 5.

of convenience that could be adapted to changing circumstances, while others believed those forms to be established by divine law and thus non-negotiable. John Calvin himself showed more flexibility on this point than many of his later followers, and as a result fierce disputes erupted in England in the seventeenth century between proponents of episcopal, presbyterian, and congregational models. This trend towards greater specificity and rigidity was a general one, part and parcel of the confessionalization process that affected all the European churches of the age.

As the splits between churches grew deeper, the challenge of restoring unity grew increasingly difficult. The most cherished hope of all parties remained always that they could convince and convert their opponents, but when that failed, what then? The ecumenically inclined formulated a fall-back strategy: if the theological and other differences between the parties could not be resolved and eliminated, the importance of those differences could at least be minimised. The way to do this was to distinguish between 'fundamental' points and 'indifferent' ones. The former were points that distinguished a true church of Christ from a false one, and that a Christian had to believe in order to achieve salvation. The latter, known in theological terminology as 'adiaphora', were matters upon which churches and Christians could differ without consequence. But while the general trend of the age was toward defining more and more matters as fundamental, ecumenists went in the opposite direction, suggesting that the points that currently divided the churches were adiaphoral. So as early as the 1530s the German theologian Georg Witzel proposed that the warring Christian 'factions', as he called the emerging confessions, take the primitive church of the first centuries CE as their model and restrict their dogmas to those teachings found in the writings of the ancient Church Fathers. This approach was codified in 1561 by the Catholic scholar George Cassander, whose maxim was,

‘we should uphold [only] what has been believed everywhere, always, by everyone...’. Cassander equated this truly ‘catholic’ (in the original sense of being universal) teaching with the contents of the fourth-century Nicene Creed, to which Catholics, Lutherans, Reformed, and Anglicans (though not Anabaptists or Socinians) subscribed.<sup>5</sup> Over the following century, a line of eminent thinkers followed Cassander’s lead, proposing definitions of orthodoxy that stripped it to a bare minimum. The English divine William Chillingworth went further, arguing in *The Religion of Protestants* (1637) that only the Bible was fundamental and that everyone was free to interpret it as they saw fit, guided only ‘by the light of private reason’.<sup>6</sup>

By acknowledging the unimportance of their differences, ecclesiastic negotiators hoped, at the very least, to establish friendlier relations between their churches. In Poland, Protestant negotiators went further, agreeing in 1570 the Consensus of Sandomir, by which they recognised the validity each other’s churches. The ultimate goal, though, remained to bring Christians of different stripes back into communion with one another – to reunite them as members of a single church. The ecumenical way to achieve this was to permit a diversity of views and practices within the church. This approach had various names: ‘comprehension’, ‘latitude’, ‘ecclesiastical toleration’. In England, it was pursued vigorously by the so-called Latitudinarians, who in the late seventeenth century fashioned enough scope for variety within the Church of England that the latter could accommodate Protestants of different inclinations, from the Arminian to the Puritan. This was the origin of the

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<sup>5</sup> Paul Eisenkopf, *Leibniz und die Einigung der Christenheit. Überlegungen zur Reunion der evangelischen und katholischen Kirche*, Beiträge zur ökumenischen Theologie (Munich: Verlag Ferdinand Schöningh, 1975), 109; Lecler, *Toleration and the Reformation.*, 1:273.

<sup>6</sup> Kamen, *The Rise of Toleration.*, 169.



distinction between 'High' and 'Low' Church Anglicans, both comprehended within the established church.

As the case of England suggests, comprehension was never a matter of concern only to churchmen. From Queen Elizabeth's time onward, some rulers found that they had a powerful interest in promoting it. The electors of Brandenburg, for example, who from the 1610s ruled as Reformed Protestants over a largely Lutheran population, sponsored a series of efforts to reconcile these two faiths. Similarly, in 1631, when in the midst of the Thirty Years' War German Protestantism faced the threat of annihilation, Lutheran and Reformed theologians met in Leipzig to seek a theological rapprochement that would facilitate a military alliance between their princes. In 1645 King Ladislas IV of Poland convened a great ecumenical conference in the city of Torun. Later in the century, Holy Roman Emperor Leopold I supported tentative negotiations for an ecclesiastic union of German Catholics and Protestants, with a view towards forming a common front against both the Turks, who threatened the Empire from the east, and the aggressions of Louis XIV from the west. It would be a mistake also to exclude ordinary lay people from the picture entirely. Though they could neither conduct nor sponsor ecclesiastic negotiations, they could initiate arrangements that amounted to forms of comprehension. In England, for example, some dissenters made a point of attending some services in the established church, practicing what was called 'occasional conformity'. In the Dutch Republic, where religious eclecticism and seeking were not unusual, a group known as the Collegiants was formed, including Mennonites, Remonstrants, Socinians, and others in its membership. With no clergy, the Collegiants did not form a separate church, but at their meetings they prayed, discussed the Bible, and twice a year celebrated communion together.

If ecclesiastical negotiations had succeeded in resolving the rifts between rival churches, other negotiations would not have been needed. That is not how things transpired.

### **Political Processes**

As early as 1529, the Protestant and Catholic cantons of Switzerland mobilized their armies against one another. In 1546 the Schmalkaldic War broke out in the Holy Roman Empire. These clashes were small-scale compared to the great religious wars that would follow: the French Wars of Religion (1562-98), the Revolt of the Netherlands (1566-1648), the English Civil War (1642-51), the Deluge in Poland (1655-60), and, most destructive of all, the Thirty Years War in Germany (1618-48). These were not the only cases in which military force was applied to resolve religious differences: most notoriously, after he revoked in 1685 the Edict of Nantes, Louis XIV used his dragoons to force about three quarters of a million Huguenots to convert to Catholicism, at least nominally. One could classify such military engagements as forms of religious negotiation, in the sense that their outcome could determine the religious complexion of communities and entire countries. But they did not involve the kind of dialogue or compromise usually implied by the term 'negotiation'. What they make graphically clear is the extent to which the outcome of Europe's great schism was determined by those who wielded coercive force.

Already in the fifteenth century Europe's princes and magistrates had increased their involvement and extended their jurisdiction in ecclesiastic affairs. When in 1521 Elector Frederick III of Saxony prevented the arrest of Martin Luther, he set in motion a process that handed to secular rulers like himself the power to

choose between rival faiths, not only for themselves but for the peoples of the lands they ruled. The principle of *cuius regio eius religio* became law in the Holy Roman Empire: the ruler of a territory had a right to choose between faiths (Catholic or Lutheran), and to impose his choice on his territories. Elsewhere in western and central Europe, *cuius regio* became the de facto reality. With the failure of clergy to resolve religious differences, secular authorities had the lead negotiating role thrust upon them, a role they accepted in their capacity as ‘Christian magistrates’, responsible for the spiritual as well as material welfare of their subjects, and also because it furthered their aim of amassing power.

Wars end when those who dispose over armies make peace, and the treaties of Augsburg in 1555 and Westphalia in 1648 are arguably the two most important religious peace treaties in European history.<sup>7</sup> Less well known, the Protestant and Catholic cantons of Switzerland concluded with a series of four treaties, known as *Landfrieden*, in 1529, 1531, 1656, and 1712.<sup>8</sup> These documents are the products of a literal, formal kind of negotiation over religious differences. Of course, religious and political issues intermingled in all these treaties, and only one of the two agreements that comprise the Peace of Westphalia, the Treaty of Osnabrück, primarily addressed religious disputes. But the one hundred and nine delegations who fashioned this peace

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<sup>7</sup> The text of the two treaties can be found in Ernst Walder, ed. *Religionsvergleiche des 16. Jahrhunderts* (Bern: Herbert Lang & Cie., 1974).; "Die Westfälischen Friedensverträge vom 24. Oktober 1648. Texte und Übersetzungen," <http://www.pax-westphalica.de/ipmipo/index.html>. (accessed 4 December 2014).

<sup>8</sup> See i.a. {, 1980 #2482}, 1: 389-672, 2: 673-784; {Elsener, 1969 #1327}.

engaged (though not all simultaneously) in explicit negotiations for some five years.<sup>9</sup> They consisted mostly of ministers of state, diplomats, lawyers and delegates from political entities such as the Dutch States General. In the case of these and other treaties, the terms of coexistence between Christians of different churches were essentially agreed by rulers and their representatives through political and diplomatic processes. However, these terms were always grounded in the realities of relations between people of different faiths, so that the sensibilities and practices of ordinary people always had at least an indirect influence.

Unlike the abovementioned treaties, the famous Edict of Nantes was a unilateral act by a sovereign king, France's Henri IV. In fact, it was the last in a series of 'edicts of pacification' by which the French crown sought to end the French religious wars.<sup>10</sup> With Nantes, it finally succeeded, more or less.<sup>11</sup> There were three, not two, warring parties in the realm: Catholic extremists, known as Leaguers; Catholic royalists; and Huguenots. The Edict of Nantes was not the product of formal negotiation between them, but of an assessment by an astute monarch (himself a convert from Protestantism to Catholicism) and his ministers of what might satisfy the parties sufficiently and create the basis for a lasting peace. To be implemented, though, it had to be approved by the supreme courts of France, known as *parlements*, which were bastions of anti-Huguenot sentiment. Knowing that the *parlements* would

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<sup>9</sup> Derek Croxton, *Westphalia: The Last Christian Peace* (Basingstoke: Palgrave Macmillan, 2013), 191-328.

<sup>10</sup> André Stegmann, ed. *Édits des guerres de religion* (Paris: Vrin, 1979).; Richard L. Goodbar, ed. *The Edict of Nantes: Five Essays and A New Translation* (Bloomington, Minn.: The National Huguenot Society, 1998).. For an introduction, see Mack P. Holt, *The French Wars of Religion, 1562-1629* (Cambridge: Cambridge University Press, 1995)..

<sup>11</sup> The wars revived temporarily in the 1620s.

never approve them, Henri kept certain provisions of the Edict secret; the *parlements* required modification of others. Essentially, though, the Edict of Nantes was a royal decree, and as Huguenots eventually learned to their bitter dismay, what one king could grant, another could revoke.

Like the Edict of Nantes, the English Toleration Act of 1689 was a law issued unilaterally, in this case by King-in-Parliament. It was a product not of civil war but of the Glorious Revolution, whereby the Catholic James II was deposed and replaced by the Dutch Protestant William III of Orange. William had promised that there would be such an Act before launching his invasion of England in 1688, so that the Act was in effect one of the terms on which he was accepted as king. Contrary to expectation, though, Parliament refused to issue an accompanying Comprehension Act, which would have allowed many Protestant dissenters to remain within the established church and would have obviated the need for them to be ‘tolerated’ in the conventional sense, that is, to be allowed to have their own, separate chapels and services.<sup>12</sup>

The acceptance of a ruler on condition that he grant religious dissenters certain rights was a regular event in Poland. The Polish crown was not hereditary but elected, and in 1573, during an interregnum, the nobles who constituted the national assembly, or *Sejm*, agreed a document known as the Warsaw Confederation. It constituted a pledge that they ‘who differ with regard to religion will keep the peace with one another, and will not for a different faith or a change of churches shed blood nor punish one another by confiscation of property, infamy, imprisonment or banishment,

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<sup>12</sup> See esp. Ole Peter Grell, Jonathan I. Israel, and Nicholas Tyacke, eds., *From persecution to toleration: the Glorious Revolution and religion in England* (Oxford: Clarendon Press, 1991).. A facsimile of the 1689 Act appears at 411-28.

and will not in any way assist any magistrate or officer in such an act'. This was in the first place an agreement among the nobles to maintain peaceful relations with one another despite their religious differences (at the time, about half the members of the Polish Senate were Protestant). Like the English Toleration Act, it did not enunciate any principle of religious toleration or freedom. Rather, it reflected the character of the Polish polity as a 'republic of noblemen', all of whom were formally equal to one another, and the nobles' fear of religious unrest from below and oppression from above. The agreement was struck at a moment when public opinion across much of Europe was reeling from the shock of the St. Bartholomew's Day massacres the year before, in which the prospective candidate for the Polish monarchy was suspected of being complicit. At this juncture, the *Sejm* added an oath to the articles that Polish kings-elect had to swear as part of their coronation ceremony. By it, the future monarch promised that he would 'preserve and maintain peace and quiet among those that differ with regard to religion, and will not in any way ... suffer anyone to be influenced or oppressed by reason of his religion...'.<sup>13</sup> As Polish nobles in the seventeenth and eighteenth century discovered, however, the lack of an institutional mechanism to enforce the oath meant that in practice, their Catholic kings were able to undermine and suppress Protestantism, as they did increasingly, though never entirely.

The above are just some of the most important treaties, edicts, and laws that regulated relations between Christians of different churches in early modern Europe.

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<sup>13</sup> Earl Morse Wilbur, *A History of Unitarianism*, 2 vols. (Boston 1945), 1:363-4. For a general history of toleration in Poland, see Janusz Tazbir, *A State Without Stakes: Polish Religious Toleration in the Sixteenth and Seventeenth Centuries*, The Library of Polish studies (New York: Kosciuszko Foundation, 1973)..

What they and others had in common was their character as explicit, public commitments that were made with the authority of the state. This character, in and of itself, had enormous consequences for relations between religious groups. In the first place, the very existence of such written, often legal commitments meant that religious divisions were publicly and officially acknowledged. In an age when a separation of church and state in the modern sense was almost inconceivable, acknowledging such divisions meant that rulers were sanctioning and in effect approving the practice of more than one faith. More than that, it meant that the state would protect the faiths in question and, in many cases, lend them support and funding, in effect creating an official religious establishment that consisted of two or more faiths and churches. All subjects of the state were obliged by law to belong to one or another of the established churches and fell under its jurisdiction, while other versions of Christianity were outlawed. Early modern historians call this arrangement bi- or multi-confessionalism, depending on the number of faiths established.<sup>14</sup> Few rulers found such an arrangement easy to accept, given how directly it seemed to conflict with their duty as Christian magistrates to combat false religions. The bi- or multi-confessionalism of a polity did not mean necessarily that local communities were, or became, religiously mixed: in Switzerland, for example, most of the cantons that formed the core of the confederation were entirely Catholic or Reformed Protestant. At the confederal level, though, institutions like the *Tagsatzung* were indeed mixed, while others were divided into Catholic and Reformed sections. Two cantons, Glarus and Appenzell, were bi-confessional, as were subject territories such as Thurgau and Rheintal that fell under the authority of both Protestant and Catholic

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<sup>14</sup> Safley, *Companion to multiconfessionalism*..

cantons. On the local level, in bi-confessional villages that had only one church, Catholics and Protestants often had to share its use, a practice known as *Simultaneum*.<sup>15</sup>

This is not to say that the letter of a law or treaty ever translated neatly into lived realities. To the contrary, interpreting such documents, implementing their terms and subsequently enforcing them were all areas open to contestation and negotiation. Indeed, a large part of their point and purpose was to establish a framework for contestation – a set of limits and rules that excluded (or at least minimised) violence and disorder, channelled hostilities into legal and judicial processes and gave secular authorities a decisive say in the outcome. The intention was not to end hostilities and resolve conflict; that seemed, for the time being, beyond anyone's power. It was rather to contain and regulate them.

The Edict of Nantes offers a prime example. Learning from the experience of past edicts, which had all failed within a few years, its authors made the terms of the edict comprehensive and very detailed, encompassing no fewer than ninety-two public articles and fifty-six secret ones, plus two secret brevets. Few issues were left unregulated, especially not ones that had triggered violent clashes in the past, such as the refusal by Protestants to celebrate Catholic feast days. Even so, the royal government had to send commissions out to the provinces to determine how the Edict's terms could be applied and effectuated in the extremely varied circumstances of local communities, large and small, across France. This created a first opportunity for negotiation, as commissioners heard representations from both sides – from local Protestants and Catholics – regarding, for example, the places of worship Protestants

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<sup>15</sup> For an overview, see *Handbuch der Schweizer Geschichte*, 2nd ed., 2 vols. (Zurich: Berichthaus, 1980)..



had been using as of 1577 or 1596–97, which Huguenots had a right of ‘possession’ to retain under one provision of the Edict.<sup>16</sup> In the longer run, jurisdiction over the enforcement of the Edict was put in the hands of a set of courts known as ‘chambers of the Edict’, which were annexed to the various supreme courts of the kingdom. These chambers consisted of both Protestant and Catholic jurists, whose numbers in the three southern chambers were kept equal (‘mi-parti’), an arrangement known at the time as ‘parity’. In the north, however, the chambers proved to be far from neutral. Catholics in provinces like Poitou could often count on favourable rulings from their chamber, which encouraged them actually to use the chambers and the law in general as tools of aggression. Similarly, the only appeal from the chambers was to the royal council, which under Louis XIV was reliably anti-Protestant and indeed colluded with the *parlements* in undermining the jurisdiction of the chambers. The contrast to the Holy Roman Empire is sharp, for there, under the Peace of Westphalia, the equivalent institutions and mechanisms were more balanced and impartial. Even in France, though, the Edict and its chambers channelled a significant portion of the religious conflicts that subsequently arose into legal and judicial processes.

What was the alternative to such processes? Were there ways to accommodate religious diversity without making it official and institutionalizing it? Indeed there were, and in general rulers preferred them to the kind of arrangements discussed above. We turn herewith to the realm of informal, social processes for negotiating religious differences.

## **Social Processes**

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<sup>16</sup> See e.g. Elisabeth Rabut, 1 *Le roi, l'église et le temple. L'Éxecution de l'Édit de Nantes en Dauphiné* (Grenoble: Editions la pensée sauvage, 1987)..

According to contemporaries, the most tolerant land in early modern Europe was the Dutch Republic.<sup>17</sup> Created as a result of the Revolt of the Netherlands against their Habsburg overlord, Philip II of Spain, the Republic had a wider variety of religious groups than any other land in Europe, and from across the continent refugees from persecution fled to it. Cities like Amsterdam, Rotterdam, Haarlem, and Utrecht had thoroughly mixed populations, with people of different faiths living cheek by jowl. Yet the Republic was not bi- or multi-confessional. To the contrary, it was officially a Reformed (Calvinist) polity. To serve in almost any governmental office one had to support the Dutch Reformed Church, which had sole use of the old parish churches inherited from the Middle Ages, and which was the sole recipient of funding from the public purse. The only religious right which non-Calvinists officially enjoyed was freedom of conscience, a right laid down in the Union of Utrecht (1579), which served the Republic as a quasi-constitutional, founding document. Article thirteen of the Union stipulated that ‘every individual shall remain free in his religion and ... no one shall be investigated or prosecuted because of his religion’.<sup>18</sup> This meant that no one could be forced to join the Reformed Church or attend its services, nor could anyone be investigated or prosecuted for their beliefs. The Republic, then, was a polity with a single, uniquely privileged, official church, and non-Calvinists were by definition dissenters. However, that church was not established in the conventional sense of membership in it being required by law, and its power over non-members

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<sup>17</sup> On religious toleration in the Dutch Republic, see most recently Christine Kooi, *Calvinists and Catholics during Holland's golden age: heretics and idolaters* (Cambridge: Cambridge University Press, 2012)..

<sup>18</sup> S. Groenveld and H.L.Ph. Leeuwenberg, eds., *De Unie van Utrecht. Wording en werking van een verbond en een verbondsacte* (The Hague: Nijhoff, 1979)., 34.

was extremely limited. As the faith of the Republic's enemy, Spain, Catholicism was subject to special restrictions; celebrating mass, administering Catholic sacraments, and assembling for Catholic worship were illegal. But even Catholics, along with other dissenters, were free to believe as they wished.

Apart from these fairly limited legal stipulations, the negotiation of relations between people of different faiths in the Republic was left mostly to informal processes. To begin with, as everyone recognised, no pious dissenter could content him- or herself with believing correctly; early modern Christianity in all its forms demanded that faith be translated into correct forms of divine worship and other pious acts. How and where, then, could non-Calvinists practise their faith? The answer lay in a distinction between public and private spheres. For if the Reformed Church alone was allowed to manifest itself publicly, the freedom of conscience that dissenters enjoyed meant in practice that, behind closed doors in the private sphere, they could do as they pleased. Individuals and families could pray and worship at home in accord with their beliefs. This much they had a right to do. Negotiation began when they sought to do more than that, as they invariably did, out of a duty and a need to have congregations, clergy and churches. What dissenters therefore did was refurbish some of their homes – and also, with time, other private structures such as barns and warehouses – for use as places of communal worship. The result was a topography spotted with dissenting churches, all invisible from the outside, at least superficially. These edifices had none of the external markers of churches – no towers or bells, no crosses, statues or stained glass (something which suited some Protestant dissenting groups, such as the Mennonites, well anyway). Everyone – local magistrates, Calvinist clergy and of course neighbours, who could not help but notice crowds of people coming and going – knew where these places of worship were, but so long as

dissenters maintained a façade of privacy and respected the monopoly of the Reformed Church over the public sphere, their churches and assemblies were usually left in peace. Corrupt sheriffs, local politics and other actors and events that temporarily raised fears about Catholics in particular were the cause of occasional raids, but these decreased over time, especially after 1648, when the Republic and Spain finally made peace.

Thus, by a tacit, almost purely informal arrangement, dissenting worship was tolerated in the Dutch Republic to a degree unmatched elsewhere in Europe. On the other hand, the combination of a single official church plus dissenting worship conducted in private was in no way restricted to the Netherlands. In England and Scotland likewise, Catholicism was practiced in private chapels, many of them located in the manor houses of gentry. Such quasi-clandestine places of worship for dissenters could be found also in Austria, Switzerland and the Holy Roman Empire. They went by a wide variety of names: house churches, prayer houses, meeting houses, mass houses, house chapels, oratories, assembly places. Their location, size and degree of secrecy were all sensitive matters subject to negotiation between dissenters, on the one hand, and magistrates and ordinary conforming members of the local official church on the other, who could choose to look the other way and tolerate the chapels, or not. Negotiations might be verbal and explicit, but more often they were neither, involving consent granted through silence on conditions that were unstated but understood. When these tacit settlements broke down, as when dissenters

sought to expand the limits of the private space within which they were tolerated, the result could be violence.<sup>19</sup>

Drawing a new distinction, for religious purposes, between public and private spheres was not the only way that dissenting worship was informally accommodated in early modern Europe. Another mechanism that involved the (re)configuration of space was the practice known in German as *Auslaufen* and involving travel. If dissenters were allowed to reside in a community where dissenting worship was not tolerated, even privately, dissenters could potentially journey to attend services held in another community, one where their form of worship was tolerated or even established. If states with different official religions shared a border with each other, then dissenters who lived within a reasonable distance from that border might travel across it. This was a common practice particularly in those parts of western and central Europe where the territories of states were small and fragmented. Thus for example Protestants who lived in the Catholic city of Aachen in the seventeenth and eighteenth centuries were accustomed to travelling to the Dutch village of Vaals, which lay just beyond the border of Aachen's territory. The trip took them less than an hour, but by crossing the border onto Dutch territory they entered a space where the Reformed faith was official and other forms of Protestant worship were tolerated. The case of Aachen and Vaals, though, points also to a major change in the practice of *Auslaufen* in the mid-seventeenth century. What had begun as early as the 1530s in some places as an entirely informal practice, the expression of a tacit compact between dissenters, magistrates, and ordinary conforming Christians, gained legal

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<sup>19</sup> On house chapels, see Benjamin J. Kaplan, "Fictions of Privacy: House Chapels and the Spatial Accommodation of Religious Dissent in Early Modern Europe," *American Historical Review* 107(2002)..

sanction under the Peace of Westphalia, which granted to dissenters a formal right to travel to other states to worship. Here again we see the blurring of distinctions between our three types of negotiation and overlap between the groups of actors participating in them.

How dissenting worship could be accommodated was hardly the only matter that had to be negotiated between people of different faiths in mixed communities. To give just one example, when people entered into religiously mixed marriages, they had to confront thorny question such as how their children would be baptised and raised, in the husband's faith or the wife's. This was a matter for negotiation in the first place between prospective spouses, but a wide range of other parties – kinfolk, neighbours, magistrates and of course clergy – might well involve themselves. Agreements between prospective spouses might be purely oral or they might be formalised through inclusion in prenuptial contracts. Likewise, subsequent disagreements between spouses might take the form of of intramural quarrels or one party might appeal to external authorities to intervene. In any event, church and state authorities were always a presence, at least in the background of such negotiations, as official norms and laws established a framework, sometimes loose, other times highly constraining, within which individuals acted.<sup>20</sup>

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<sup>20</sup> On interfaith marriage, see i.a. ———, "Intimate negotiations: husbands and wives of opposing faiths in eighteenth-century Holland," in *Living with diversity in early modern Europe*, ed. C. Scott Dixon, Dagmar Freist, and Mark Greengrass (Farnham: Ashgate, 2009).; ———, *Cunegonde's Kidnapping: A Story of Religious Conflict in the Age of Enlightenment* (New Haven: Yale University Press, 2014).; and the forthcoming Dagmar Freist, *1 Glaube - Liebe - Zwietracht. Konfessionell gemischte Ehen in Deutschland in der Frühen Neuzeit* (Munich: Oldenbourg Verlag, 2014)..

## **Conclusion**

Negotiation of religious differences in early modern Europe was not a one-time affair or restricted to a few key historical moments; rather, it was an ongoing process. Negotiation involved not only clergy and rulers, nobles and magistrates, but also rank-and-file religious dissenters and ordinary conforming Christians. The need for it arose from the unexpected, undesired heritage of the sixteenth-century reformations and the confessionalization process that followed in their wake, leaving Europe permanently divided by faith. In retrospect, one can see a turning point in the conclusion of the Catholic Council of Trent (1545-63), which defined Catholic orthodoxy in contradistinction to Protestant teaching and reasserted the validity of traditional Catholic practices, even as it reformed them. After that, no full reconciliation of Protestants and Catholics was ever really possible. This was not how things were perceived at the time, though, and it is remarkable how persistent the desire for ecclesiastic reunification remained through the seventeenth century and beyond.

The starting point for the political negotiations undertaken by ruling elites was an acceptance, if only a provisional one, of Europe's new religious divisions. The goal of such negotiations was usually to divide rights, powers, territories, properties and/or revenues along religious lines and to regulate relations between religious groups. Unsurprisingly, therefore, resulting treaties, edicts and laws usually entailed a formal recognition of the groups and a ratification of the divisions between them. It is thus no wonder that such negotiations were undertaken extremely reluctantly, usually as a last resort to end religious-civil strife. Informal, social negotiations, by contrast, tended not to have these effects. Even when they involved the acknowledgement of

religious differences, they did not reify the latter to the same extent. In states with a single official church, religious dissent was often tolerated precisely by not recognizing it – by turning a blind eye while dissenters worshiped either privately or across a border. Such ‘toleration by connivance’ was the *modus operandi* of the most tolerant regime in early modern Europe, that of the Dutch Republic.

Both the formal – political and ecclesiastical – and the informal – social – forms of negotiation we have examined were practical responses to the dilemmas posed by religious divisions. While both had certain principled foundations, including commitments to the rule of law and freedom of conscience, neither was based on the modern notion of human rights, which only emerged during the Enlightenment of the eighteenth century. Nevertheless, both the formal and informal processes scored some notable successes in maintaining or restoring peace in early modern Europe. Without valorising religious diversity, they produced workable arrangements to accommodate it.

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