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Religious toleration in Germany, 1684-1750

WALTER GROSSMANN

Much attention has been devoted to the study of toleration on the Continent in the sixteenth century, while the seventeenth century and the early eighteenth century have been generally neglected. It is understandable that the moment in history when the religious system of the old Church was penetrated by the Protestant reformers exercises a magnetic attraction for scholars. That event first raised the issue of toleration and demanded of both Church and State a new look at heresy.

Major studies on religious toleration on the European continent in the sixteenth century have been offered by Karl Völker and later by Joseph Lecler, and on England for the sixteenth and seventeenth centuries by W. K. Jordan, yet we do not have any comparable work dealing with the problem in Germany in the seventeenth or the eighteenth century. Völker discussed the idea of religious toleration as espoused only by philosophers and theologians, and while Lecler discussed some governmental policies of the French and Austrian rulers, he too concentrated on the eminent exponents. In this paper I would like to chart a course for a comprehensive study of religious toleration in Germany from the middle of the seventeenth to the middle of the eighteenth century, based on the constitutional arrangements that guided policies and on the socio-economic forces and religious and philosophical movements that fostered the expansion of toleration.

In setting a framework for this discussion, the beginning date which suggests itself is that of the Treaty of Westphalia, ending the Thirty Years’ War. The treaty is the first document of German imperial politics in which the term toleration is used to define and describe arrangements between Protestants and Roman Catholics. The year 1648 has become the conventional date for the beginning of the age of absolutism, which offers to the modern German historian, as it did to his predecessors, the most workable conceptual approach to the period. A logical ending for the discussion derives from Eduard Winter’s dating of the transition from FrühAufklärung to Hochaufklärung at about 1750. While it is true that a term like FrühAufklärung is far from unequivocal, the year 1750 – approximately the conclusion of the first decade of the reign of Friedrich II of Prussia – marks a definite change in the intellectual climate. Religious toleration had then moved out of the generally accepted world of the three established Christian religions – Catholicism, Lutheranism, and Calvinism – into a world of religious pluralism and indifference. The laws defined in the Treaty of Westphalia remained on the books until the dissolution of the Empire in 1806 and for some German states still longer, until they were changed by specific legislation. Before 1750, and in many cases afterward, the question was confined to religious toleration; with the Hochaufklärung it extended to human rights and freedom of thought and of expression.

The choice of dates finds further support in an approach to periodisation of
European intellectual history that is of great relevance for the study of toleration. In the search for the religious origins of the Enlightenment, H. R. Trevor-Roper has found helpful Voltaire’s interpretation of the flow of ideas from the Renaissance to the reign of Louis XIV in the mid-seventeenth century, when ‘la saine philosophie commence à percer un peu dans le monde’. Thus, for Voltaire and for Trevor-Roper, at the end of the religious wars a revival of the Erasmian spirit of reason and toleration ushers in the Frühauflösung. We can confidently say that with the Frühauflösung the debate on religious toleration reaches a new plateau. The new ideas are also the ideas of the men of new generations, of Samuel Pufendorf born in 1632, Philipp Jakob Spener in 1635, Gottfried Wilhelm Leibniz in 1646, and Christian Thomasius in 1655.

The issues of toleration that we encounter first in the period 1648-1750 derive from the peculiar coexistence, or claim to existence, of a variety of Protestant Churches. Ernst Benz has distinguished two basic types, the territorial or State-affiliated Church (‘Kirchen landeskirchlicher beziehungsweise staatskirchlicher Prägeung’) and the free Churches of sects like the Mennonites, Anabaptists, Brethren, Quakers, many of them heirs of the Radical Reformation. The Treaty of Westphalia reflects fully this multiplicity within the Protestant world, though in a negative sense. It granted legal recognition, next to the Catholics in the Empire, only to Protestant adherents to the Augsburg Confession, Lutherans, and Reformed, and excluded all others. Its provisions mirror the actual power structure of the Empire in that it gives the imperial estates, territorial princes, and imperial cities the power over Church government, the right to appoint clerics according to their own religion, and the decision on alterations of ceremony and liturgy. Catholic bishops who were also territorial rulers had always been in the position of the ‘summus episcopus’. The adaptation of many features of Catholic Church law by Protestant states put into the hands of the Protestant territorial princes great discretion in religious matters and made them too practically ‘summi episcopi’. A person of a faith different from that of his ruler was protected by terms in the peace treaty which provided what was called religious toleration, yet none of these rights was extended to Christians dissenting from the three officially recognised Churches. On the contrary, the estates are explicitly forbidden to tolerate any religion except the three (IPO v. 2). These provisions did not apply to non-Christians, who were regulated by the laws for foreigners. While the treaty lifted the odium of heresy from Lutherans and Reformed, and with it the threat of persecution, all other Protestants were still exposed to it.

In accordance with this division, now formally legalised in the Westphalian peace treaty, the problem of toleration has to be viewed in its two aspects: first, toleration as understood and practised among the three recognised Churches, and secondly, ‘the latitude allowable to dissenters, deviationists and rebels’. These are loose terms fitting a reservoir of separatists, ‘chrétiens sans église’, whose beliefs were called ‘ratione, Pietismi, Chiliasm Fanatismi’. The establishment of each age chooses its own labels for those it fears and dislikes. In extending the frontiers of toleration this last group, which is inimical to dogma and to clergy, plays a major role. In their religious ideas and life styles its members are highly diversified, yet from these groups emerge the most radical spokesmen for religious toleration.

Important as is the role which dissenters play in the history of toleration, they still constitute only small religious minorities in the Empire. Therefore the arrangements governing the life of the subjects belonging to the three official religions deserve careful attention. Religious toleration was defined in the peace treaty, and the handling of matters pertaining to it was subject to the jurisdiction of the imperial court (the Reichskammergericht) at Mainz, and after May 1693 at Wetzlar.

The treaty enumerated three types of religious practice: exercitum religionis publicum and privatum, and devoto domestico. The year 1624 was accepted as the ‘normal year’, which meant that the subjects of an estate that had enjoyed the exercitum publicum or privatum at that time retained that status (IPO v. 31). Subjects who in 1624 did not enjoy exercitum publicum or the privatum were now allowed the devoto domestica, ‘to go about with a free conscience after their private devotions’ (IPO v. 34). This provision was modified severely in a subsequent paragraph which gave the territorial authority the right to deny the devoto domestica and to demand that the subject leave the land (IPO v. 36). The treaty offered the beneficium emigrandi (IPO v. 39) and specified the conditions under which forced or chosen emigration was to take place (IPO v. 36, 37). Religious toleration clearly meant either the exercitum privatum or devoto domestica, and the beneficium emigrandi.

The eminent jurist and councillor of the Württemberg Estates, Johann Jakob Moser (1701-1785), gave concise descriptions of the exercitum religionis. The chief ecclesiastical practices that Moser enumerated regarding the exercitum publicum accentuate the difference between it and true toleration: ‘Essential to the public worship of the Lutherans and Reformed are: 1. That the call to worship be given by the customary public ringing of bells. 2. That all who profess these religions, whether natives or foreigners, be freely allowed to attend divine service at all times. 3. Finally, that newlyweds (if such is customary and desired) may be escorted publicly to Church, infants with the customary procession to their baptism, the deceased [...] consigned to the earth and their funeral orations delivered in public. These are the major elements of Roman Catholic services’, although they contain many more ceremonies than those of the Protestants. Moser distinguished the ‘publicum’ from the ‘privatum’: ‘With respect to private worship, it is essential for Protestants: 1. that a preacher hold the service; 2. singing, praying, and listening to the sermon may be done in congregation; and 3. Holy Communion may be given. For Catholics there is, in addition, the Mass.’ Finally Moser lists as essential characteristics of the devoto domestica for those of similar religious faith: 1. they are allowed to serve God at home according to the principles of their religion; 2. they are not to be troubled or disturbed in their private devotions; 3. that they may attend frequent religious services of their faith outside their own homes (p.267). The Jena professor of law, Johann Christian Majer, clearly defined the lowest type of religious exercise, the devoto domestica, as the ‘individual exercise of religion by the common subject,
practised by him alone, without further ecclesiastical ceremony, through reading, praying and singing within the walls of his own living quarters.\textsuperscript{14}

The \textit{exercitium publicum} raised in fact few problems, as it was the prerogative of the religious party in power. However, the practice of toleration ranging from the \textit{privatum} to the \textit{devotio domestica} and to the \textit{beneficium emigrandi} led to innumerable questions. The daily existence, side by side, of the faithful of the three religions gave rise to continuous friction. Much depended on the attitude of the territorial ruler or ruling body, but a zealous minority could likewise make life very trying.

Religious adjustment or encounter took place within the context of the larger struggle between absolutistic territorial ruler and estates, 'princes and parliaments'. The history of the duchy of Württemberg bears testimony to such quarrels until the enactment of the new constitution for the kingdom on 25 September 1819. The solid foundation for the state's religious life was the Lutheran church order (\textit{Kirchenordnung}) that was adopted under duke Christoph in 1559.\textsuperscript{15} In the following decades (1587, 1599) ordinances were issued demanding that all councillors and all state employees (\textit{Diener}), all those serving in churches and schools, and members of the university faculties belong to the Lutheran Church. The peace treaty put the first brakes on the unrestrained Lutheran regime in Württemberg, where battles had been fought, large areas abandoned, and refugees admitted from outside. Of a total population of 166,000, there was in 1662 a total of 2,700 Catholics and Calvinists.\textsuperscript{40} On 20 March 1662 the consistory recommended that all those who were unwilling to bring up their children in the Lutheran faith be asked to leave the state after the appropriate time. Duke Eberhard III, who wanted to avoid bad publicity in the Empire and further population losses, did not act upon the recommendation. The issuance of a marriage ordinance (4 April 1687) indicates that Catholics and Calvinists were 'tolerated' under the watchful eye of the Lutheran clergy. An individual whom the marriage court could not dissuade from marrying a non-Lutheran needed special permission from the duke and was asked to have the marriage take place outside the land. The person was also asked to give a written promise to raise the children in the Lutheran faith (Stählin, p.188). In spite of the stern ordinances threatening heavy penalties for attendance, Catholic subjects tried to take advantage of the religious services which the foreign ambassadors in Stuttgart were entitled to hold in their residences. The fact that such ordinances were issued three times (9 November 1685, 7 July 1686, and 10 May 1698) suggests the great temptation which the services offered.\textsuperscript{17}

Duke Eberhard Ludwig (1677-1733) hoped to create a splendid residence worthy of an absolute territorial ruler in the age of baroque. To attract newcomers he listed among the privileges (18 February 1715) free exercise of religion to all those who belonged to one of the three officially recognised churches. The consistory, supported by the stout Lutheran estates, objected and a struggle over the issue ensued. It was not finally resolved until 9 December 1752, with an official declaration altering the privilege to the more usual 'toleration' for those who had already become residents and excluding all but Lutherans from settling in the future (Stählin, p.190). After the death of Johann Friedrich Nette (9 December 1714), the first architect of the new Ludwigsburg residence, duke

Eberhard Ludwig entrusted the completion of the castle and all city planning to the Italian Donato Giuseppe Frisoni. With him an army of Italian craftsmen and experts flooded into Ludwigsburg, among them his own relatives, all of the Catholic faith. To meet their religious needs Frisoni built (1724) on his property a 'gardenhouse', which hardly disguised its true function as a church. It was well known that the ground had been consecrated in a Catholic ceremony. Furthermore, Frisoni's petition that services for the 570 Catholics be allowed was 'ad interim' approved, all in violation of the spirit of the toleration provisions of the peace treaty.\textsuperscript{18}

Duke Karl Alexander (1684-1737) had converted to Catholicism while serving in the imperial army and had secured permission from the Württemberg Estates to keep a court chapel in Stuttgart. When he took up residence at Ludwigsburg, he also installed such a chapel. Sympathetic to the wishes of Catholic residents and foreigners, he was anxious to accommodate Frisoni and his workers. Mutual annoyances between Protestants and Catholics led to complaints that continued even after Karl Eugen (1737-1793) succeeded his father Karl Alexander. Karl Eugen was also brought up as a Catholic, had received his education in the Prussian Protestant court, and was married to a Protestant princess, a niece of Friedrich II. To alleviate the religious tension he issued a declaration (20 February 1740) stressing that resident Catholics were not allowed to admit foreigners to their gatherings, to perform baptism and marriage ceremonies, or to introduce their own school texts. The priests were warned not to proselytise, and some women who had converted to Catholicism were asked to leave the country in accordance with the terms of the peace treaty. The privileges that were granted here certainly went beyond the \textit{devotio domestica} and amounted to the \textit{exercitium privatum}. The consistory and estates protested and achieved an official restatement demanding that the Catholics remain within the strict boundaries of the \textit{devotio domestica}, thereby eliminating the services in the Frisoni 'gardenhouse', and restricting them to the private devotions held at the court exclusively by the court chaplain, without ringing of bells or any other outward signs pertaining to the \textit{exercitium publicum}. A concession was made allowing access to services in the court chapel even when the duke was absent. These services continued with the indulgence of Karl Eugen, who later agreed to terminate them. It took at least thirty remonstrances by the estates and Lutheran clergy before Karl Eugen had all vestiges of Catholic worship removed (Stählin, pp.201, 202). The attitude of the enlightened despot in matters of religion, as in matters of politics, differed from that of the stout Lutheran estates which defended their constitutional rights as best they could. The case of Württemberg illustrates how easily frictions arose between the three religions whose existence was regulated by the toleration provisions of the peace treaty.

The importance of the \textit{beneficium emigrandi} becomes evident if one considers the strength of religious conviction of a territorial ruler or ruling body, whether Protestant or Catholic.\textsuperscript{19} Of equal, if not greater, consequence for the subject holding a minority faith was surely the attitude of his neighbours who belonged to the majority religion. That the excesses of the age did not exclude witch craze and religious fanaticism is abundantly documented. Not to be neglected is the clause in the peace treaty that set conditions under which the persons who were
expelled or chose exile would emigrate. It guaranteed a period of five years – three for those who changed their religion after the conclusion of the peace treaty – for planning and undertaking the move. The emigrants were assured of documents testifying to their status as free citizens, their profession and their respectable conduct [...] Those choosing to emigrate on their own were not to be hindered from doing so under pretext of servitude or for any other reason’ (IPO v. 37). The brutal expulsion of over 16,000 Protestants from their homes in the Salzburg land, under the pretext that their leaders were rebels, demonstrates how these protective provisions could be circumvented. On 31 October 1731, the fanatical ducal archbishop Firmian of Salzburg published the Emigrationspatent ordering all Protestants to leave the land. Resident burgmen, craftsmen, and peasants were allowed three months to prepare for the exodus. The nonpermanent refugees had eight days and ‘could take with them what they were able to carry on their backs’. The intervention of Prussia and its official invitation to the refugees delayed the exodus of the Salzburg Protestants until the spring of 1732. The passports of some of their leaders, who had already suffered years of brutal incarceration branded them as criminals (p.198). Thus, almost one hundred years after the conclusion of the peace treaty, the story of toleration turned into one of savage intolerance.

The right to emigrate can be totally meaningless if there is nowhere to emigrate to. The demographic situation of the age fortunately offered the emigrants opportunities to find new homes where co-religionists welcomed them or were at least ready to accept them and to allow them to exercise their own religion freely.

As a result of damages sustained during the Thirty Years’ War, the town of Lichtenau in Hessen had shrunk from a population of about 1,000 to less than a third of that number. The restoration of the town church, the interior of which had been destroyed by fire in 1637, was not completed before 1682. Devastation and population loss in the era of the Thirty Years’ War and the three Wars of Devolution (1667-1697) varied greatly in the Empire. For all areas that suffered, however, the recovery periods lasted for decades and longer. In the wake of the calamity, major states as well as small principalities pursued aggressive ‘populationist’ policies. With a limited supply of people, opportunities increased for those who needed and sought new homesteads. The doors began to open for Catholics, Lutherans, and Calvinists who were forced to leave or were not satisfied to settle for the devoatio domestica. Not only they, but also those dissenters who were excluded from the religious arrangements of the peace treaty, were welcomed in some places. Dissenters on the Continent, like the nonconformists in England, enjoyed an excellent reputation as contributors to the economic life. ‘Good health, abstinence, honesty and an adequate system of education helped nonconformists to advance in industry and trade and may in turn have caused them to increase their numbers relative to other groups.’ Nor did the religious refugees emigrate solely from areas within the Empire. Large contingents were made up of Huguenots who left France after the revocation of the Edict of Nantes in 1685, and of Waldensians who were expelled from their homes in the Piedmont valleys in 1686 and again in 1689 by duke Victor Amadeus II of Savoy.

After the battle of the White Mountain (8 November 1620), in which the elector of the Palatinate, Friedrich V, ‘the Winterking’, suffered utter defeat, the Bohemian Brethren who had cast their lot with Friedrich were left at the mercy of the Habsburg emperor. The Bohemian Brethren, who like the Waldensians traced their religious traditions to pre-Reformation times, were counted among the adherents to the Augsburg Confession, and with the intensification of the Counterreformation in Bohemia their existence had become increasingly difficult. As early as 1548 a group of 800 Brethren, who had been expelled from Bohemia, migrated to the newly founded town of Lissa in Poland. After 1620 a new wave of immigration brought as many as 3,000 more Brethren to Lissa. Among their leaders was the great pedagogue Johann Amos Comenius, who became the rector of the ‘Gymnasium illustre’ in Lissa. All the descendants of the Anabaptists, and in particular the peaceful Mennonites, were in search of places that would allow them to settle. The Mennonites had established their own identity as followers of Menno Simon, a Dutch theologian and a convert from Catholicism, who adhered to a strict pacifism. In spite of their commitment to nonviolence, Mennonites, like other Anabaptists, suffered persecution and martyrdom. With the intensification of ‘populationist’ policies the toleration which was practised toward them went beyond the legal limitations of the peace treaty.

To draw from the population reservoir of religious refugees, including ‘deviationists and rebels’, was, as we have seen, not an innovation of the period after the peace treaty. In fact the model was taken from earlier enterprises for replenishing the population in the countryside by founding new towns. In his typology of emerging towns since the late sixteenth century Heinz Stoob has established the category of Exulantendenstädte which he considers unique in Western history. They range over a wide geographic area from the Maas to the Elbe and Weichsel: many were located in border areas where transit could be managed more easily, others in frontier areas where they might strengthen economic and strategic outposts. There were also those whose location was dictated by natural resources, such as the mining towns along the Silesian Bohemia border. If Lissa in Poland has claims to be the first of the Exulantendenstädte, Freudenstadt too, near ore deposits in the Black Forest, counts as one of the oldest. Its population was recruited largely from Lutheran miners who fled in 1599 from the Counterreformation in their Stryjan homeland.

The reception of religious refugees did not necessarily mean that the authorities were ‘tolerant’. In Freudenstadt in Württemberg the strict Lutheran territorial duke Johann Friedrich received only persecuted Lutherans. Exulantendenstädte were, however, of importance as places where policies of toleration were introduced. Neuwied-am-Rhein is a splendid example of an urban foundation where from the outset economic goals combined with a policy of religious toleration. With great vigour and tenacity Count Friedrich of Wied (1618-1668) pursued his plans for a town that he hoped would bring economic relief and eventually prosperity to his small land, which had suffered particularly in the last years of the Thirty Years’ War. With a keen sense for the advantages of the right bank of the Rhine, he had chosen the devastated village of Langendorf as the place from which to start. He succeeded in reactivating a former privilege
for elevating a village to a town. On 26 August 1653 the emperor Ferdinand transferred it to 'Neuwiedt'. The newly drawn document takes account of the site and recognises the need to repopulate: 'some houses are already occupied, and in view of the convenient location persons from the Netherlands and other places outside the Empire will surely be inclined to move there.'

During the first ten years, while count Friedrich got embroiled in local conflicts, the population grew only slowly, and settlements, mainly by court officials, were sparse. These were not years when major religious upheavals brought in large numbers of people on the move. The great waves of refugees from Spanish Catholic persecution had subsided, and the mass exodus of Huguenots belonged to a future not then to be foreseen. Mention of the Netherlands in the proclamation nevertheless indicates the direction in which the count had cast his hopes.

On 7 June 1662, count Friedrich issued a proclamation which specified the conditions and advantages that were offered to new settlers. It put the 'punctum religionis' first. The initial sentence made clear that the ruling count belonged to the Reformed religion and was guided by the arrangements of the peace treaty. It cited a statement, added *specialiter*, which guaranteed that all those not belonging to the Reformed religion might exercise their own religion according to their conscience in their homes. These privileges were to continue and, regardless of any changes that might occur in the duchy or even in the Empire, the subjects were to enjoy their *libera exercitio* in religious matters. The traditional freedoms which the medieval town had offered—exemption of corvée services and removal of all impediments of serfdom—were asserted in subsequent paragraphs. Prospective town dwellers, regardless of social status or national affiliation, were offered free building ground, to be used in compliance with the building code. They were exempted from any payments for the first ten years, after which a yearly contribution would be fixed, by agreement between count and citizenry. At the same time the count promised that neither territorial nor imperial taxes would be levied (sig. A4r). These promises were made by the count also for his successors and, though one may question what it means to speak for one's successors, the count acted in good faith. The word *nation* in the proclamation appears in its customary usage, to identify refugees or emigrants with the land of their origin; Iberian Jews in Hamburg and Glückstadt, for example, were designated as the ‘Portuguese nation’ and Dutch Mennonites as the ‘Netherlands nation’. The count also prohibited discrimination between natives and newcomers of various religions in the matter of holding public office: ‘It should be known that those who are of different conviction [anders gesinnt] and not inclined towards the Reformed religion, to whatever nation they belong, shall not be excluded on that account, but shall be admitted according to their qualifications to honorary offices and town government [Magistrat].’

Economic concessions of the *privilegium* reflect both the continuation of traditional medieval rights and the new policies of a territorial ruler of the seventeenth century. One can detect the thrust of a mercantile policy alongside, if irreconcilable with, the desire to offer the advantages of free trade in order to attract commercially strong elements. One must also take into account the privileges extended to a rising bureaucracy in a world whose order is increasingly

controlled. All the points made on religious issues were within the boundaries of the legal arrangements of the peace treaty, liberally interpreted.

Count Friedrich was ready to go still further in his efforts to attract settlers to Neuwied. In the late 1650s renewed persecution in Switzerland and in the duchy of Jülich in the Palatinate brought Mennonites on the move. They filtered from the Netherlands into territories on the lower Rhine and established themselves in the duchy of Cleves and the county of Mols. Mennonite families or groups varying in size settled in areas ruled by members of the house of Orange or of the Brandenburg Hohenzollern family, most of whom were moderate Calvinists. The industrious and skilled Mennonites contributed to the economic welfare of the places where they lived and were welcomed unless the local clergy incited the parishioners against them. Their existence remained precarious, as they had no legal status. At Krefeld the prosperous Mennonite community, which had constituted the backbone of the flourishing textile industry since the early 1620s, did not receive any official endorsement until the town came under Prussian rule. One hundred years later, in 1721, Friedrich Wilhelm I attested their rights and privileges in a royal transcript.

In 1659 a Mennonite built the sixth house erected at Neuwied. Twenty years later eight Mennonite families petitioned count Friedrich to allow them to live there. In response to the request Friedrich issued a ‘Concessions-Freibrief’ (16 December 1680) in which he referred directly to the clause of the *Privilegium* of 1662 guaranteeing the *exercitium religionis privatum* to the non-Reformed. The document of 1680, which spells out the rights and privileges extended to Mennonites residing at Neuwied then or in the future, introduces a new reading of the earlier *privilegium*. Friedrich recognises that he had laid himself open to the accusation of violating imperial laws by extending toleration to Mennonites and Anabaptists, who were explicitly excluded from the protective clauses of the Westphalia peace (IPO vii, 2). He tries to justify his policy by pointing out that the electors of Brandenburg and the Palatinate, the duke of Holstein, and some imperial towns had on occasion allowed Mennonites to live under their jurisdiction with full freedom of conscience. The examples count Friedrich cites are powerful territorial rulers, and if in fact they tacitly did sometimes let Mennonites live in their lands, only Christian IV, king of Denmark and duke of Schleswig-Holstein, issued a document that gave Mennonites any official assurance and rights. Indeed, the count of Neuwied had followed the declaration which Christian IV had issued on the occasion of the establishment of Glückstadt-ander-Elbe in 1617. The Danish sovereign had founded this town and fortress as a threat and rival to prosperous Hamburg.

In comparing the policies of Christian IV and of the Neuwied count Friedrich, one must remember that the policy of the Danish king antedates the Peace of Westphalia; far more important is the difference in status between a sovereign lawmaker and the ruler of a small duchy. Count Friedrich’s letter to the Mennonites has the validity of an official document and deserves recognition as a landmark in the broadening religious toleration. The number of families affected by the letter, though small, is not insubstantial. The first extant account of citizens at Neuwied (8 August 1699) lists 8 Mennonite families in a total of 152 households. Members of the count’s court as well as relatives and employees
were not included in the tally. The major changes in population occurred after 1740 and with these also a proportional increase in Mennonites.34 Out of these groups came some of the finest business enterprises and workshops. To the Mennonites belonged the Kinzing family that was for generations known as clockmakers, and to the Brethren belonged the ceramics manufacturer Schenk and the world-renowned cabinetmakers Abraham and his son David Roentgen.

The policy of toleration was continued by Friedrich’s successors, and especially under the long reign of count Alexander (1737–1791), who aimed to combine enlightened toleration with economic astuteness. Symptomatic of his policy, and amusing too, is Alexander’s response to a query from the Neuwied Consistory. That body had requested the notorious heretic Johann Christian Edelmann (1668–1767) to draw up a confession of faith (Glaubens-Bekenntiss, 1747). When they asked the count whether it should be printed, he commented: ‘If the weed grows not here but away in the field, the stench blows just the same to us, yet our printers have no work. In so far as Edelmann is wrong it will be possible to refute him, other measures like expulsion and persecution are like unkind name-calling.’35

The much celebrated policy of toleration of the Hohenzollern was part of their large colonisation policy in their expanding Brandenburg-Prussian territories. Friedrich Wilhelm the great elector (1619–1688), his grandson king Friedrich Wilhelm I (1713–1740), and his successor Friedrich II (1740–1786), all three made ‘rétablissement’, the populating of their land, a central concern of their administration. Since 1613, when elector Sigismund converted from Lutheranism, the Hohenzollern had remained adherents of the Reformed faith in a land whose population was predominantly Lutheran. It was a good omen that Sigismund renounced his right to force his own religion on his subjects. Friedrich Wilhelm and Friedrich I, loyal to their faith, did not find it difficult to live within the arrangements provided by the peace treaty. A liberal interpretation suited their position as rulers who belonged to a minority religion and corresponded to their general practice of putting the welfare of the state above personal consideration. To Friedrich II religion became a matter of indifference. He shared with his predecessors their idea of the absolute state; his ambition for its grandeur and prosperity matched, if it did not surpass, theirs. The religious policy of the Hohenzollern in the difficult years of the Thirty Years’ War and its aftermath was directed towards a peaceful coexistence among their subjects that would best serve the well-being of the state. To achieve such coexistence among adherents of the Reformed, Lutheran, and Roman Catholic churches in times of bitter confessional controversy and strife was not a small feat. In the Mandatum of 2 June 1662, often referred to as the ‘First Edict of Toleration’, the Great Elector demanded that the clergy refrain from all expression of hate and condemnation, and ‘live in peaceful harmony’. For ‘zealots [there] is no place’.36 This latitude in religious affairs enabled the Hohenzollern to attract to their lands those persecuted, and then uprooted, for the sake of their faith. The ‘rétablissement’ programme found excellent support in a humane and tolerant immigration policy. The Great Elector responded to the revocation of the Edict of Nantes with his Edict of Potsdam, issued on 29 October 1685. It invited réfugiés, as the persecuted Huguenots were commonly called, to settle in

Brandenburg-Prussian lands, offered help to facilitate their travels and transport, and stated the conditions which would be economically advantageous. The newcomers were also guaranteed the right to continue their own church organisation and the right to the ‘exercitium Religionis Reformatae in their native French’.38 Of an estimated total of 100,000 réfugiés, about 15,000 took up the invitation of the Great Elector. This small contingent formed over fifty-nine French Reformed communities within the state, the largest population, almost a third of the total, concentrated in Berlin. The majority, who were already manufacturers and tradesmen of some repute in their home towns in France, would make substantial contributions to the economic life of Brandenburg-Prussia.39

An added factor in the flexibility in religious affairs was the sovereignty over East Prussia which the Great Elector had gained from Poland in the Peace of Oliva (3 May 1660). As part of Brandenburg-Prussia, East Prussia did not belong to the German Empire. Since Friedrich Wilhelm was therefore not bound by the religious arrangements of the Westphalian peace treaty, he was free to exercise an independent policy of toleration. Dutch refugees had infiltrated the East Prussian area since the beginning of the Reformation.40 In spite of the official edicts of expulsion, the first in 1543. Dutch families remained in the area and were joined by newcomers. There is evidence that Mennonites settled in Elbing in 1572 (p.159).

However much one might want to view duke Albert’s colonisation as a preconfiguration of a later policy, such a direct link cannot be established. The Great Elector did in fact find in Prussia Mennonites and also Socimians, the antitrinitarians who were expelled from Poland in 1658. When the Lutheran estates renewed their efforts to persuade the government to drive the Socimians out, they were unable to gain the support of the elector. On the contrary, when he received a plea from the Socimians – ‘Ariane’, as they were also called – to remain unmolested in their homes, he wrote to his trusted councillor count Otto Schwerin on 14 May 1673: ‘I enclose a supplication by the “Arianern”, who have settled in Prussia. I find it unjust not to permit them to remain.’41 He reaffirmed his position ten years later in a ‘Rescriptum’. The exercitium religionis privatum was withheld, but as long as ‘they live quietly and peacefully […] they are to be tolerated in the land’.42

The elector repeatedly urged the clergy to refrain from denunciation, asking them to discuss theological questions with ‘meekness and modesty […] since their hearts will then be opened to divine truth wherever it may be found’ (doc. 32, p.386). His desire to reduce religious strife and his compassion for those persecuted for their conscience induced historians to laud him ‘as the advocate of religious freedom and toleration in Europe’.43

‘Rétablissement’ in Prussia continued to be of major importance to Friedrich Wilhelm I. In the spring of 1712 the plague had practically wiped out over 10,000 farms, and new plans for repopulation were called for.44 In 1717, 1721, and 1724 edicts were issued stating the conditions offered to prospective settlers. The most important, that of 1724, started out with the assurance that no discrimination whatsoever existed between the Evangelical-Lutheran and the Reformed church. The document makes no further reference to religion, but the
privileges offered to tradesmen and craftsmen are spelled out in great detail, enumerating even the individual crafts. The edict reflects the religious attitude of the king, a pious man who saw little difference between the two major Protestant churches. On the contrary, he favoured unification, which would correspond to his ideal of a centralised state of which he was the absolute monarch. A step in this direction was his promoting the construction of ‘Unionskirchen’, churches for the use of both Lutheran and Reformed. When the Lutheran Probst Rolof of Friedlichsfelden protested that he could not reconcile himself to sharing a church with services according to the Reformed faith, Friedrich Wilhelm replied (10 September 1726): ‘I am of the opinion that both religions are the same and [ …] therefore wish my order [to hold services in the same church] to stand [ …] The difference between our two evangelical religions is nothing but a theologians’ squabble.’

Socinians lived in the district of Johannisburg and Anderswalde in the city of Königberg. On several occasions they came under investigation by the Consistory of Samland on suspicion of having transgressed the limitation under which they were tolerated. Friedrich Wilhelm I restated the terms which forbade public worship under threat of expulsion (edict of 26 April 1721). In 1731, upon a new investigation, the consistory laid out with royal approval more realistic terms. The Socinians were allowed to exercise their religion freely and to keep their minister and school, but were to refrain from any propaganda of their faith. They were not allowed to admit young Lutherans to their school. While the Socinians were few in number, less than 200, the Mennonites were a congregation of over 10,000 persons. They were therefore a much more important factor in a state which strove to embrace its citizens in a unified civil and military order. In the latter area a conflict arose between the king and the Mennonites, who had received assurances of being exempt from military service. The privileges first extended to the Mennonites in a document of 1 March 1713, were reaffirmed on 21 April 1722, at the request of the Mennonite community then constituting itself in Königberg. A payment of 200 Thaler was made to the ‘recruiting fund’ in lieu of military service. Aggressive enlistment officers, always in search of ‘tall young men’, the favourite soldiers of the king, did not stop when they encountered some such specimens among the Mennonites. The officers used brute force and impressed young men into the army. Upon the protest of the Mennonites king Friedrich Wilhelm I had the men released, but countered with an order of expulsion that was reiterent on 22 February 1732. The local royal domain administration asked the king to revoke the order because their departure would bring severe financial losses to industry and agriculture. The economic loss would far outweigh the contribution to the contingent of recruits required by the canton. The king apparently acquiesced, under the condition that those exempted would start manufacturing wool and other textile products.

On 15 June 1740, in the second week of his reign, a request was submitted to Friedrich II on behalf of a Roman Catholic, Antonio Rumy, who desired to acquire citizenship and with it the right of membership in the commercial guild at Frankfurt-an-der-Oder. Rumy had inherited from his brother ‘a substantial inventory of goods and a house’ and declared ‘that he intended to continue the commercial enterprise and to rebuild and expand the house’. The new king conveyed his approval with the following note: ‘All religions are equal and good, as long as the persons who profess them are decent; and even if Turks and Heathen were to come and populate the country, we will be ready to build mosques and churches for them.’ The conquest of Silesia in 1741 and the acquisition of West Prussia through the First Partition of Poland (5 August 1772) both served the policy of territorial expansion and populating. Religious differences were not to interfere. On 8 May he offered free exercise of religion to the Schwenkfelders (radical spiritualists) who had been persecuted with equal fervour by both Lutherans and Roman Catholics. A cabinet order of 23 February 1742 invited the Schwenkfelder to return to Silesia. ‘In the past Schwenkfelders have been expelled from Silesia out of an ill-advised religious zeal, to the great detriment of commerce [ …] An edict is to be drawn up that will offer not only toleration but also support for their “établissement” in Silesia’ (p. 68). The eighteen Mennonite communities with about 10,000 members living in West Prussia were assured toleration and exemption from military service.

‘Two tendencies […] in intellectual life […] deserve special attention for their relevance to the spirit and character of the Prussian state. The one is the freer, more personal theology – more emotional than dogmatic – known as Pietism […] that confronted the calcified Lutheran Orthodoxy […] The other tendency is legalistic, mainly constitutional and ecclesiastical in nature. Its chief representatives are Pufendorf and Thomasius.’ These words of Otto Hintze are still valid. What the great historian said for Prussia might be applied to all of Protestant Germany in spite of its political fragmentation and intellectual diversity. The judicial tendency which Hintze emphasised, we integrate today in the larger concept of the Frühhochkönig, to which Pufendorf and Thomasius as leading figures certainly belonged, like Ehrenfried Walter Tschirnhaus and Christian Wolff in their wake. The idea of religious toleration as it emerges with and is nurtured by German Pietists and Aufklärer has its antecedents in humanism, radical spiritualism, Socinianism, and puritanism, to name the most important. It would be parochial and misleading to isolate German Pietism and Enlightenment from the broader European spectrum. Yet the specific impact of Erasmus, Castello, Acontius, Fausto Sozzini, Sebastian Franck, Coornhert and Pierre Bayle on the proponents of toleration in Germany in the years after the Thirty Years’ War must be left to individual research.

The intriguing relations between Pietism and Aufklärung, which are the subject of recent studies, have a direct bearing on the toleration problem. Toleration emerges as one area in which common ground can definitely be established: ‘In the efforts to reach compromise and toleration, to substitute persuasion for subjugation, the views of Spener [the Pietist] coincide with those of Leibniz and Pufendorf, men of the Enlightenment, whose thinking was oriented on principles derived from natural law.’ What separates Pietism and Enlightenment is the role which each assigns to reason. Philipp Jacob Spener still made ‘reason captive to the obedience to Christ’, while for the Aufklärer reason rises to the position of the ‘recognised ruler’. In the famous definition of Kant, ‘Enlightenment is man’s release from his self-incurred tutelage. Tutelage is man’s inability
to make use of his understanding without direction from another […] Sapere aude! Have courage to use your own reason."

The major tenets of Pietism that had such a great impact on religious toleration were to be found in the teachings of Spener. Whether one endorses or not, his works and pastoral practice gave this religious movement many of its most characteristic expressions. Of these the devaluation of dogma, the emphasis on individual piety, and the introduction of collegia pietatis (conventicles: the small study and worship groups that gained importance next to the regular church services) were of particular concern for the progress of religious toleration.

Reformation theology had introduced a new interpretation of the relationship of the individual to God, Christ, and Bible. Luther directed his attention to the proper understanding of 'conscience' (Gewissen) of the individual in the context of the new theology. It is the view of both Walther Koehler, writing on the history of Christian dogma, and Johannes Kühn, addressing himself to the problem of 'toleration and revelation', that the meaning Luther attached to conscience was not related to, nor did it contribute toward, religious toleration. Koehler observed that the structured Lutheran territory, with all its respect for the belief which heeds God over Man, knows no toleration or freedom of conscience. The trend towards subjectivity and inwardness in the theology of Pietism put 'conscience' in a central position. Kühn located the point where Luther and Spener diverged 'on the latter's subjective interpretation' of conscience and its direct bearing on toleration. In support of his view he quotes a fine passage from the Abruck eines christlischen Bedenkens (1684): 'For a prosperous and well governed order it is not necessary that all its subjects belong to the same religion, far less that one need do violence to anyone's conscience. Conscience is and cannot be subject to a secular power […] One cannot impute more painfully on the freedom of a person than to restrain his conscience.' This respect for the conscience of the individual, overriding all dogmatic boundaries, becomes a major force in the thrust for religious toleration and for toleration conceived as a human freedom. The way Spener perceived conscience was not necessarily original — Matthias Knutzen, for example, had formulated demands for freedom of conscience much more radically in pamphlets he distributed at Jena in 1674. The voice of Knutzen was easily silenced by the Jena university authorities. Spener, who remained loyal to the Lutheran church in spite of attacks from orthodox adversaries of Pietism, commanded attention and was listened to in all corners of Germany. The other element of Spener's Pietism that contributed to the spread of toleration is the collegium pietatis, although it can be traced to earlier practices in circles around Kaspar Schwenkfeld and Jean de Labadie, and to Quaker worship. The scope and effectiveness which these small gatherings assumed under the guidance and propagation of Spener were unprecedented in Germany. He intended the collegia pietatis to be nuclei for the revival and deepening of religious Christian life. In his view society had turned to indulgence in worldly pleasures, and the clergy was incapable of 'instructing with the necessary fervour'. The hope, therefore, was that 'others [not ministers] in the community, who through God's grace possessed a greater understanding of their Christian faith [...] will help their weaker brothers'.

The clergy apprehended a threat to their authoritative role, a take-over by laity, including even women, who were excluded from ministry in the church. In the sermon in which Spener described his hopes for the collegia pietatis, he used the word 'brethren', thereby immediately raising fears associated with egalitarianism and revolt. Far as such ideas may have been from the mind of Spener in instituting the conventicles, their very 'democratic' composition and unorthodox approach to discussing matters of faith opened the door to a freer and more tolerant approach to religion. Carl Hinrichs commented on the influence of the pietistic interpretation of the individual's sin and his redemption with the conventicle, the newly created space, to accommodate discussion: 'a true equality before God was established between count and peasant, noble lady and maid servant, and social barriers were loosened."

The very mention of democratic elements in Pietism demands further clarification of the position of Pietism in German society. Pietism found many fervent supporters among the German nobility, whose members did not necessarily equate participation in the conventicles with an obliteration of class status. In some courts, to be sure, gathering in conventicles led to such intense feelings that all social distinctions were swept aside. A closer look in such cases reveals that more radical religious forces than the Lutheran Pietism of Spener were frequently at work. Count Nikolaus Ludwig Zinzendorf, eminent among the leading personalities of the third generation in the Pietistic movement, shared worship and meals with brothers and sisters in the religious communes he had established in numerous places. Yet he never gave up his title of imperialcount nor did he ever let the members of his household and of the communes forget his social status.

In June 1691 Spener took office as Probst, inspector of the Lutheran church of St Nikolaus and councillor of the Consistory of Berlin. His position as first preacher to the Saxon court at Dresden became untenable, owing to his personal conflict with the elector Johann Georg III. The differences between Dresden and Berlin, between the Saxon and the Brandenburg-Prussian court, did not lie on a moral plane, but rather in the realm of territorial church policy. The Saxon elector had no taste for the pietistic seriousness of his court preacher and was disinclined to protect him from the orthodox Lutheran clergy which was inclined to overlook his human failings. The court of Friedrich III (after 1701, king Friedrich I) was indulging in worldly splendours, and Berlin, the capital, with three to four times as many children born out of wedlock as in other capitals of its size, was hardly an example of pietistic virtues. Nevertheless, an alliance emerged — between Spener and his follower and close associate, August Hermann Francke, and the Prussian court — that was of great consequence to the Pietist movement and the state. The centralisation of mercantilistic orientation that influenced all other aspects of government did, as we have seen, favour religious toleration and especially a policy of coexistence between Lutherans and Reformed. Spener could only benefit from this situation in which Lutheran zealotry was kept in check. He also changed his former hospitality to the position of the territorial ruler as summus episcopus' to one of support for the territorial system."
Friedrich Wilhelm I, whom they counted among their supporters. They contrived an accusation against him, claiming that his idea of fatalism could lead to justifying desertion from the army. Hardly any argument could raise the fear and anger of the ‘soldier king’ as much as one that would threaten military discipline. On 12 November 1723 an edict was issued against Wolff that deprived him of his professorship and expelled him from Prussian lands within forty-eight hours. In a letter of 10 January 1726, from Marburg, where he had immediately found a university position upon leaving Halle, Wolff wrote, ‘Since the Hallenser [Pietists] are no longer subjected to attacks by [...] theologians but have secular power on their side, it is impossible to get along with them.’

While mainstream Lutheran Pietism did stray away from its initial course, its offspring ‘Radical Pietism’ carried on the fight for toleration. Gottfried Arnold (1666-1714), Hochmann von Hochenu (1670-1721), and Johann Konrad Dippel (1673-1734), all were formed by the Pietistic movement. Of the three, Arnold, who remained closest to Pietism, produced a work, the Unparteiische Kirchen- und Ketzer Historie von Anfang des Neuen Testaments biss auf das Jahr Christi 1688, that offered a new vision of the history of Christianity and a re-evaluation of the traditional categorisations of church leaders, saints, and heretics. Previously neglected and condemned mystics, anabaptists, and spiritualists become the true heroes of this new church history, while the unchristian behaviour of many leaders who practised persecution instead of charity is exposed. In this history, Christian commitment without regard for denominational affiliation becomes a touchstone of religious toleration. A work of care and serious scholarship, it commanded immediate respect. Its impression on contemporaries and on posterity was immense, and its service to toleration can therefore not be overrated.

The impact of the writings and ministry of Hochmann and Dippel were of a different nature. Each, in his own way, drew new conclusions from an understanding of individual religiosity he found in Pietism. The most popular line of attack against the Pietists had been to accuse them of their spiritualism and thus identify them with heretics like Schwenkfeld and Francke. Against such accusations Spener and his followers professed their loyalty to the official Lutheran church. Hochmann chose a different path. He openly proclaimed his spiritualism and separation from the church and, as a consequence, pleaded for religious toleration beyond the three officially tolerated churches. In October 1707, when he became a prisoner at Nürnberg, he appealed with these words: ‘I have asked the city council to return to me my freedom, which I received from God and from nature, […] so that I may emigrate for the sake of my conscience and may move to such places as tolerate both “unparteiliche Wahrheit” and the unhypocritical piety which consists of the living faith of the son of God and brotherly love.’

The variations of separatism are by definition innumerable, and its pluralism necessitated toleration. Dippel fought bitter battles with the orthodox clergy and suffered persecution and imprisonment. In numerous writings he attacked the authenticity of books of the Bible, and rejected dogmas and practices of the established Christian churches. He was one of the most widely read authors. Recently published documents have given evidence of his direct influence on
Hermann Samuel Reimarus, with whom the beginnings of historical Bible criticism in Germany are associated. With the radical rejection both of the Bible as divinely inspired and of the salvation teachings derived from the Bible, Dippel stands on the threshold of the rationalisation of the Fröhaufklärung. Toleration is for him a sine qua non. 'It is devilish furor to persuade others of one's own opinions by brute force and persecution, or to spread orthodoxy by means of soldiers and hangmen.' Dippel did not favour any form of separatism, with which he associated sectarianism: 'A church remains a true church in so far as the true members walk visibly, and the truth of their teachings can be recognised by its fruits. For a sect' to claim to be a true church and to condemn another as a "church" is deceit and foolishness.' The terms radical or left wing Pietist do not, as Siegfried Wollgast has correctly indicated, describe Dippel accurately (p.300). In opposition to Descartes and Spinoza he shares in the spiritualist idea of the living Christ in each person. Yet the radicalism of his criticism makes him the direct forerunner of Edelmann, Reimarus, and Lessing.

An essential part of Fröhaufklärung is the revival of natural law as cast into new forms by Grotius, Pufendorf, and Thomasius. Among the powerful motives that inspired this revival is the wish to assure religious tolerance an unassailable place in the laws of nations and states can be clearly discerned. The potential of this new natural law, which at first stressed religious toleration and later exploded in self-evident human rights, has been recognised.

Pufendorf was the first historian in Germany to expound the natural law concept of Grotius and to develop it further. Like Grotius he based natural law solely on pure reason and (in contrast to Hobbes) made sociability the moral force that binds men together in society. Pufendorf uses the term societas to characterise the relation of human beings to each other as well as for the entity in which these human beings are united. He gives true significance to this concept by distinguishing man from all other beings by his human dignity. The members of this societas possessing human dignity respect each other and are by their human nature equal and free (p.226). The radical consequences of Pufendorf's view of man have been hinted at, but such aspirations are curbed by his ideas on sovereignty. Pufendorf, as historiographer of the Swedish and Brandenburg courts, was a supporter of the territorial state. The Pufendorf societas and its members seeking their own and mankind's (genus humanum) perfection correspond in fact directly to the ideals of the achieving mercantilist absolute state. Its virtuous burgher is 'subject', not 'citizen'.

Ideals like dignity of and respect for the individual, and the universality of the language of natural law are deeply tied to the progress of religious toleration. Herein lies the importance of Pufendorf's contribution. His specific pronouncements on religious toleration, on the other hand, reflect the rather conservative views of a Lutheran and stout supporter of the absolutistic system of the territorial state. Pufendorf did claim space for the conscience of the individual. The quotation from the gospel of Luke, 'The kingdom of God cometh not with observation' (Luke xvi.20), is intended as emphasising that the nature of faith is not, and should not be, subject to earthly coercion. While showing understanding and sympathy for religion's conscience, toleration remains for Pufendorf not just a matter of individual rights but is tied to the welfare of the state, and he ultimately builds his case on pragmatic grounds. He concludes: 'Force and human punishment will not lead to illumination of the mind and to a truly inner assent to dogma, but can only yield hypocritical obedience.' Although he considers it advantageous for the unity of the state if all its citizens belong to the same Christian church, such conformity is neither necessary nor should it be enforced. The existence of different Christian churches is not a threat to the territorial church, nor is even the transfer from an old church to a new one. As long as the dissenters fulfil their duties towards their sovereign he has no reason to trouble them in matters of conscience. He has not even the right to expel them from his state if their doctrines are not legally proven wrong. Pufendorf went even further in linking questions of social policy to religious tolerance. When Louis xiv revoked the Edict of Nantes he forced a sizeable segment of the population that was to remain loyal to its faith to leave France. In Pufendorf's view the welfare of the state is the first duty of the sovereign. By forcing mass emigration the state jeopardises its own prosperity, therefore religious toleration is mandatory.

Pufendorf expressed these thoughts in De habitu religionis christianae ad vitam civilem (1686). He dedicated the volume to Friedrich Wilhelm the Great Elector a year after the revocation of the Edict of Nantes and the issuance of the Edict of Potsdam, which invited the réfugiés to settle in Prussia. The De habitu offers a full endorsement of the religious policies of the Great Elector by his court historian and political scientist. It was received with special interest in the new réfugiés circles in Berlin, where he found his French translator and propagandist Jean Barbeyrac.

The role which Pufendorf assigned to the territorial ruler in the affairs of the Church is surely in accord with his views on sovereign power and the Lutheran church regime. Christian sovereigns, as the 'primaria membrab Ecclesiae', assume rights as well as obligations with respect to the protection of the Church. Leonard Krieger called attention to Pufendorf's two directly conflicting views of the Christian sovereign: the one just described, alongside the view of the sovereign as a Christian equal to all other Christians. It led Krieger to conclude that 'apparently only duality rather than synthesis could do justice to contemporary practice.' Pufendorf's adherence to the territorial Church regime would deter the growth of free Churches (Freikirchen), a step toward democritisation that John Locke's ideal of toleration favoured and that would contribute so greatly to the plurality of Church life in England and the United States.

Christian Thomasius was 'the scholar who derived humanitarian practice from natural law'. These words of Ernst Bloch go to the centre of Thomasius's contribution to the German Enlightenment, of which he was often hailed as 'father'. As a teacher of natural law he stayed close to Pufendorf, whose De Monzambique he edited and annotated for his students. The idea of sociability is to him as fundamental as it was to Pufendorf, and for this policy he developed ethical guidelines that were to lead to happiness and peace. Such a society demanded, for its very existence, freedom and toleration. Citizens must be educated toward freedom from their earliest childhood. Thomasius's child development theory is based in part on the educational and psychological ideas of Comenius and Locke. It aims to free the individual from inherited prejudices.
that does not suffice. I am afraid if you or I were to be tortured, we would confess everything one wanted us to.'67 And the beginning of his disputation De tortura ex foris christianorum prohibenda (1705) he declared: 'Without fear I declare that torture is unjust, deceiving, bereft of every divine approval, and ought to be banned from any Christian court.'68 He questioned whether truth can be arrived at by the use of torture: his conclusion was negative. Torture may have disappeared from the books, but it has not, unhappily, disappeared from the courts of the world.

Thomasius's philosophy of freedom is the result of his urgent concern for religious toleration and permeates all his arguments on the issue. For legal comments on the question, Thomasius often relies on Pufendorf, with whom he also shares the determinism to circumscribe the role of the church in the territorial state. In Lutheran church law and practice he sees many remnants of papism - an assessment that modern church historians confirm — and these he is anxious to eradicate, particularly in the teachings of the post-Lutheran church on excommunication and sacraments. He argues also for eliminating marriage as a sacrament and declaring it instead a civic institution.69

Thomasius differs from the strict Lutheran Pufendorf. His views on church and heretics were deeply influenced by Gottfried Arnold, whose Kirchen- und Ketzergeschichte he urged his students 'to purchase even if they have to starve or beg to find the money'.69 Thomasius trusted the territorial prince far more than any cleric in exercising moderation and toleration. At the same time he was more outspoken than Pufendorf in recommending that the power of the ruler in matters of conscience and religion be restricted to a kind of police order, 'jus circa sacra', that is not unlike other laws for ensuring civil peace among the burghers.69

To Thomasius a peaceful environment is of paramount importance, as is apparent in his discussion of disputation. 'In all peace-loving societies one tries as best as one can to help the other person, [...] likewise, in disputation where one tries to prove one's own opinion or refute an error [...] one is called upon to assist him who has gone astray in his reasoning or, if he has not been able to make himself clear, one ought to help him to the best of one's ability.'70 The humanitarian Thomasius proposes a far different idea of dispute from the traditional church disputation that was intended only to devastate the opponent. With optimistic élan he taught and promoted conciliation and toleration.

The intention of this paper is to establish the interdependency of judicial, economic, and intellectual endeavours which was fundamental to the expansion of religious toleration. It is not my inclination to assign priorities or to draw dogmatic conclusions, nor is it in the nature of this presentation to warrant such inferences. This discussion, with its focus on a single, highly significant issue, supports the interpretation that it was the period of the Frühauflklärung under absolutism which spawned truly religious toleration, that religious toleration as a human ideal served and was fostered by absolutist territorial rulers.

In such a presentation specific events assume a symptomatic character and should not convey the illusion of anything approaching a full historical account. The territories under discussion were ruled by Protestants, and it was in these lands that the struggle for religious toleration took place. The largest areas
under Catholic rulers, Electoral Bavaria and the emperor’s hereditary lands, were excluded from the religious provisions of the peace treaty of Westphalia. When the question of religion in the Palatinate was raised, elector Maximilian of Bavaria, one of the architects of the peace treaty, declared that he would ‘rather continue the war single-handed, lose life and land, than rule over non-Catholics’.69 He kept the Upper Palatinate and Electoral Bavaria Catholic.

The emergence of Enlightenment tendencies in Catholic territories dates from the end of the eighteenth century. An authoritative verdict states that ‘only at the height of the Aufklärung the afflictions [Anzeidungen] of toleration occur in the ecclesiastical states’.69 Yet, since some Protestants in the Empire were then living under Catholic princes, both secular and ecclesiastical, the question how they fared is worthy of future study.

The experiment of reunification of all Christians dates from 1555, when the Religious Peace of Augsburg officially recognised a division within the Christian church. Such hopes invariably rested on the intent of one party to convince the opposition that it should accept the truth of their religious position. Innumerable religious disputes were held to this end, and as the seventeenth-century positions hardened the tone of discourse became increasingly abusive and venomous.69 It was in the Frühauflälrung that plans for reunification were formulated and pursued in terms other than of triumph over the adversary. The understanding was growing that the basis for such rapprochement had to be the recognition of common Christian values. With such a purpose in mind, Veit Ludwig von Seekendorf, chancellor of the University of Halle, composed his Historia Lutheranismi (1692). He concluded this monumental work with a plea for unification ‘in prayer, counsel, and work’.69 Similar hopes inspired count Ernst von Hessen-Rheinfels, who had converted to Catholicism, when he expounded his plans for reunification in Der Discrete Catholischer (1666). For readers he wanted Protestants and Catholics ‘who are indeed moderate and not overzealous [...] far travelled, worldly-wise, in short who may be considered godly and discreet’.69

The noble vision of reunion was carried to a higher plane, above denominational positions, by the truly European philosopher Leibniz.69 Indefatigably he directed his efforts at uniting Lutherans and Calvinists and all Protestants with Catholics. He was well acquainted with Der Discrete Catholischer and encouraged its author in his endeavours. On the initiative of duchess Sophie of Hannover Leibniz engaged in a correspondence aimed toward exploring unification programmes with leading Roman Catholics, among them Marie de Brinon, secretary to the abbess of Maubuisson, Paul Pelisson-Fontainer, historiographer of Louis xiv and bishop Bossuet. In these efforts Leibniz was always highly conscious that the decisive support had to come from the territorial rulers, in whom he placed greater confidence than in the dogmatically vested clergy. The hopes of Leibniz did not materialise, yet he introduced a new ecumenical vision in a period of confessional strife which still ran deep. His language in a letter of 13 July 1692 to madame Brinon is that of true toleration in the Frühauklärung: ‘God does not demand of us that we be infallible, he wants us to be charitable and docile. Charity requires that we do as much good as we are able. Docility

demands that we be ready to listen to reason on all questions, and so much the more as the importance of the subject requires.’

3 Eduard Winter, Frühauklärung, Beiträge zur Geschichte des religiösen und wissenschaftlichen Denkens, no. 6 (Berlin 1977).
9 References to the ‘Instrumentum Pacis Caesareo-Suecicum Osnabruegense’ cite the article and paragraph (hereafter IPO) from the text of Konrad Müller (ed.), Instrumenta Pacis Westphalicae, Quellen zur neueren Geschichte, nos 12/13 (Bern 1975). The Sephardi Jews who were allowed to settle in Hamburg in the seventeenth century were referred to as ‘the Portuguese nation’ (cf. Hermann Kellenbenz, Sephardim an der unteren Elbe, Vierteljahrschrift für Sozial- und Wirtschaftsgeschichte, Belieft 40 (Wiesbaden 1958), pp.269-ff.). In some states special ordinances concerning Jews were issued; cf. L. Munk, ‘Die Judenordnungen in Hessen-Cassel’, in Judaica, Jahrestag der Hermann Cohens 70. Geburtstag (Berlin 1912), pp.377-88.
10 This is the apt phrasing of E. G. Rupp in his introductory remarks to the session, ‘La tolérance religieuse et les hérésies à l’époque moderne’, at the XIIe Congrès international des sciences historiques (Rapports, vol. i, Vienna 1966), p.103.
11 Realencyclopaedie für protestantische Theologie und Kirche, 3rd ed. (Leipzig 1896), s.v. ‘Pietismus’.
14 Johann Christian Majer, Teutsches geistliches Staatsrecht (Leipzig 1773), ii, 82.
16 Friedrich Stählin, ‘Das Rechtsverhältnis der religiösen Gemeinschaften und der
21 A. Siegel, 'Geschichte der Stadt Lichtenau in Hessen', *Zeitschrift des Vereins für hessische Geschichte und Landeskunde*, n.s. 22 (Kassel 1897), pp.224, 225.
27 Kayserfleth und größliche Wiedische Privilegien der Orts und Platz Neuviud zu einer Stadt zu machen und zu befestigen (Herborn n.d.), sig.45c; copy in Fürstlich Wiedisches Archiv in Neuviud.
34 Fürstlich Wiedisches Archiv, Schrank 68, Gefach 8, Fasc. 2; Schrank 23, Gefach 6, Fasc. 3.
45 Beheim-Schwarzbach, *Hohenzollerische Colonisationen*, p.162.
Religion, the Reformation, p. 175.
85 It is well to remember Ernst Bloch: 'the last witch in Germany was not burned at Kempten in 1775, but as recently as 1944 thousands of victims of this kind, called jews by the Nazis, wandered with so many others into the gaschambers and crematoria at Auschwitz and Maidanek' (Naturrecht, p. 346). A similar thought is also expressed by Trevor-Roper (Religion, the Reformation, p. 175).
87 Thomasius, Erinnerung, p. 223.
88 Christian Thomasius, De tortura ex foris Christianorum, reprinted in Über die Hexenprozesse, p. 123.
89 Heckel, Staat und Kirche, p. 73.
93 Thomasius, Ausübung der Vernunftlehre, p. 269.