

Biconfessionalism and Tolerance: The Peace of Augsburg in Three Imperial Cities

by

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Abstract

In contrast to the atmosphere of mistrust and division between confessions that was common to most polities during the Reformation era, the Peace of Augsburg, signed in 1555, declared the free imperial cities of the Holy Roman Empire a place where both Catholics and Lutherans could live together in peace. While historians readily acknowledge the exceptional nature of this clause of the Peace, they tend to downplay its historical significance through an undue focus on its long-term failures. In order to challenge this interpretation, this paper examines the successes and failures of the free imperial cities' implementation of the Peace through a comparative analysis of religious coexistence in Augsburg, Cologne, and Nuremberg during the Peace's 63-year duration. This investigation reveals that while religious coexistence did eventually fail first in Nuremberg and then in Cologne, the Peace made major strides in the short term which offer important insights into the nature of tolerance and confessional conflict in urban Germany during the late Reformation era.

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Introduction

Although by and large the Reformation era more than earned its reputation as a period of bitter conflicts between various Christian confessions and general intolerance of the religious other, some exceptional areas adopted a policy of religious pluralism. The free imperial cities of the Holy Roman Empire stand as one such example, as they conceded the right for both Lutherans and Catholics to live peacefully within their walls in the Peace of Augsburg. This unprecedented compromise between the otherwise antagonistic faiths stands as one of the first instances of official religious pluralism in early modern Europe, but at the same time, the uneven record of free imperial cities in their attempts to implement the terms of the Peace within their own particular social and political contexts raises its own series of questions. Most crucially, it illustrates the wide range of possibilities between the achievement of true toleration, in which followers of different religions could live peaceably alongside one another in full acceptance of each individual's right to worship freely, and an environment of intolerance enacted through active persecution and religious exclusivism. As such, the implementation of the Peace in the free imperial cities provides a highly significant case study in the development of toleration in the western world, both in its successes and its failures. Therefore, this study examines to what extent the Peace of Augsburg made room for genuinely peaceful coexistence and toleration of the religious other in the free imperial cities.

In order to answer this question, this paper investigates the three largest of the free imperial cities, namely Cologne, Nuremberg, and Augsburg. These three represented a wide range in religious demographics, as at the onset of the treaty their respective populaces consisted of a strong Catholic majority, a Lutheran-dominated citizenry, and a more even mix of the two confessions. In addition, they stood among the most influential urban centres of the day, which

meant that their religious policies not only impacted their own citizenries, but also had the potential to sway the opinion of other leaders who faced similar decisions. In the peaceful period between the adoption of the Peace of Augsburg in 1555 and the outbreak of new hostilities in 1618, these three cities chose and developed their own responses to the injunction for coexistence. Legal codes do not tell the whole story, however, for while some city authorities diligently enforced their official religious ordinances, others left infractions unpunished as long as they did not have any critical impact on the polity. Communal attitudes also played an important role in the realities of religious toleration, as they determined the ease with which religious minorities could integrate into society. This study therefore explores how each of these factors played out in three very different environments over the same span of time and highlights the extent to which the Peace of Augsburg influenced religious toleration in the free imperial cities.

Though historians have long noted the stark contrast between the example of the free imperial cities and the experiences of religious coexistence in the German principalities, the subject remains underrepresented in the historiographical record, especially in the period prior to the Thirty Years' War. While many historians have studied either the development of the Reformation in the free imperial cities or the wider history of religious toleration in early modern Europe, few have directly examined the connection between the two topics, much less studied the specific ramifications of the Peace of Augsburg. Those that have done so focus almost exclusively on the examples of Dinkelsbühl, Ravensburg, Biberach, and Augsburg, the four Swabian free imperial cities whose biconfessional status endured through to the adoption of the Peace of Westphalia and beyond. Therefore, an important gap remains as to how the experiences of the other cities compares to those of the Swabian cities and what that reveals about the

effectiveness of the Peace. This study uses both the more studied example of Augsburg and the less examined cases of Cologne and Nuremberg to fill this void in the understanding of the early modern period and the development of current ideas of religious toleration.

Such a redress of the gaps in the historiographical record is only possible due to the wide breadth of primary sources available to scholars of the Reformation era. In particular, studies of the free imperial cities benefit from the extensive municipal archives maintained by the largest of these cities, including those of Augsburg, Cologne, and Nuremberg. The most relevant records come in two main varieties: the official documentation produced and preserved by the city itself, such as council declarations and criminal proceedings, and personal accounts from public figures who resided in the cities, including councillors, religious leaders, artists, and popular writers. Together, these provide a comprehensive view of religious life in the free imperial cities, from the official political stance of the leadership all the way down to the everyday realities of life as a minority group in the community, which plays a crucial role in this assessment of the Peace of Augsburg.

As this paper will demonstrate, the Peace initially enjoyed a great deal of success in promoting religious toleration in the free imperial cities of Cologne and Augsburg, though it made little headway in their sister-city of Nuremberg. The flaws of the treaty, however, especially its failure to specify which cities it applied to and how they ought to institute and protect biconfessionalism, eventually led to its failure in the face of external pressure from the increasingly aggressive religious factions of the Empire. In particular, the stark differences in how both officials and society handled religious minorities for the first several decades after the implementation of the Peace and in how they treated the same minority groups in the years just prior to the outbreak of fresh hostilities in the Thirty Years' War demonstrates its fragility. Thus,

the Peace of Augsburg failed to create a durable and long-term peace between confessions, but it did succeed in giving new life to the conceptual power of religious toleration within the general populace of the free imperial cities, which would later play an important role in the achievement of true religious pluralism, albeit only in the four Swabian biconfessional cities and only after another war fought over religion.

Early Modern Doctrines of Heresy and Toleration

The wider attitude of early modern European society towards issues of heresy and toleration naturally informed the particular responses of the free imperial cities to the challenge of religious pluralism. Due to an inherited tradition of intolerance that stretched back to the fifth century, Christendom entered the Reformation as a civilization deeply suspicious of any hint of heterodoxy. Religious pluralism of course had its defenders; even apart from the limited acceptance grudgingly granted to the Jewish religion, several prominent thinkers, who range from the eleventh-century bishop Waso of Liège to the fourteenth-century scholar Marsiglio of Padua, had proposed more radical ideas of toleration, but these views gained relatively little traction throughout the medieval era.¹ The Reformation, which shattered western Christian unity, served to bring those ideas back to the forefront for the first time since the fall of the Roman Empire, but the dominant medieval attitudes towards heresy and religious intolerance prevailed in most places over more irenic voices. As a result, all three of the major Christian factions that emerged from the Reformation ultimately rejected any compromise of coexistence with one another, which in turn led to the many religious wars of the early modern period. Ironically, it was these very conflicts which, largely due to the onset of war exhaustion and the pragmatic calculus of political leaders, eventually brought about many of the most significant cases of religious coexistence, including those of the free imperial cities.

Naturally, the Roman Catholic Church maintained the most continuity with medieval thought on how to deal with heresy, rooted primarily in the teachings of Augustine of Hippo and Thomas Aquinas. St. Augustine, who faced his own battle against heresy in the form of the

¹ Joseph Lecler, *Toleration and the Reformation, Volume I*, trans. T.L. Westow (New York: Association Press, 1960), 81-82; Diana Webb, "The Possibility of Toleration: Marsiglio and the City States of Italy," in *Persecution and Toleration: Papers Read at the Twenty-Second Summer Meeting and the Twenty-Third Winter Meeting of the Ecclesiastical History Society*, ed. W.J. Sheils (Oxford: Basil Blackwell, 1984), 111.

Donatist Controversy, was the first to clearly articulate a theological argument in favour of persecution, though it came only after years of more pacific attempts to restore Christian unity in North Africa. In his own words, “there is a righteous persecution, which the Church of Christ inflicts upon the impious,” for “she persecutes in the spirit of love... to secure their eternal salvation.”² Though he initially preferred that authorities only intervene in religious affairs in order to protect the peaceful, he eventually concluded that given his interpretation of the parable of the great banquet, rulers had a legitimate right to force recalcitrant heretics to change their behaviour, since it aimed at their own benefit.³ Despite Augustine’s own reluctance, the church quickly and wholeheartedly adopted this theological justification of intolerance. Medieval theologians extended this conception of just persecution through an emphasis on the severity of heresy as a sin and the dangers that heresy posed to the rest of the community should it spread.⁴ Thomas Aquinas, in particular, stridently defended the necessity of persecution of heresy, and he argued that once a Christian underwent baptism and thus accepted the laws of the Church, he or she “must be compelled, even physically, to fulfil what they have promised.”⁵ For non-Christians, Aquinas adopted a less rigid stance; he admitted that one could not force another to believe, “because to believe depends on the will,” but he still recommended that Catholic rulers suppress practice of other religions for the greater good of the Christian faithful.⁶ This strict position found widespread acceptance in the medieval Church and thus reinforced Augustine’s basic justification of persecution, though the fact that the Church had no clear definition of what

² Ernest Nelson, "Persecution and Liberty: The Theory of Persecution," in *Persecution and Liberty: Essays in Honor of George Lincoln Burr*, editor unknown (Freeport: Books for Libraries Press, 1968), 7

³ Lecler, *Toleration, Vol I*, 58.

⁴ Sebastian Castellio, *Concerning Heretics: Whether They Are to be Persecuted and How They Are to be Treated*, ed. Roland Bainton (New York: Octagon Books, 1965), 29-30.

⁵ Henry Kamen, *The Rise of Toleration*, (New York: McGraw-Hill Book Company, 1967), 20.

⁶ Thomas Aquinas, *Summa Theologica*, trans. Fathers of the English Dominican Province (New York: Benziger Bros., 1947), 1621, <http://www.basilica.org/pages/ebooks/St.%20Thomas%20Aquinas-Summa%20Theologica.pdf>.

defined heresy before the Council of Trent tempered the impact of this outlook somewhat.⁷ As such, the Catholic Church responded to the open challenges of Luther and Zwingli in a manner both severe and uncompromising, an attitude that persisted in the leadership of the Church and most Catholic nations throughout the Reformation era.

Martin Luther, for his part, initially advanced a radical argument in favour of religious freedom, though such sentiments ultimately fell into disfavour within Lutheran doctrine. In his tract *On Secular Authority*, Luther spoke clearly and eloquently against the power of persecution to affect faith: “here God’s Word must strive; if that does not accomplish the end it will remain unaccomplished through secular power, though it fill the world with blood. Heresy is a spiritual matter, which no iron can strike, no fire burn, no water drown.”⁸ Other early Lutheran thinkers like Johann Brenz and Katarina Zell also joined him on this position, as the latter commented that “he who does evil, him shall the government punish, but it shall not compel and govern faith. It belongs to the heart and the conscience and not to the external man.”⁹ This clearly broke from common medieval attitudes, and in a way that served the new faith, itself a heresy from the Catholic perspective, quite well in the early days as it struggled to justify its rebellion against Rome. Once a number of princes embraced Lutheranism, however, the space for a theology of toleration dwindled away. Luther himself came to this conclusion during the upheaval of the Peasants’ War and eventually published his infamous *Against the Murderous, Thieving Hordes of Peasants*, in which he openly advocated for the destruction of the rebels based on both their lawlessness and their blasphemy. From that point forward, Lutheranism became a much more

⁷ Castellio, *Concerning Heretics*, 29-30; Kamen, *Rise*, 20; Cary Nederman, "Introduction: Discourses and Contexts of Tolerance in Medieval Europe," in *Beyond the Persecuting Society: Religious Toleration Before the Enlightenment*, ed. John Laursen and Cary Nederman (Philadelphia: University of Pennsylvania Press, 1998), 18.

⁸ Martin Luther, *On Secular Authority* (Location unknown: Publisher unknown, 1523), 24, accessed February 29, 2016, <http://ollc.org/wp-content/uploads/2013/11/Secular-Authority-To-What-Extent-It-Should-Be-Obeyed.pdf>.

⁹ Castellio, *Concerning Heretics*, 156-157; Kamen, *Rise*, 69.

conventional magisterial movement and granted worldly rulers the right to punish secular and religious crimes alike. The seeds of toleration were thus present in the early days of Lutheranism, but they failed to flourish and ultimately withered away.

In part due to the communal roots of the Reformed faith, Zwingli, Calvin, and their fellows tended to stand among the strictest theological thinkers when it came to ordinances on the religious purity of society. Though Calvin paid lip service to the ideals of toleration in the *Institutes*, his actions told a far different story.¹⁰ In Geneva, he constructed the Consistory system, which, unlike the Lutheran system's dependence on princely intervention in religious matters, gave the local church both the authority and responsibility to police orthodoxy. That system could afford no impulses towards toleration, as it would undermine the religious foundations of social order and discipline. Indeed, the Servetus controversy, sparked by Calvin's execution of a heretical but peaceful visitor to Geneva, caused one of the first open debates on whether the culture of intolerance had gone too far; most of his contemporaries, including his eventual successor, Theodore Beza, agreed that it had not. As such, Reformed communities, like their Lutheran counterparts, also proved hostile environments for religious minorities.

Despite the widespread acceptance of intolerant approaches, many voices continued to speak up for the idea of peaceful religious coexistence. Among them stood a handful of extremely influential theologians from each side of the confessional divide. Desiderius Erasmus, famed for his irenic nature, became the most well-known advocate for tolerance within the Catholic camp. Historian Wallace Ferguson notes that "to his mind, persecution for purely religious reasons was above all unchristian, a direct contravention of the spirit and example of

¹⁰ Castellio, *Concerning Heretics*, 203.

Christ.”¹¹ Among the Protestant party, the Reformed theologian Sebastian Castellio served as the foremost champion of religious toleration. In his *Concerning Heretics*, he demonstrated that arguments against persecution existed in the theological writings of all three faiths and he did not shy away when its publication led to open confrontation with his own religious leaders, Calvin and Beza. Though individuals like Erasmus and Castellio never had the authority to effect substantial change in their confessions, they kept alive a steady undercurrent of dissatisfaction with persecution in intellectual circles. Such sentiments could be found more readily among the more radical thinkers of the day, for Anabaptist leaders like Hans Denck, Sebastian Franck, Balthasar Hubmaier, and David Joris advanced arguments for toleration.¹² While in themselves the Anabaptists and other radical Christian groups represented only a tiny fraction of believers in early modern Europe, the shared Christian idiom allowed their message of tolerance to project beyond their own social circles and have relevance in the wider religious community. Therefore, while the religious establishment nowhere supported toleration, the ideal did have its defenders, several of whom had a long-term impact on their respective religious traditions.

The minority opinion that stood against intolerance also extended outside the theological realm to the lay population, for questions of heresy and tolerance naturally elicited significant interest during a period of religious upheaval. In both England and France, tracts circulated among the populace that testify to the awareness of and support for ideals of religious toleration.¹³ Ironically, the greatest evidence for the spread of this ideal comes from Alfonso de Castro, the author of *On the Just Punishment of Heretics*. He set out to write that work when, to

¹¹ Wallace Ferguson, "The Attitude of Erasmus Toward Toleration," in *Persecution and Liberty: Essays in Honor of George Lincoln Burr*, editor unknown (Freeport: Books for Libraries Press, 1968), 175.

¹² Hans Denck, "Concerning True Love," in *A Reformation Reader*, ed. Denis Janz, (Minneapolis: Fortress Press, 2008), 221; Castellio, *Concerning Heretics*, 190, 308; Kamen, *Rise*, 60-61.

¹³ Henry Robinson, *A Necessity for Liberty of Conscience* (London: Publisher Unknown, 1644), 9; Joseph Lecler, *Toleration and the Reformation, Volume II*, trans. T.L. Westow (New York: Association Press, 1960), 53.

his shock and disgust, he heard “many and various people, who prided themselves on being faithful Catholics, criticizing the Emperor's religious wars as wrong and irreligious, and saying that it was not Christian to go to war against heretics, who should be conquered not with arms but with reasoning.”¹⁴ While popular opinion could not do much to impact official religious policy beyond the extreme of outright rebellion, such evidence suggests that religious intolerance did not always enjoy the same level of support at the grassroots level as it did among theologians and other religious figures. Furthermore, as the confessions often depended on political leaders to enact their policies of persecution, a shift in sentiment among the elite could also make a crucial difference to the realities of religious coexistence. In France, the Low Countries, and the Holy Roman Empire, which became the central battlegrounds of the Reformation, politicians like Chancellor Michel de L'Hôpital and William of Orange built their careers on the promise that the benefits of a more inclusive government policy would outweigh its drawbacks.¹⁵ Other leaders objected to persecution on ethical grounds; famous examples from this period include those of Landgraf Philip of Hesse, who wrote that “we cannot find it in our conscience to put anyone to death by the sword on account of religion,” and King Báthory of Poland, who declared himself “king over peoples, not over consciences.”¹⁶ These powerful individuals chose to go against the trend in contentious times and embrace a more tolerant attitude, a decision that singlehandedly transformed their states into some of the most religiously diverse in early modern Europe. Secular sentiment thus could and did have an impact on the formation of religious policies.

¹⁴ Henry Kamen, "Toleration and Dissent in Sixteenth-Century Spain: The Alternative Tradition," *The Sixteenth Century Journal* 19 (1988): 12, accessed February 11, 2016, <http://www.jstor.org/stable/2540957>.

¹⁵ Philip Benedict, "Un roi, une loi, deux fois: parameters for the history of Catholic-Reformed co-existence in France, 1555-1685," in *Tolerance and Intolerance in the European Reformation*, ed. Ole Grell and Bob Scribner, (Cambridge: Cambridge University Press, 1996), 69; Kamen, *Rise*, 149.

¹⁶ Kamen, *Rise*, 39, 120.

In the Reformation era, intolerant sentiments far outnumbered more irenic perspectives, but the latter did exist as an option and even had some influence. The question, therefore, that any study of the history of toleration must answer is why certain polities chose to take the path less travelled and embrace religious pluralism. In early modern Europe such a choice not only diverged from the common contemporary emphasis on the necessity of religious purity, but also came with many material risks, from political and religious isolation to social unrest, and so most cases of tolerance required both an external impetus, such as war exhaustion or political pressure, and the conviction of that polity's leadership that religious coexistence would serve their best interests, whether for moral, economic, or other reasons. In the case of the free imperial cities, the Peace of Augsburg provided the initial push towards toleration, but what followed depended in large part on the composition of the cities' governments as well as on subsequent shifts in the political climate of the Holy Roman Empire.

The Free Imperial Cities during the Reformation Era

The free imperial cities stood out from the crowd in more ways than one. Unlike the rest of the Holy Roman Empire, which was dominated by princely territories, they followed the republican model, with a city council, typically drawn from the patriciate and in some cases the guilds, that governed the city and its environs. Less than one hundred in number, these mainly south German cities were originally imperial cities in truth, under the direct rule of the Emperor, but by the time of the Reformation they had long since shaken off any semblance of outside control and replaced the imperially appointed stewards who had previously stood at the top of the governmental structure with locally elected *bürgermeisters* or a similar mayoral-style office. These cities were not, however, truly democratic in nature, but rather oligarchic, an aspect that only grew stronger over time as small committees supplanted the full assembly of the citizens as the primary body of governance. In the larger structure of the Empire, the free imperial cities had a college in the Reichstag, but their vote lacked any formal authority until the reforms of 1648. The cities did, however, include among their number the richest and most populated urban centres in Germany, which granted them some level of informal influence, as did their history of collective action in the face of external threats. As such, though they never held any great political power outside the reaches of the empire, they represented an influential portion of the German populace during the early modern period and their confessional choices during the contentious Reformation era formed a significant part of the wider religious development of the Holy Roman Empire.

Ever since the publication of Bernd Moeller's *Reichsstadt und Reformation* in 1962, historians have noted the powerful impact the Reformation had on the Holy Roman Empire's urban centres and debated the causes of this phenomenon. Among the sixty-five free imperial cities to maintain their independence through the turmoil of the Reformation era, only fourteen

did not convert to Protestantism, and of those, only five lacked any reform movement whatsoever.¹⁷ This high success rate of Protestant teachings, so far beyond anything experienced in the more rural principalities of the Empire, demands some explanation, but no consensus exists among historians as to why this phenomenon occurred. The first scholars to address the topic, most notably Franz Lau and Bernd Moeller, attributed this rapid conversion experience to a grassroots movement among the burgher population that overwhelmed any opposition that might have arisen from the urban aristocracy. A new group of historians, however, soon countered this notion of ‘reform from below’ with the argument that the metamorphosis followed a pattern of top-down initiative, while still others later argued that outside pressures fueled the widespread conversions. The even more fundamental question of why the citizens of the free imperial cities, whether aristocrat or commoner, tended to gravitate to the Protestant side of the Reformation continues to cause even greater debate, with theories that range from the inherent alignment of Protestant theology with burgher sensibilities to the need for a new type of religion to assuage the many anxieties of the urban population. This tangle of contradictory theories and models has to this point evaded any definite unraveling and has thus left the study of the Reformation in the free imperial cities a highly disputed field of study.

Of the three cities examined in this paper, namely Cologne, Nuremberg, and Augsburg, only Cologne chose to remain loyal to the Roman Catholic Church. Indeed, Cologne numbers among the few free imperial cities to never have any significant Protestant movement in its populace. For the council’s part, it had Luther’s writings publically burned as early as 1520 and never looked back. In his influential 1976 article, Robert Scribner maps out several factors that together set the stage for Cologne, the largest free imperial city, to become an outlier among their

¹⁷ Joachim Whaley, *Germany and the Holy Roman Empire, Volume 1: From Maximilian I to the Peace of Westphalia 1493-1648* (Oxford: Oxford University Press, 2012), 241.

numbers. At the geopolitical level, Cologne's precarious place as the only significant independent urban centre in the Empire's northwest made it vulnerable to a wide variety of outside pressures, all of which encouraged loyalty to the Catholic emperors. For example, both Cologne's dependence on trade with the imperially ruled Low Countries and the ever-present spectre of the archbishops of Cologne, who had longed for an excuse to retake their eponymous city ever since it had gained its independence in 1288, reinforced its dependence on imperial favour and thus its loyalty to the Catholic cause.¹⁸ Nevertheless, politics alone could not have maintained Catholicism in the face of a determined burgher movement in support of Luther's teachings. Such a scenario never arose, however, because established Church institutions such as the university and the cathedral chapter had become far too entrenched in Cologne socially and intellectually to allow Protestantism to gain a foothold in the city.¹⁹ As such, Cologne developed into an unrivaled bastion of Catholicism and imperial loyalism that stood out from both its princely neighbours and its peers among the free imperial cities.

Nuremberg, the third largest city in the Empire, took the opposite path and rapidly and wholeheartedly threw its lot in with the Reformation. Though the city council did make what Cecil Headlam called "a bare pretence of stopping the publication of Lutheran writings," they abandoned even this slight admission to the wishes of the Emperor as early as 1524, when their representatives advocated openly at Rothenburg for the free imperial cities to disregard the Emperor's edicts to suppress Luther's teachings and instead collectively determine a new religious course.²⁰ Within its own territory, Nuremberg quickly instituted Lutheranism as the official religion, a move that garnered little opposition and a great deal of enthusiasm. Nuremberg did,

¹⁸ Robert Scribner, "Why was there no Reformation in Cologne?," *Historical Research* 49 (1976): 224, accessed July 14, 2016, doi: 10.1111/j.1468-2281.1976.tb01686.x.

¹⁹ Scribner, "Cologne," 233-235; Matthew Lundin, *Paper Memory: A Sixteenth-Century Townsman Writes His World* (Cambridge: Harvard University Press, 2012), 140.

²⁰ Cecil Headlam, *The Story of Nuremberg* (Nendeln: Kraus Reprint, 1970), 76.

however, differ from the majority of other imperial Protestant cities in two important ways. While other cities saw some level of push and pull between magistrate and citizen, in Nuremberg the city council unquestionably took the lead in the implementation of the Reformation. In the words of the Council's own declaration, the councillors felt that "as a duty of the office entrusted to them and upon pain of losing their souls," they must "provide for their subjects, over whom they are placed, not only in temporal... but also in spiritual... that is, with the holy gospel and word of God."²¹ Gerald Strauss, the foremost scholar of Nuremberg's history in the Reformation era, notes more pragmatically that the Reformation gave the council, already more powerful than the civic bodies of most other free imperial cities, the opportunity to channel public sentiment against the last holdout against its authority in the local church institutions.²² When it came to external politics, however, Nuremberg refused to join its coreligionists in opposition to the Emperor despite the council's commitment to Protestantism and instead attempted to stay neutral in the numerous conflicts of the day, with varying levels of success. Nuremberg thus tackled the challenges of the Reformation era through an attempt to straddle the line between religious change and political continuity.

Though the city council of Augsburg initially waffled in the face of the Reformation, it too eventually adopted Protestantism with zeal. Unlike Cologne, the city council never took an active stance against Protestant teachings, but it also did not follow Nuremberg's model of active commitment to the new theology either. Instead, the city tolerated followers of both faiths and committed to neither party in the imperial politics of the 1520s. However, this policy eventually failed due to concerns about the isolation of the city from both traditional and potential new

²¹ Benjamin Kaplan, *Divided By Faith: Religious Conflict and the Practice of Toleration in Early Modern Europe* (Cambridge: Harvard University Press, 2007), 103.

²² Gerald Strauss, *Nuremberg in the Sixteenth Century: City Politics and Life between Middle Ages and Modern Times* (Bloomington: Indiana University Press, 1976), 160.

allies, as well as the increased agitation from the Protestant majority for a definitive and official commitment. As such, the council officially embraced the Reformation in 1534, and from that point forward rapidly implemented changes to match that decision; the city joined the Protestant Schmalkaldic League in 1536 and shuttered the last Catholic churches in 1537. Despite the initial ambivalent approach of Augsburg's ruling council during the early stages of the Reformation, which neared a policy of true toleration, pressures both internal and external eventually forced Augsburg to side openly with the Lutheran faith. That is not to say, however, that the city council became suddenly eager to impose religious uniformity. Instead, the magistrates simply sought to avoid debate through the removal any public signs of lingering Catholicism, but they never tried very hard to eliminate those pockets of society that remained loyal to the old faith, with several notable holdouts among their own number. This combination of open political alignment with the German Protestant cause with cautious domestic religious policy ultimately led Augsburg down a much different path than Nuremberg despite their similar experiences in the early stages of the Reformation.

The dramatic defeat of the Protestant forces in the Schmalkaldic War of 1546-1547 shattered the religious balance that the free imperial cities had so painstakingly established during the early years of the Reformation. Emboldened by his victory, Emperor Charles V issued his Augsburg Interim in 1548, which allowed a few small concessions to the Protestants, but for the most part embodied uncompromised Catholicism. The southern free imperial cities' alliance with the rebellious princes drew Charles' wrath in particular, and he forcibly imposed the Interim in many cities, a fate that his erstwhile ally Nuremberg did not escape. Meanwhile, those cities like Augsburg who had guildsmen on their council had their constitutions rewritten to give decisive control to the aristocracy, who Charles believed would show more loyalty to the old

faith. This new order did not last long, however, as Charles' aggressive policy provoked former allies among the principalities to change sides and with the help of France decisively defeat him in the 1552 Princes' War. With the spectre of imperial forces ready to enforce Charles' plans suddenly removed, the Interim collapsed and Protestant governments returned to power in many cities. At the negotiating table, Ferdinand, the brother and future successor of Charles as well as the titular King of Germany, agreed to the policy of *cuius region, eius religio*, which allowed the princes to choose between Catholicism and Lutheranism on behalf of their territories, but he did not extend the same right to the free imperial cities. Article Twenty-Seven of the Peace of Augsburg, signed in 1555, reads as follows:

In many free and Imperial cities, both religions – Our old religion and that of the Augsburg Confession – have for some time been practiced. They shall continue to exist and be maintained in these cities. The citizens and other residents of these free and Imperial cities, both of clerical and lay estates – shall continue to live peacefully and quietly with another. Neither party shall venture to abolish or force the other to abandon its religion, usages, or ceremonies. On the contrary, according to the provisions of this peace, each party shall leave the other to maintain in a peaceful and orderly fashion its religion, faith, usages, ordinances, and ceremonies, together with its possessions, just as is mandated above for the estates of both religions.²³

This unprecedented policy of biconfessionalism represented a major concession for both the imperial party, which had never wavered in its commitment to Catholicism, and the largely Protestant free imperial cities, who lacked the manpower and finances to continue their resistance, and it carried the potential to dramatically transform the state of religious diversity and tolerance in the urban centres of the Empire.

However, the vague language of the Peace of Augsburg severely curtailed its effectiveness. For example, Article Twenty-Seven did not clearly stipulate the cities to which it should apply. Eight of the free imperial cities, including Augsburg, had significant Catholic

²³ *The Religious Peace of Augsburg*, http://germanhistorydocs.ghi-dc.org/sub_document.cfm?document_id=4386.

minorities, but even cities such as Nuremberg, which had become all but purely Lutheran before the imposition of the Interim, had a few remnant Catholic institutions that still survived within their territory. On the other side of the religious divide, Ferdinand had never intended to enforce toleration within the Catholic free imperial cities, but the Peace itself made no such exception, so the Protestant party might view any blatant violation of the truce by cities such as Cologne as a provocation. In addition, the Peace of Augsburg's complete exclusion of any provisions for the Reformed faith, which eventually triggered the Thirty Years' War, impacted the free imperial cities as much as it did the principalities, and it added an additional element of complication to the already chaotic religious environment of the Holy Roman Empire. Furthermore, even if Article Twenty-Seven had stated clearly who should fall under its jurisdiction, it did not dictate any concrete policies for the implementation of biconfessionalism beyond the behaviours that it outlawed, and the only mechanism to ensure obedience was the threat of imperial intervention, which could hold the southern free imperial cities in check but held much less fear for their northern counterparts. Therefore, each city had to determine for itself what degree of obedience it owed to this new ordinance, a state of affairs that robbed the implementation of the Peace of Augsburg of any consistency over the course of its sixty-three-year duration and instead led to a patchwork set of solutions that endured until the destruction of the Thirty Years' War necessitated the construction of a wholly new order in the 1648 Peace of Westphalia.²⁴

²⁴ Gerhard Pfeiffer, "Der Augsburger Religionsfrieden und die Reichsstädte," *Zeitschrift des Historischen Vereins für Schwaben und Neuburg* 61 (1955): 283, accessed July 18, 2016, http://periodika.digitale-sammlungen.de/schwaben/Blatt_bsb00010306,00229.html; Hans-Wolfgang Bergerhausen, *Die Stadt Köln und die Reichsversammlungen im konfessionellen Zeitalter: Ein Beitrag zur korporativen reichsständischen Politik, 1555-1616* (Köln: Kölnischer Geschichtesverein e.V., 1990), 163-164.

Historiographical Perspectives on Article Twenty-Seven

Though historians have given little direct attention to Article Twenty-Seven beyond occasional studies into its implications for the Swabian free imperial cities, most who study the Holy Roman Empire during this time period acknowledge that it signified an unprecedented step towards confessional coexistence. Ole Grell describes this movement towards toleration as a “policy of *pax et concordia*,” which aptly captures the way in which many city councils viewed religious diversity: they did not see it as a positive and they certainly did not encourage it, but neither were they so concerned about it that they would risk economic and social disruption that might follow an attempt to suppress it.²⁵ As Scott Dixon points out, the free imperial cities’ nature as commercial hubs had already made them places of great diversity even before Article Twenty-Seven mandated a policy of religious toleration, so the Peace of Augsburg represented not a stark change but rather continuity in that regard.²⁶ As these and other historians acknowledge, this departure from the contemporary norms of intolerance and persecution makes the free imperial cities well worth examination in greater detail. Consequently, while Article Twenty-Seven does not represent entirely untrodden ground, it is an understudied portion of the Reformation era in Germany.

However, most such studies limit their findings and analysis to only the eight Swabian free imperial cities that had large populations of both Catholics and Protestants and thus most clearly experienced a state of biconfessionalism. This list - Ulm, Donauwörth, Kaufbeuren, Leutkirch, Biberach, Ravensburg, Dinkelsbühl, and Augsburg – appears again and again in the literature, most often to the exclusion of any mention of the other free imperial cities, even though, as Benjamin Kaplan notes, the Peace also served to protect monasteries and other

²⁵ Ole Grell, Introduction to *Tolerance and Intolerance in the European Reformation*, ed. Ole Grell and Bob Scribner (Cambridge: Cambridge University Press, 1996), 7.

²⁶ Scott Dixon, *Contesting the Reformation* (Malden: Wiley-Blackwell, 2012), 4.

institutions as safe havens for continued Catholic worship in many predominantly Protestant cities.²⁷ In such a small field, the most dramatic examples of religious toleration draw the lion's share of the attention despite the availability of many other worthy case studies. Some scholars, such as Po-Chia Hsia, justify this exclusive focus by noting that that these cities enshrined religious equality in law in a truly unique way, but most do not even reference the fact that the Peace of Augsburg made no clear distinction between the free imperial cities; in one such example, historian Michelle Hanson simply comments that Article Twenty-Seven "did not have a great impact" in the other cities and makes no more mention of them.²⁸ While it is true that in the long run Article Twenty-Seven most deeply affected the eight Swabian cities, reliance on that fact alone to dictate the shape of research into the Peace not only obscures some of the smaller ways in which the Peace changed life in the free imperial cities, but also borders on historical determinism, as few could have foreseen this ultimately narrow implementation when the German estates first signed the Peace. In order to determine the extent of the Peace's impact, therefore, a complete history must examine not only areas where it succeeded, but also cases in which it failed, and closely examine what factors made the difference between the two outcomes.

Furthermore, many of these same historians question whether the Peace of Augsburg ever truly established a state of religious tolerance in the Swabian free imperial cities, much less any of the others. Kaplan asserts unequivocally that "biconfessionalism was never the preferred solution in early modern Europe - to the contrary, it was usually the product of circumstances that made it impossible for rulers to maintain even a thin pretense that they and their subjects

²⁷ Hans Guggisberg, "Tolerance and intolerance in sixteenth-century Basle," in *Tolerance and Intolerance in the European Reformation*, ed. Ole Grell and Bob Scribner (Cambridge: Cambridge University Press, 1996), 147; Po-Chia Hsia, *Social Discipline in the Reformation: Central Europe, 1550-1750* (London: Routledge, 1989), 82; Kaplan, *Divided by Faith*, 208.

²⁸ Hsia, *Social Discipline*, 73; Michelle Hanson, *Religious Identity in an Early Reformation Community: Augsburg, 1517 to 1555* (Leiden: Koninklijke Brill, 2009), 217.

were religiously united" and Robert Scribner agrees that the Peace represented an "enforced compromise" rather than anything more substantial.²⁹ Because of this "expedient" element to the Peace, Gerhard Pfeiffer concludes that it was "only apparently a triumph of the tolerance ideal."³⁰ While these historians certainly hit upon a crucial fact in their observation that few leaders in the free imperial cities would have chosen to implement a policy of official coexistence outside of the context of the Peace, exceptions to that rule do exist. Furthermore, arguments such as Pfeiffer's conflate the cause of the change with its results, for nothing precludes those forced to change their ways from nevertheless genuinely pursuing that change. Anton Schindling and Alexandra Walsham take a different approach in their critiques of Article Twenty-Seven in that they focus on the less than ideal realities of religious coexistence in the free imperial cities. Both historians emphasize the social divisions that often arose between confessions when forced to occupy the same physical space.³¹ In her study of Augsburg, however, Michelle Hanson offers a counterpoint to this stance and notes that ordinary individuals in social roles high and low demonstrated a remarkable degree of acceptance towards the religious other in everyday life.³² The existence of two such contradictory descriptions in the literature raises a crucial question: did the free imperial cities exercise true toleration, or did they just adopt the appearance of tolerance for the sake of the Peace? This study, therefore, seeks to answer this question by examining how Augsburg, Cologne, and Nuremberg responded to the challenge of religious coexistence posed by Article Twenty-Seven of the Peace of Augsburg.

²⁹ Kaplan, *Divided by Faith*, 203; Bob Scribner, "Preconditions of tolerance and intolerance in sixteenth-century Germany," in *Tolerance and Intolerance in the European Reformation*, ed. Ole Grell and Bob Scribner (Cambridge: Cambridge University Press, 1996), 36.

³⁰ "diese Toleranz ist ein typisches „Auskunftsmittel“ ... Der Religionsfrieden und der Städteartikel ist nur scheinbar ein Triumph der Toleranzidee" (translated by the author), Pfeiffer, "Augsburger Religionsfrieden," 276.

³¹ Anton Schindling, "Neighbours of a Different Faith: Confessional Coexistence and Parity in the Territorial States and Towns of the Empire," in *1648, War and Peace in Europe*, ed. Klaus Bussmann and Heinz Schilling (Münster: Publisher unknown, 1999), 465; Alexandra Walsham, *Charitable Hatred: Tolerance and Intolerance in England, 1500-1700* (Manchester: Manchester University Press, 2006), 304.

³² Hanson, *Religious Identity*, 218-219.

Contested Tolerance in Augsburg

If any of the free imperial cities received exactly what they desired from the Peace of Augsburg, it was its namesake. Caught between newly resurgent Catholicism among the elite and the entrenched Protestantism of the common people, few in Augsburg saw reason to hope for the imminent reestablishment of a religiously homogenous community, so the city council latched onto the idea of a biconfessional civic policy even before the end of the Princes' War. Indeed, one of their own number, Hans Jakob Fugger, played an important role in the creation of Article Twenty-Seven in an attempt to remedy the problems of the free imperial cities. In addition to his status as the head of one of the two most influential aristocratic clans in Augsburg at the time, Hans Jakob's irenic nature and friendship with notable figures on both sides of the conflict made him a natural advocate for a compromise solution.³³ In his correspondence with the Emperor, he pushed his liege to allow for select polities such as Augsburg to maintain two faiths rather than taking one side or the other and assured him that in his experience religious pluralism presented no real difficulties to civic peace.³⁴ The council as a whole corroborated Hans Jakob's account of interreligious relations in Augsburg; they wrote in 1555 that "one does not feel burdened by the coexistence of two religions in Augsburg."³⁵ Their perspective, of course, had its biases, given their position as the politically and economically dominant and yet still minority group within the city, but it did reflect a genuine desire on the part of the oligarchy for a solution that would promote religious coexistence. Given the role of the city council in the

³³ Mark Häberlein, *The Fuggers of Augsburg: Pursuing Wealth and Honor in Renaissance Germany* (Charlottesville: University of Virginia Press, 2006), 191.

³⁴ Katarina Sieh-Burens, *Oligarchie, Konfession und Politik im 16. Jahrhundert: Zur sozialen Verflechtung der Augsburger Bürgermeister und Stadtpfleger 1518-1618* (München: Verlag Ernst Vögel, 1986), 183.

³⁵ Ann Tlusty, ed., *Augsburg during the Reformation Era: An Anthology of Sources* (Indianapolis: Hackett Publishing Company, 2012), 33.

creation of Article Twenty-Seven, therefore, Augsburg had positioned itself well to implement a truly tolerant civic policy.

Once set along the path to biconfessionalism, the council began to propagate the ideal of religious coexistence in their rhetoric of governance. As early as 1554, well before the great powers of the Empire had come to a full agreement on the terms of the Peace, they declared in a public ordinance that “past events and daily experiences make it obvious to everyone what unity and good follow from peaceful and friendly cohabitation, and what detriment as well as ruinous harm and damage to the soul, body, honor, and goods must be expected (and has so often occurred in large communities) as a result of disagreeableness, envy, and hate.”³⁶ This was a truly extraordinary statement, not only in the context of the time, with Europe torn apart by religious conflict, but in the whole history of Christendom after the collapse of the Roman Empire. Even in later years, when confessional relations became much more strained, the council maintained this position, at least in official documentation. In the midst of the Kalenderstreit, which marked the greatest period of tension in Augsburg between the Peace and the Thirty Years’ War, a decree reminded the people that “every member of the council and the citizenry of the other religion should be allowed the same civil rights without hindrance.”³⁷ Once Augsburg finally overcame that internal conflict, the council made it their habit to annually reissue an endorsement of toleration.³⁸ The aristocracy of Augsburg thus sought to make their stance as clear as possible and did not hesitate to declare their ongoing commitment to toleration. The official rhetoric of the city had set the stage for the emergence of a community in which both Protestants and Catholics could live in peace.

³⁶ Tlusty, *Augsburg*, 24.

³⁷ “soll ein jeder Teil des Rats und der Bürgerschaft den andern der Religion halber unverhindert bei gleichen bürgerlichen Rechten” (translated by the author), Horst Jesse, *Die Geschichte der Evangelischen Kirche in Augsburg* (Pfaffenhofen: W. Ludwig Verlag, 1983), 176.

³⁸ Jesse, *Evangelischen Kirche*, 183.

From its inception, however, Augsburg's tolerant civic policy also had a darker side. In order to ensure that the public discourse on religious coexistence remained positive, the council made liberal use of censorship to silence potential critics. In the same 1554 decree cited above, the city council went on to state that "it has come to the council's attention that, among other things, the preachers in the cathedral have been employing heated and harsh words from the open pulpit" and to order religious leaders "to strive from now on toward appropriate modesty, and to avoid heated insults entirely."³⁹ Furthermore, the decree also noted that the "Honorable Council has renewed its charge to the booksellers to cease selling all kinds of slanderous and defamatory books from either of the religions."⁴⁰ The authorities recognized publications and sermons as the most common methods to disseminate religious beliefs both conventional and more troublesome, so they sought to stifle them in order to prevent any discord from arising. In June of 1579, the council cracked down on so-called slander in music and reminded the citizenry that "such things are not only in direct violation of the law and the Holy Imperial Recess; they are also wrongful in and of themselves, and give cause for all manner of resentment and harm."⁴¹ This further intruded into the public sphere, as citizens could no longer even express discontent in folk songs, which generally served as a casual media outlet for the illiterate. Nor did the council use censorship simply as a stopgap measure, aimed at a reestablishment of stability in the city after a particular crisis or period of unrest. As late as 1600, the council issued a new edict that outlawed debate between schools of different confessions, as such arguments had often raised tensions when circulated by local pastors.⁴² Censorship remained the norm throughout this period, and the

³⁹ Tlusty, *Augsburg*, 24-25.

⁴⁰ Tlusty, *Augsburg*, 25.

⁴¹ Tlusty, *Augsburg*, 36.

⁴² Jesse, *Evangelischen Kirche*, 184.

oligarchy continued to view any open discussion of religion as an element of destabilization that must be quashed. The price of peace, in the mind of the urban oligarchy, was freedom of speech.

Despite the cloud of suspicion that hung over religious dialogue, the council's efforts to foster peace between confessions enjoyed a good deal of success in the period immediately after the Peace. "At that time," as the great Augsburg historian Paul von Stetten wrote, "everyone, even the Cardinal and the Bishop of Augsburg themselves, were assiduous to guard against innovations against the Religious Peace."⁴³ No one desired a return to the chaos and instability of war and the frequent changes in leadership that it had brought, so even the fiercest of religious critics, such as Hieronymus Fröschel, could only do little more than grumble against the Peace or leave the city.⁴⁴ The goodwill did not last and many feared that religious conflict would follow shortly, but little beyond rumors manifested itself. Georg Müller, certainly no friend of the Catholic Church, as he later demonstrated through his pivotal role in the Kalenderstreit, nevertheless remembered those years fondly. He wrote:

Because [as a result of the Religious Peace of 1555] both religions were assured that they would be left unhindered in their practice and were completely freed of any danger of being repressed or driven out of the city by the opposition, all distrust and anxiety in the hearts of the citizens immediately ceased. For some years, they lived together so trustingly that both sides intermarried regularly, called on one another as godparents, and joined and served one another at weddings, funerals, and social and business events with merry banquets and parties. Outside of the churches and pulpits, not the least sign of discord could be found among the citizens.⁴⁵

In an age in which most considered the mere presence of heresy offensive, this stands out as a truly remarkable achievement. While no purely secular effort could ever bring about a full

⁴³ "Zu der Zeit... jedermann, ja so gar der Cardinal und Bischoff zu Augspurg selbst, beflissen war, sich vor Neuerungen wider den Religions-Frieden zu hüten" (translated by the author), Paul von Stetten, *Geschichte der Heilige Römische Reichs Freyen Stadt Augspurg, Vol I* (Frankfurt: Merz und Mayer: 1743), 527.

⁴⁴ Dixon, *Contesting*, 11.

⁴⁵ Tlusty, *Augsburg*, 50-51.

reconciliation between the confessions, for a time Augsburg became a place where people of different faiths could interact without any of the open tensions so characteristic of the period.

Indeed, citizens of Augsburg could not always even clearly define the boundaries between the confessions. In the middle and lower classes in particular, many remained unaware of where their own confession stood on particular issues, a state that stemmed from the Protestant dispute over the Formula of Concord and the ongoing Catholic Council of Trent.⁴⁶ The upper classes tended to have a clearer conceptualization of their faith and its doctrines, but the great families still lacked the intense religious divide that characterized more antagonist communities.⁴⁷ This inability to clearly identify the religious other greatly diminished the potential for interconfessional conflicts real or imagined. As a result, confessional tensions, which had reached a new high in Augsburg with the imposition of the Interim, actually decreased over the first few decades of the Peace, with a corresponding increase in the number of conversions from Lutheran to Catholic and vice versa, as well as in their social acceptability.⁴⁸ The absolute number of changes in faith remained small, but those that did occur provided a level of mobility between the two groups socially. Augsburg remained divided over faith, but this did not separate its citizens into two exclusive and antagonistic camps, but rather created two interlocked communities that together formed a greater whole.

A hallmark of this period of peaceful religious coexistence was the trust placed by Protestant and Catholic alike in the Augsburg city council, which acted as executor and guarantor of the Peace of Augsburg. Membership carried no particular faith requirement, so the relative strength of either faith in the administration waxed and waned freely, but such shifts did not correspond to greater mistrust of the council by the weaker confession as it did in later

⁴⁶ Jesse, *Evangelischen Kirche*, 158-159.

⁴⁷ Jesse, *Evangelischen Kirche*, 150-151.

⁴⁸ Jesse, *Evangelischen Kirche*, 158-159.

years.⁴⁹ Georg Müller once again stands as witness to this fact, for though he wrote of the faiths as separate parties within the council that might “take the upper hand” at any given time, he claimed that “in this atmosphere of trust... no one was paying much attention to the council elections” and that “no one on either side had reason to complain, or suffered any disadvantage.”⁵⁰ As long as the populace trusted the city government to act impartially to institute the Peace, citizens need not fear that a council majority for the other confession might lead to a new policy of persecution. That the first such major fright came only with the death of Stadtpfleger Heinrich Rehlinger and his replacement by the ardent Catholic Anton Christoph Rehlinger speaks to the confidence citizens had in the city leadership as constituted in the initial post-war period.⁵¹ Suspicions of confessional bias only emerged with the introduction of new, untested officials; the old core had earned the citizenry’s trust through repeated fulfillment of their tolerant rhetoric. Without clear mechanisms to maintain confessional balance, this trust proved the foundation upon which policies of religious toleration succeeded or failed in Augsburg.

While interreligious relations remained positive on the whole, areas of tension certainly did exist. The activities of the Jesuits, who the Protestants widely mistrusted as agents of Rome and its agenda of renewed Catholic dominance, in particular alarmed several prominent figures among the citizenry. Müller reserves his harshest criticisms for the Jesuits, who he called God’s “corrupting scourge” and accused of trying “with great zeal to turn every proper Catholic against the Lutherans as if they were the worst kind of heretics – or even as if they were dogs and

⁴⁹ Paul Warmbrunn, *Zwei Konfessionen in einer Stadt: Das Zusammenleben von Katholiken und Protestanten in den Paritätischen Reichsstädten Augsburg, Biberach, Ravensburg und Dinkelsbühl von 1548 bis 1648* (Wiesbaden: Franz Steiner Verlag GmbH, 1983), 134.

⁵⁰ Tlusty, *Augsburg*, 51.

⁵¹ Jesse, *Evangelischen Kirche*, 166-167.

beasts.”⁵² Müller did not stand alone in his vitriolic response to the perceived Jesuit threat, for Peter Canisius, the great champion of the Jesuit cause in Germany, reported many such verbal attacks in his *Acta et Epistolae*.⁵³ No doubt the Lutherans felt threatened by the renewed vigour of the Catholic Reformation and the Jesuits seem to have served as the most visible symbol of that danger. Further evidence of how their arrival strained interreligious relationships comes from some of the extant popular literature of that period, which testifies to the abhorrent fear with which the Protestants viewed the Jesuits.⁵⁴ Though many of the accusations thrown at their feet in such works were clearly fabricated, others spoke to the true disquiet the Lutherans felt at the return of exorcisms and other widely sensationalized Catholic rituals to their city. Even in this early period of the Peace, tensions had begun to bubble to the surface as the Protestants felt their position weakened by renewed Catholic strength and active engagement with the general populace.

Radical Christian groups like the Anabaptists also landed outside of the general concord established after the Princes’ War. The Peace of Augsburg specifically limited its protections to Lutheranism and Catholicism, so the city had no legal obligation to defend the freedom of other religious minorities, some of which, most prominently Anabaptism, still technically fell under the death penalty in the Empire, and the council, for its part, saw no reason to waver from its policy of harsh punishment for radical groups, which it had enacted as early as 1528.⁵⁵ Despite that fact, small pockets of Anabaptists persisted in Augsburg throughout this period.⁵⁶ In order to counteract further expansion of the underground churches, the city government remained vigilant against potential sectarians, ready to crack down on any overt defiance of the established

⁵² Tlusty, *Augsburg*, 51.

⁵³ Jesse, *Evangelischen Kirche*, 163.

⁵⁴ Warmbrunn, *Zwei Konfessionen*, 244-245.

⁵⁵ Hanson, *Religious Identity*, 144; Tlusty, *Augsburg*, 25.

⁵⁶ Hanson, *Religious Identity*, 18-19.

biconfessional religious order. The records left behind by the investigation of David Altenstetter, who was arrested in 1598 due to his regular attendance of both Catholic and Lutheran churches, provides a particularly notable case study of this dynamic. During his questioning, his interrogators specifically asked whether he knew of the two religion policy of the city and when he admitted that he did, they insisted that he declare allegiance to one or the other.⁵⁷ He countered with the protest that he held no heretical beliefs, but rather simply preferred to keep an open mind between the two confessions; the resultant case material demonstrates the relative freedom he had previously enjoyed to attend both Catholic and Lutheran churches, but also the limited allowances made by the authorities for religious nonconformity, for they categorically rejected his defense with the flat statement that “his peculiar faith is not tolerated here.”⁵⁸ Just because Augsburg practiced a policy of relative toleration did not mean that the council hesitated to take decisive action when individuals breached the bounds of its patience, though they usually did limit their countermeasures to imprisonment and intimidation. Augsburg acted as a haven for Catholics and Lutherans alike, but it remained far from an unqualified and unlimited bastion of religious freedom.

When it came to diplomacy with its far more confessionally rigid neighbours, Augsburg had to walk a fine line between religious neutrality and political isolation. This put the city in an awkward position when urged to lend its voice to the great religious conversations of the era. When the Protestant estates invited Augsburg to their 1557 Frankfurt assembly, the city sent two representatives, but they refused to make any commitment to a faith-based association of states and instead pointedly emphasized their biconfessional policy in their official contributions to the

⁵⁷ Tlusty, *Augsburg*, 59.

⁵⁸ Tlusty, *Augsburg*, 59-60.

conference.⁵⁹ When further courted by the Protestants, this time by envoys of Duke Wolfgang von Zweibrücken in 1561, the papal nuncio present in the city feared that Augsburg would finally pick a side in the struggle, but Hans Jakob Fugger led the council to vote against a motion to pledge the city to the Protestant camp.⁶⁰ Decisions such as these offended their former allies from the days of the Schmalkaldic League, who saw Augsburg as a defector from their cause. At the same time, the council made it clear that they would send no representative to the Council of Trent, for, as they put it, a neutral policy “conserves the good peace and tranquility of both his citizens and religion.”⁶¹ On this side, too, Augsburg’s position left the papacy and its allies disappointed by the Catholic leadership’s lack of commitment to their faith in what many saw as a life or death struggle. Therefore, by falling between the two sides of the religious debate, Augsburg risked complete isolation, a position that the city could hardly afford given the greater geopolitical strength of its Bavarian and Austrian neighbours.

Augsburg sought to compensate for this through membership in the confessionally neutral Landsberger Bund, but in the end the endeavour simply provided another illustration of how the city’s neutrality in matters of faith isolated it from its neighbours. The Bund, a defensive alliance founded by Bavaria, Austria, Augsburg, and the archbishopric of Salzburg for the “management of imperial order and public peace,” offered crucial security to Augsburg amidst the unstable politics of the Empire, but the imperial city nevertheless often found itself at odds with the rest of the mostly Catholic members.⁶² The first dispute arose around the decision to include Würzburg, Bamberg, and Nuremberg in the Bund, which Augsburg strongly opposed due

⁵⁹ Warmbrunn, *Zwei Konfessionen*, 149.

⁶⁰ Jesse, *Evangelischen Kirche*, 166.

⁶¹ Jesse, *Evangelischen Kirche*, 166.

⁶² Emil Reicke, *Geschichte der Reichstadt Nürnberg von dem ersten urkundlichen Nachweis ihres Bestehens bis zu ihrem Uebergang an das Königreich Bayern (1806)* (Neustadt an der Aisch: Verlag für Kunstproduktionen, 1983), 928.

to a fear that the induction of another three states known for their loyalty to the Habsburgs would make the Bund appear a pro-Catholic alliance.⁶³ While the Protestant powers might find Augsburg's membership in a small regional alliance understandable, they would not think so charitably of the city's incorporation into a powerful political bloc controlled by Catholics and perceived traitors to the Protestant cause. Because of this dynamic, Augsburg eventually aligned with Nuremberg within the Bund to oppose any move to add any other Catholic states to the Bund. Both free imperial cities not only feared the external optics of such actions, which could provoke further hostility towards them in the Protestant camp, but also the potential to incite their own populaces against a seemingly Catholic-aligned foreign policy.⁶⁴ Furthermore, every additional Catholic member of the Bund threatened to tip the inner balance away from neutrality and towards open confessionalization.⁶⁵ This intransigence became a source of endless frustration to their supposed allies in the Bund, who saw their collective project paralyzed by the religious objections of the two cities. When the Bund finally collapsed under the weight of its own confessional contradictions near the end of the sixteenth century, it further proved the point that events had suggested ever since the Peace of Augsburg: a policy that attempted to thread the needle between confessional camps would inevitably struggle to succeed in the confessionally charged atmosphere of the Reformation era.

Over time, Augsburg's balancing act between the Protestant and Catholic parties in imperial politics, which historian Paul Warmbrunn dubbed its "Schaukelpolitik," or swing politics, came to define its existence as a sovereign state.⁶⁶ This was the price of Augsburg's internal religious dynamics, for though the Catholic dominated aristocracy could determine the

⁶³ Warmbrunn, *Zwei Konfessionen*, 147.

⁶⁴ Warmbrunn, *Zwei Konfessionen*, 148.

⁶⁵ Winfried Mogge, *Nürnberg und der Landsberger Bund (1556-1598): Ein Betrag zur Geschichte des Konfessionellen Zeitalters* (Erlangen: Schriftenreihe des Stadtarchivs Nürnberg, 1976), 82.

⁶⁶ Warmbrunn, *Zwei Konfessionen*, 147.

foreign policy of the city to a certain extent, a fact that allowed them to avoid any commitment to the Protestant cause in imperial politics, they dared not align too closely with their denominational brethren lest the largely Protestant citizenry view such moves as religiously motivated.⁶⁷ As a result, Augsburg's isolation made it increasingly susceptible to pressure from states with no vested interest in Augsburg's tolerant religious policies and who indeed wished to eliminate such enclaves of religious diversity. Anton Christoph Rehlinger understood the city's vulnerability well. He noted that quite apart from the necessities of political survival in early modern Europe, Augsburg could not afford to lose the support of Bavaria and Austria for an even more basic reason: they controlled the flow of food and other supplies into the city.⁶⁸ Augsburg needed Protestant allies to defy the Catholic powers that surrounded it but could ill afford an all-out war against them, since it could not survive, let alone win, such a conflict. As a result, Augsburg occupied a truly unenviable political position in the period between the Peace of Augsburg and the Thirty Years' War, one brought about almost entirely by its suspension between the two confessional camps that dominated imperial politics in that era.

The council's attempts to stay in sync with their neighbours inadvertently triggered the first great internal religious struggle in Augsburg since the adoption of the Peace of Augsburg in a series of events that became known as the *Kalenderstreit*. At the root of the crisis stood the creation of the Gregorian calendar, for Catholics and Protestants in the Empire split over whether it to adopt it as the new standard for timekeeping or reject it as an unnecessary papal innovation, which put the biconfessional Augsburg in another awkward position. Ultimately, the council decided in early 1583 that to remain on the Julian calendar would cause too much economic disruption given the dominantly Catholic environs of the free imperial city, so they began to

⁶⁷ Warmbrunn, *Zwei Konfessionen*, 152.

⁶⁸ Bernd Roeck, *Eine Stadt in Krieg und Frieden: Studien zur Geschichte der Reichsstadt Augsburg zwischen Kalenderstreit und Parität* (Göttingen: Vandenhoeck & Ruprecht, 1989), 201.

implement the Gregorian calendar despite the dissatisfaction of their mostly Lutheran populace.⁶⁹ The council anticipated such objections and took care to note that they had introduced the calendar “for purely civic and political reasons... without the least intention, however, of obstructing or interfering in any way in the teaching, belief, order, or ceremonies of one or the other of the two religions.”⁷⁰ By this reasoning, the issue had nothing to do with religion at all, but rather came as a necessary adaptation to Augsburg’s geopolitical environment, so it did not infringe on the rights enshrined in the Peace. The council hoped that despite some unhappiness with the decision, their logical arguments would satisfy any opponents and the issue would end there.

Events quickly proved that they had underestimated the uproar the new calendar would cause among the Protestant citizens. Even aside from the confessional aspects of a calendar that bore the name of the Pope himself, time still carried a great deal of religious meaning, for even this small adjustment would shift religious holidays and take local observances out of line with the rest of the Protestant world. Georg Müller, whom the council had once already summoned to reprimand him for rabble-rousing against the Jesuits, became the unofficial leader of the movement, and he declared that “it is obvious that the fight about the calendar is as much the result of pure malice and coercion on the part of the Catholics” and a reversal of the council’s decision “is necessary for survival among the Protestants.”⁷¹ With statements such as these, Protestant leaders not only rejected the council’s decision, but also questioned its impartiality given the Catholic majority among its members. The administration tried to diffuse the situation by quietly banishing Müller, but the Protestants discovered and thwarted the covert arrest, which further escalated the crisis into a true revolt of the Protestant party, who demanded not only a

⁶⁹ Kaplan, *Divided by Faith*, 83.

⁷⁰ Dixon, *Contesting*, 12.

⁷¹ Tlusty, *Augsburg*, 52

return to the old calendar, but also new ordinances to prevent further perceived abuse of office by the Catholic magistrates.⁷² One letter of protest, which made its rounds in late 1583, accused the council of “trying to make a papal city” and concluded with the threat that if the calendar “is not done away with, then we of the community will be strong enough to take action. We ask our Lords to think about this in order to protect themselves from harm, so that we can continue to live in peace.”⁷³ The Protestants thus positioned themselves as defenders of the religious balance in Augsburg, but underneath the rhetoric, the conflict had begun to solidify the social boundaries between the confessions. As long as the Kalenderstreit continued, Augsburg functioned not as one city with two religions, but two communities at war over control of the same polity.

It did not take long for the conflict to spill outside of the bounds of Augsburg’s city walls. Württemberg initiated the wave of foreign interventions with its theological defense of the Protestant position and declaration that the council’s actions violated of the Peace of Augsburg.⁷⁴ This intrusion into Augsburg’s domestic affairs led other states to take notice and line up behind the two factions, which emboldened them against one another. The potential for wider conflict eventually drew the imperial court into the struggle, but by the end of 1585 two commissions’ attempts at compromise solutions, which left the Gregorian calendar in place but also instituted new safeguards for Protestant religious freedom, had still failed to diffuse the tensions.⁷⁵ The Protestants remained intransigent in their opposition to the calendar and simply refused to operate by it, while the council and their fellow Catholics continued to insist on its necessity. As Scott Dixon points out, the involvement of confessional supporters from other German polities also served to entrench the divides within Augsburg, for it allowed each side to “project the local

⁷² Kaplan, *Divided by Faith*, 83.

⁷³ Tlusty, *Augsburg*, 37.

⁷⁴ Dixon, *Contesting*, 13.

⁷⁵ Dixon, *Contesting*, 16.

quarrel onto a broader canvas and think in terms of German freedom or Imperial justice while defending local rights.”⁷⁶ This further encouraged the two factions to hold onto the conflict long past any point of easy reconciliation, since each felt convinced of the political value of their struggle in addition to the already present religious motivations. The Kalenderstreit only came to a final conclusion in 1591, when Augsburg’s fellow free imperial cities forced the council to compromise further on the issue of municipal religious controls and clerical appointments.⁷⁷ Augsburg thus spent nearly a decade locked in sectarian strife, an event which would continue to shape the city’s character for decades.

Though the city had been snatched from the edge of open rebellion and the threat of all out confession conflict had passed, the relationship between the two confessions never returned to the pacific state they had once enjoyed. After such a long struggle, Lutherans and Catholics could not easily return to the freely intermingled coexistence of the early years of the Peace and instead continued to see one another as diametrically opposed factions.⁷⁸ The records left behind by the imperial commissions, which had interviewed many of the prominent citizens of Augsburg in their investigations, provide particularly critical evidence of this phenomenon. The patrician David Weiss directed the blame squarely at the council in his testimony, for as he saw it, they had precipitated the conflict through abuses of the Peace and by “trying to force upon them new, unusual directives,” while Jakob Mayer, Anton Welser, and Felix Welser all commented on the dominance of Catholic families in the council and the resultant confessional imbalance in the administration.⁷⁹ Never again would the citizens assume the council impartial in matters of faith, and so the Protestants viewed each new ordinance with suspicion. Other

⁷⁶ Dixon, *Contesting*, 18.

⁷⁷ Dixon, *Contesting*, 18.

⁷⁸ Kaplan, *Divided by Faith*, 86.

⁷⁹ Tlusty, *Augsburg*, 47-48; Roeck, *Eine Stadt*, 135.

interviews offer similar insights into the mindset of Catholics in Augsburg; the patricians Hans Fugger and Conrad Rehlinger and the merchant Hans Hannold all expressed their distrust of the common people, though they disagreed over whether they had caused the trouble over religion or merely out of a desire to stir up trouble.⁸⁰ Just as the Protestants had begun to identify the council with Catholic interests, so too did the aristocracy begin to associate Protestant beliefs with stereotypes of the common man's unruliness. Divisions that had existed prior to the Kalenderstreit but that had mostly remained latent had now become embedded in the worldview of Augsburg's foremost citizens, which could not help but make efforts at true toleration all the more difficult.

One clear narrative that emerged out of the Kalenderstreit was that the clergy posed a clear and present danger to the maintenance of the peace. Both Anton Christoph Rehlinger and Hans Fugger singled out Georg Müller and his fellow preachers as the main culprits behind the crisis and suggested that a desire for political power had motivated them; Fugger told the imperial commission that "what the preachers presented to the common man, the people believed, especially that they wanted to take their preachers and religion away, which embittered them against the authorities."⁸¹ William Sulzer agreed that the clergy carried a great deal of responsibility for the unrest, while Endreß Zelling noted that when sermons became politicized, the citizenry could no longer distinguish between civic disputes and religious issues.⁸² Such influence over the populace's perception of events posed a direct threat to the aristocracy's authority within the city, and thus the council felt it necessary to curb this power. The patriciate had toyed with similar notions in the past, for Marx Fugger had suggested the council banish so-called "inflammatory preachers" as early as 1580, and they tried to do exactly that several times

⁸⁰ Roeck, *Eine Stadt*, 134.

⁸¹ Dixon, *Contesting*, 31; Tlusty, *Augsburg*, 46-47.

⁸² Roeck, *Eine Stadt*, 136-137.

during the Kalenderstreit, with mixed success.⁸³ The aftermath of the struggle simply further convinced the magistrates of its necessity and, as a result, they became much more concerned with and actively involved in careful observation of the priesthood. Among other measures, the council bound Protestant pastors by a new civic oath; they had to promise to work against “the embitterment of the common man” and to “testify to the planting of peace and unity in the city.”⁸⁴ However high minded the formulation of the oath, though, to the citizenry such a one sided requirement could not help but reinforce their belief in the administration’s pro-Catholic bias. The active conflict may have died away, but religion and the control of belief continued to act as a battleground in Augsburg internal politics in the years to come.

After the Kalenderstreit, the Protestants continued to call into question the legitimacy of the city council given the continued dominance of the great Catholic families, an argument that contributed greatly to the accelerating confessionalization of the city. Ever since the election of Anton Christoph Rehlinger in 1575 to the one of the city’s two Stadtpfleger offices, a lifelong appointment equivalent to that of mayor, the confessional balance in the council had tilted dramatically towards the Catholic.⁸⁵ The close alliance between the Rehlingers and the Fuggers, who already held the other Stadtpfleger office and had since Hans Jakob’s departure from the city represented more adamantly Catholic sentiments in opposition to the confessionally mixed and thus more tolerant Welser-led faction, only increased the concerns of Protestant observers.⁸⁶ As such, the premise of the government’s religious neutrality became severely compromised, a situation that continued through to the Thirty Years’ War. Indeed, the citizenry came to take the Fugger and thus Catholic stranglehold over the council almost for granted; a verse that circulated

⁸³ Häberlein, *Fuggers*, 195.

⁸⁴ “verbitterung des gemeinen Manns dienen kann, gänzlich enthalten und abtun... und zur Pflanzung fridens und einigkeit in der stadt ermahnen will” (translated by the author), Jesse, *Evangelischen Kirche*, 183.

⁸⁵ Dixon, *Contesting*, 30.

⁸⁶ Dixon, *Contesting*, 29-30.

in Augsburg during this period openly stated “the Rehlinger govern, the Fugger triumph.”⁸⁷ As a result, the Lutheran antipathy towards the council that had come to a head during the Kalenderstreit never entirely dissipated, though over time the magistrates managed to restore some degree of trust. In one case in 1618, a Protestant went so far as to assure his correspondents in Ulm that the council’s disparity in membership did not mean that Protestants could not trust the magistrates to act fairly and protect the Lutheran community.⁸⁸ This level of trust seems to have been the exception rather than the rule, but it still speaks to a restoration in the relationship between the Protestant populace and their Catholic leadership. The Kalenderstreit had damaged the government’s reputation, but not irreparably.

A more severe consequence of the religious imbalance in the council came from the subsequent shift in the political discourse of the city. Just as the council had become associated with Catholicism, the citizens of Augsburg began to see particular policies and platforms as associated with one confession or another.⁸⁹ While city politics had always had religious ramifications, this ensured a further polarization between the two confessions as they fought not only for their faith but also their desired political outcome. Even more notably, however, the Lutheran faction began to contest whether or not religious affairs should fall under the authority of the council at all.⁹⁰ This departed radically from the common political theory of the day and though the Protestants lacked the level of influence necessary to force through such a change, it did give them a new rhetorical edge with which to fend off official attempts to maintain control over their religious systems. The sentiment also began to trickle down to the common people; in a work authored around 1610 but never published, Protestant pastors noted questions from their

⁸⁷ “Die Rehlinger regieren, die Fugger triumphieren“ (translated by the author), Jesse, *Evangelischen Kirche*, 167.

⁸⁸ Jesse, *Evangelischen Kirche*, 187.

⁸⁹ Hanson, *Religious Identity*, 174.

⁹⁰ Dixon, *Contesting*, 30.

parishioners about whether “a Protestant can serve in a Catholic regime.”⁹¹ Not only does this sort of question betray the fact that ordinary citizens had begun to conceptualize the Augsburg government not as biconfessional but as Catholic, it also raises the issue of whether Lutheranism prohibits cooperation in such a government. These new political ideas posed a significant threat and impediment to the effectiveness of the Augsburg city council, as a administration that lacks legitimacy will soon find that it lacks authority as well.

Indeed, around this same period, the system of censorship and control that Augsburg’s leadership had so painstakingly constructed began to fall apart. The number of commoners that the authorities hauled before the courts to answer for slanderous singing testifies to popular disregard of the legislation of 1579 despite the council’s best effort to suppress such music.⁹² Fear of punishment alone no longer deterred the boldest individuals as resentment and discord continued to bubble to the surface. In another case in 1600, the council arrested the author of a particularly troublesome book but then had to immediately release him due to pressure from his Protestant supporters.⁹³ The council’s repeated instructions to pastors to refrain from provocative speech while in the pulpit also seem to have failed, as extant polemics from this period show many instances of ad hominem attacks on the other faith.⁹⁴ The council did not dare respond to even this overt disobedience, as they remembered all too well the troubles that had followed their attempted arrest of Georg Müller. As long as Augsburg remained in a state of extreme hostility that divided the city between Catholics and Protestants, no amount of political pressure could reshape the rhetorical narrative into one of tolerance and peaceful coexistence.

⁹¹ “Dar ein Evangelischer bei einer katholischen Herrschaft dienen” (translated by the author), Jesse, *Evangelischen Kirche*, 187.

⁹² Roeck, *Eine Stadt*, 180-183.

⁹³ Jesse, *Evangelischen Kirche*, 184.

⁹⁴ Jesse, *Evangelischen Kirche*, 184.

Developments in Augsburg's social life mirrored the political changes in the city, and this period experienced a defined pattern of segregation in the public sphere. Places where the faiths had once freely interacted slowly became more confessionally defined. To take just one example, the Jesuits established a Catholic alternative to the primarily Protestant city gymnasium in 1581 and though at first the two rival systems did have some students of the opposite faith, their numbers gradually declined as the years progressed.⁹⁵ Confession influenced even where citizens lived, as both confessions tended to reside in the areas around their respective churches.⁹⁶ No longer did members of different religions associate casually with one another, as much because systems evolved to prevent such fraternization as because they actively avoided such scenarios. Names also served as a more subtle but no less significant marker of increased confessionalization, as Lutheran families tended to avoid monikers with Catholic associations like Maria in favour of Old Testament-inspired names, and Ignaz, a name that honoured the Jesuit founder Ignatius Loyola, became popular among Catholic parents.⁹⁷ Religion played a crucial role in early modern identity and as the religions grew apart, individuals' perception of themselves in relation to the perceived other also underwent a metamorphosis. Official services also eventually split into separate streams along confessional lines; in one example, the council divided the city's accommodations for pilgrims by faith in 1611.⁹⁸ Justified by efficiency and concerns about equitable treatment, such developments testified to the two confessions' sharply diminished desire for cooperation and cohabitation. Though Augsburg had left the early Reformation era as a city in which two religions lived together in relative harmony, by the end of

⁹⁵ Kaplan, *Divided by Faith*, 258.

⁹⁶ Kaplan, *Divided by Faith*, 250.

⁹⁷ Thomas Brady, *Communities, Politics and Reformation in Early Modern Europe* (Leiden: Koninklijke Brill, 1998), 386.

⁹⁸ Roeck, *Eine Stadt*, 185; Brady, *Communities*, 386.

the Kalenderstreit the situation had devolved into one of reluctant coexistence rather than open toleration.

In the face of these new challenges, the council's efforts proved inadequate to the prevention of future civil unrest, though the city never came as close to outright revolution as it had in the Kalenderstreit. In 1608, new tensions erupted over servants who worked in the households of the opposite confession, which led to the events known as the Ehehaltenstreit. Protestant pastors began to lambast the supposed "grudges and bitter hearts" of Catholic servants, who they accused of subjecting "our true religion and holy sacraments to the highest dishonour, insult and slander."⁹⁹ They called upon their congregation to expel such troublesome elements from their homes, a step that threatened both economic disruption and further isolation of the two religious communities within Augsburg. The Catholic priests of Augsburg, for their part, blamed the escalated tensions on the "excessively heated, toxic sermons and blasphemies" of their religious counterparts.¹⁰⁰ Both sides thus accused the other of provocations that triggered the unrest and characterized their own actions as justified reactions to undue attacks, which only served to create more bad blood between them. Though the moment of crisis passed relatively quickly, the events of the Ehehaltenstreit spoke to a greater truth about the situation in Augsburg. As Horst Jesse concluded, the populace of Augsburg was caught between the reality of their society, in which they could not realistically achieve a total separation of the two confessions, and their fear that to associate with the religious other would invite the potential for conversion.¹⁰¹ Both Lutheranism and Catholicism valued religious purity too highly to abandon the ideal, no matter how impossible its achievement given Augsburg's demographics. Civic

⁹⁹ Jesse, *Evangelischen Kirche*, 186.

¹⁰⁰ Jesse, *Evangelischen Kirche*, 187.

¹⁰¹ Jesse, *Evangelischen Kirche*, 187.

unrest, then, constantly threatened Augsburg as long as this underlying tension remained unaddressed.

In the end, these changes resulted in the emergence of a fully confessionalized age in Augsburg. Each of the hallmarks of Augsburg's initially successful experiment in toleration – a government trusted by both confessions, a freely intermixed society, and a positive discourse on religious coexistence – had faded away, replaced by a community of religious tension, political struggle, and social divisions. While the fact of the matter remained that Lutherans and Catholics continued to live side by side in Augsburg, the optimism of the 1550s, in which leaders like Hans Jakob Fugger saw toleration as a desired outcome, had vanished. Now the people saw religious coexistence as a necessary evil rather than a desired state of affairs. The Peace of Augsburg had achieved its goals to establish an environment that allowed individuals to enjoy the freedom to practice either religion without hindrance, but only by the narrowest of margins.

Stifled Tolerance in Cologne

The free imperial city of Cologne entered the second half of the sixteenth century in a different situation than Augsburg, but ultimately followed a very similar trajectory. Cologne had always envisioned itself as a holy city loyal to Rome, Emperor, and Catholic Church and on the surface the Peace seemed to offer no reasons to change that outlook. Unlike Augsburg, Cologne also enjoyed near unity in faith internally, with never more than ten percent of its populace among the religious minority, so the city lacked a core of resistance that might have swayed the council to a more tolerant course of action. Indeed, even if one considered Cologne's small Protestant minority significant enough to categorize it as a confessionally mixed city, Ferdinand's clear intention to unofficially exempt the Catholic free imperial cities from Article Twenty-Seven left Cologne free to continue to pursue its own convictions in its religious policy. Furthermore, while Cologne found itself geographically removed from most of the Catholic German states, its importance in the eyes of the Catholic powers and its proximity to the Spanish Low Countries meant that it did not suffer isolation from its confessional brethren to the same extent that Augsburg and Nuremberg did from the major Protestant states. As a result, few pre-existing factors indicated that Cologne's leaders would feel the need to give anything beyond the barest nod to tolerance in their rule over the city.

The rhetorical tendencies of Cologne's leadership only served to enhance its image as the most firmly Catholic of German cities. Like Augsburg, Cologne used its public declarations to promulgate its civic identity, but the identity it tried to convey differed substantially from its sister city. As Sigrun Haude puts it, "Cologne liked to portray itself as the most Catholic of all cities, uncontaminated by any heresy."¹⁰² The city council openly bragged about its religious

¹⁰² Sigrun Haude, *In the Shadow of "Savage Wolves": Anabaptist Münster and the German Reformation During the 1530s* (Boston: Humanities Press, 2000), 40.

purity and in one instance told the Hanseatic diet in 1535 that “as soon as we in Cologne got hold of Anabaptists, Sacramentarians, or other sectarians and rebels, we burned, beheaded, or drowned them. Although our city is wide and large and contains many people, we saw to it that no such elements would enter our city... so that - thanks be to God - Cologne knows of no heresy in its city.”¹⁰³ This was an obvious exaggeration, but the city leadership had made their point clearly: Cologne would not tolerate even the slightest degree of open religious nonconformity within its walls. The city’s massive number of religious institutions and sacred relics further heightened its reputation as a holy city.”¹⁰⁴ From the city’s majestic cathedral to the humblest reliquary, these hallowed sites and objects lent their aura of righteous devotion to the image of Cologne as a whole in the minds of contemporaries. As far as externalities indicated, Cologne remained wholly and openly devoted to the Catholic cause.

The laws of Cologne also reflected this desire to identify Cologne as solely and purely Catholic through the connections they drew between religion and the rights and privileges of the city’s residents. First and foremost, the council barred any non-Catholics from holding public office in 1562.¹⁰⁵ Without representation in the leadership of the city, Protestants had little hope for the prospects of top-down change in the city’s religious policy. Hermann Weinsberg, a councillor during the first several decades of the Peace, confirms in his account of daily life in Cologne that not only did the aristocracy consist primarily of Catholic supporters, but it also outlawed open shows of religious dissent in order to ensure that the populace would also remain

¹⁰³ Haude, *Shadow*, 40.

¹⁰⁴ “ihre Reputation als "Heilige Stadt" unterstrichen und absicherten" (translated by the author), Gerald Chaix, “Von der Christlichkeit zur Katholizität: Köln zwischen Traditionen und Modernität (1500-1648),“ in *Frühe Neuzeit – Frühe Moderne? Forschungen zur Vielschichtigkeit von Übergangsprozessen*, ed. Rudolf Vierhaus (Göttigen: Vandenhoeck & Ruprecht, 1992), 237.

¹⁰⁵ Hsia, *Social Discipline*, 80.

loyal to Rome.¹⁰⁶ This constrained access to the public sphere denied Protestantism the exposure necessary for it to flourish, as it could not grow rapidly enough to pose a true challenge to the religious status quo. Finally, in 1616 the council took the final logical step to ensure the purity of the community through their decree that only loyal Catholic believers could hold citizenship in Cologne.¹⁰⁷ Protestants and other religious minorities could live in the city and rent property, but they could not own land or vote.¹⁰⁸ This last blow completed the disenfranchisement of Cologne's religious minorities and further alienated them from everyday civic life, for now their faith forever labelled them as outsiders in the community. In the legal code, social participation in Cologne required belief in the Catholic faith, so religious dissenters had no place within its civic identity.

All of this rhetoric and legislation, however, served to obscure the fact that Cologne actually did very little to maintain its religious purity, and in some ways actively undermined it. Cologne's freedom to act on intolerant impulses had always been and would always be limited by the realities of its situation as a center of commerce, which required a certain level of openness to both foreigners with divergent beliefs and the influx of new ideas into its own populace.¹⁰⁹ Therefore, because Cologne could not both maintain its economic position and close itself off from the outside influences, it could never attain a true state of confessional purity. Moreover, members of the urban elite like Weinsberg simply did not see Protestant heresies as the greatest danger to social order. To use the words of Po-Chia Hsia, "brutality in the name of confessional allegiance was for Weinsberg and his contemporaries the bane of civility."¹¹⁰ From this perspective, the responsibility for the mid-century religious conflicts did not fall on the

¹⁰⁶ Hsia, *Social Discipline*, 80-81.

¹⁰⁷ Hsia, *Social Discipline*, 81.

¹⁰⁸ Kaplan, *Divided by Faith*, 250.

¹⁰⁹ Haude, *Shadow*, 40.

¹¹⁰ Hsia, *Social Discipline*, 80.

confessional division itself, but on the uncompromisingly aggressive stances towards the religious other held by the leaders of the various factions. Therefore, the Cologne elite saw no need for such extremes in their own polity. Instead, the leaders of Cologne pursued an even-keeled policy of tacit toleration as long as none of the religious minorities attempted to challenge Catholicism's place as the sole official faith of the city.¹¹¹ The administration primarily sought civic peace and when events forced them to choose between concord and conformity, it chose the former with little hesitation. Cologne may not have formally accepted its religious minorities, but they nevertheless made significant economic and social contributions to the community.

The tolerant attitude of Cologne's leadership most commonly manifested itself in a simple failure to enforce its own intolerant edicts. Even in the early days of the Reformation, numerous authors published works that openly flouted Cologne's censorship laws but drew no punishment, while other records indicate that prominent nonconformist citizens received only admonishments to act moderately in the pursuit of their faith.¹¹² The magistrates were well aware of such dissidents, but they chose to look the other way in the vast majority of cases. As long as religious minorities avoided any major disruptions of civic life, the council contentedly ignored private expressions of forbidden faiths, and even when such things spilled out into the open, it proved cautious and slow to act.¹¹³ Weinsberg recorded in his journal one instance in 1567 when a foreign Calvinist minister stirred up a large crowd with his public proselytization without provoking anything more from the authorities than a feeble request to move his sermon from the

¹¹¹ Franz Bosbach, "Köln: Erzstift und Freie Reichsstadt," in *Die Territorien des Reichs im Zeitalter der Reformation und Konfessionalisierung: Land und Konfession 1500-1650, Vol III*, ed. Anton Schilding et al. (Münster: Aschendorff, 1989), 68; Geert Janssen, *The Dutch Revolt and Catholic Exile in Reformation Europe* (Cambridge: Cambridge University Press, 2014), 67.

¹¹² Haude, *Shadow*, 42.

¹¹³ Haude, *Shadow*, 42.

streets to a local church.¹¹⁴ Even this dangerous and overt disturbance, exactly the sort of event the council hoped to dissuade through its strong pronouncements, had not stirred the council to violence. Legislation only holds as much weight as invested in it by the authorities and because of events such as these, both locals and visitors knew well that in Cologne the intolerant ordinances on the book carried no real authority.

Indeed, in the early years of the Peace the Cologne administration did not even enforce the lynchpin of its policy of religious purity, namely its requirement for the councillors themselves to be Catholic. Not until 1579 did the council reject its first non-Catholic nominee from the Gaffeln, the city's guild-like corporations.¹¹⁵ This meant that for decades, Protestants had openly participated in the highest levels of government in direct disobedience of that very government's laws; indeed, one Protestant, Ailff von Straelen, sat on the council for a full forty years.¹¹⁶ This state of affairs could only have encouraged ordinary citizens to rebel against the city's religious ordinances. After 1583 onwards, internal restrictions on entrance into the Gaffeln tightened, with the priests of potential members required to vouch for the authenticity of their loyalty to Catholicism, but almost half of the Gaffeln still managed to elect Protestants as their representatives on the council in the period from 1576 to 1595.¹¹⁷ While the Catholicism of the council slowly became more entrenched, the magistrates lacked the conviction or audacity necessary to push the patience of the citizenry and so in many cases they approved the choice of the Gaffeln despite their misgivings. As such, through the first four decades of the Peace,

¹¹⁴ Hermann Weinsberg, *Das Buch Weinsberg: Kölner Denkwürdigkeiten aus dem 16. Jahrhundert, Vol II*, ed. Konstantin Höhlbaum (Düsseldorf: Droste Verlag GmbH, 2000), 162.

¹¹⁵ Hsia, *Social Discipline*, 80.

¹¹⁶ Wolfgang Herborn, "Die Protestanten in Schilderung und Urteil des Kölner Chronisten Hermann von Weinsberg (1518-1598)," in *Niederlande und Nordwestdeutschland: Studien zur Regional- und Stadtgeschichte Nordwestkontinentaleuropas im Mittelalter und in der Neuzeit*, ed. Franz Petri et al. (Böhlau: Köln, 1983), 143.

¹¹⁷ Bosbach, "Köln: Erzstift und Freie Reichsstadt," 73; Hsia, *Social Discipline*, 80; Herborn, "Protestanten in Schilderung," 147.

Protestant involvement in the leadership of that supposed purest of German Catholic cities remained common.

The magistrates also allowed and even encouraged the immigration of foreigners into the city, despite the fact that many of those newcomers held non-Catholic beliefs. During the tenure of Bürgermeister Konstantin von Lyskirchen, who had a notably irenic outlook on religious matters, the council prioritized the economic good of the city over matters of faith and welcomed skilled labourers and wealthy merchants into Cologne irrespective of their beliefs.¹¹⁸ Though some of these newcomers inevitably brought heretical ideas with them into the city, the magistrates felt confident that the potential gains outweighed the correspondent risk. Those forced out of the Low Countries by the Eighty Years' War in particular streamed into Cologne, both due to its proximity and because of a history of trade relationships, and since the administration hoped these refugees would help restore the city's once prosperous textile industry, it waived the existing prohibitions against foreign ownership of property in Cologne and expedited the process required to obtain citizenship for any who desired it.¹¹⁹ Heinz Schilling estimates that in a period of only five years, two thousand Dutchmen migrated to Cologne, a substantial influx for a city of only forty thousand.¹²⁰ Of course, most of these refugees had fled from Spanish persecution because of their Protestant beliefs, a fact the council knew well, so this constituted a conscious decision to actively undermine their own religious policy by welcoming Calvinists and other religious dissidents into the city with open arms. While the aristocracy did value religious purity, they did not value it highly enough to turn away

¹¹⁸ Bosbach, "Köln: Erzstift und Freie Reichsstadt," 243.

¹¹⁹ Bergerhausen, *Die Stadt Köln*, 150-151; Janssen, *Dutch Revolt*, 67.

¹²⁰ Heinz Schilling, *Niederländische Exulanten im 16. Jahrhundert* (Gütersloh: Gütersloher Verlagshaus Gerd Mohn, 1972), 59.

those who could enhance the secular welfare of the city, and therefore their decisions compromised any real hope to attain the status of a city wholly united behind one faith.

All of this created an atmosphere not nearly as intolerant as the city council wished outsiders to imagine, a fact to which the openness of the populace to religious diversity attested. Though the population of religious dissenters never exceeded a late sixteenth century height of approximately four thousand individuals, they remained a very real presence in Cologne throughout this period and few bothered to entirely conceal their nonconformity.¹²¹ While outsiders might have been deceived by the strict pronouncements of the council on issues of religious purity, the citizenry of Cologne could easily see through the bluster to the reality of the situation. Weinsberg's account testifies to the fact that the majority of the citizenry did not view Protestantism with hostility, and even he himself seemed more than happy to discuss matters of faith with non-Catholics, as he did with his Calvinist guest John Tonberg in 1579.¹²² Even at the highest levels of society, many did not see those of other faiths as a group that deserved fear or hatred. The common people appeared if anything even less concerned about religious difference and made no great effort to maintain pure Catholicism in the highest ranks of the Gaffeln, let alone in the rank and file.¹²³ The economic records of this time also demonstrate no overt signs of discrimination, as Catholics freely partnered with Dutch Calvinist immigrants in the trades and business.¹²⁴ Differences in belief simply did not seem to factor into the everyday life of Cologne during this period. In combination with the realities of Cologne's continued religious

¹²¹ Gerd Schwerhoff, *Köln im Kreuzverhör: Kriminalität, Herrschaft und Gesellschaft in einer frühneuzeitlichen Stadt* (Bonn: Bouvier Verlag, 1991), 259; Gerald Chaix, "Die schwierige Schule der Sitten – christliche Gemeinden, bürgerliche Obrigkeit und Sozialdisziplinierung im frühneuzeitlichen Köln, etwa 1450 - 1600," in *Kirchenzucht und Sozialdisziplinierung im frühneuzeitlichen Europa*, ed. Heinz Schilling (Berlin: Duncker & Humblot, 1994), 212.

¹²² Hsia, *Social Discipline*, 80; Herborn, "Protestanten in Schilderung," 153; Weinsberg, *Das Buch Weinsberg, Vol V*, 143.

¹²³ Herborn, "Protestanten in Schilderung," 150, 153, Schilling, *Niederländische Exulanten*, 41.

¹²⁴ Schilling, *Niederländische Exulanten*, 60.

diversity, this lack of strong confessional divisions likely contributed to the lax official policy and made the magistrates even less interested in any active persecution.¹²⁵ Without the support of the populace, the administration was not eager to begin a bloody crusade against a substantial and productive part of society. For all of Cologne's propaganda, the state of the city itself put the lie to claims of pure Catholic loyalty and instead revealed an urban centre tolerant of difference as long as it contributed economically and did not threaten the peace.

Still, certain confessional issues surpassed the limits of the Cologne leadership's tolerance, as its treatment of Anabaptism and other radical Christian sects demonstrated. While the council could tolerate Lutherans and even Calvinists, as they ultimately shared Catholicism's vision of communal religion, radical Christians often rejected that paradigm, a notion that challenged the administration's vision of a unified society.¹²⁶ This reflected the basic religious policy of the council – anything that would not disrupt the social order was acceptable, but dangers to that order had to be expunged immediately. As a result, the magistrates persecuted Anabaptism relentlessly. In 1565, they arrested sixty-three suspected Anabaptists and any of those who would not recant their faith faced summary execution.¹²⁷ Similarly, in 1595 authorities threw seventeen Anabaptists into prison and eventually banished them from the city.¹²⁸ Events like these demonstrate the lengths to which the council would go to preserve its community from religious groups it perceived as true threats. Like Augsburg, Cologne had no interest in sheltering the widely distrusted radical Christian groups and instead pursued a harsh policy of repression.

Even here, however, the magistrates hesitated to enforce their edicts with violent persecution. From the very beginning, execution served as a last resort, only used when the

¹²⁵ Chaix, "Die schwierige Schule," 215.

¹²⁶ Chaix, "Von der Christlichkeit," 238.

¹²⁷ Hsia, *Social Discipline*, 81.

¹²⁸ Hsia, *Social Discipline*, 81.

council felt genuinely threatened by the religious dissidents in question.¹²⁹ This did not reflect any genuine tolerance on the part of the council, but rather the same reluctance to stir up social unrest that had held them back from active persecution of Protestants. Still, after 1562 the magistrates began to avoid the death penalty even in the most extreme cases of religious crime, and the purge of 1565 eventually proved the final known case of the execution of heretics.¹³⁰ The fear of Anabaptism that had arisen after the disaster of Münster faded over time and the aristocracy felt less pressure to aggressively root out the heresy. From that point onward, the Anabaptist community had the ability to survive, if not flourish; the city continued to subject them to political and social exclusion and even occasional expulsion, but they never again threatened their lives.¹³¹ Such was the lot of radical Christians in almost all of Europe, so small numbers continued to live in Cologne despite the dangers throughout this period. Anabaptists might not have enjoyed the same freedoms in Cologne as other religions, but the council once again proved averse to the violence of a thorough purge of the city.

The religious atmosphere in Cologne began to change in the early 1570s with the intervention of external powers into the day-to-day affairs of the city. At last, the magistrates' laissez-faire religious policy had drawn the attention of those who had an even stronger vested interest in Cologne's religious purity than those who lived in the city itself. In early 1570, the Emperor and the Archbishop of Cologne, as well as representatives of the King of Spain and the Pope, warned the council that they would no longer tolerate their protection of religious dissidents, but the council gave these admonitions little heed beyond a reassuring but hollow official response.¹³² The four foreign powers represented the most influential of Cologne's

¹²⁹ Chaix, "Von der Christlichkeit," 238.

¹³⁰ Schwerhoff, *Köln im Kreuzverhör*, 207-208, 253.

¹³¹ Schwerhoff, *Köln im Kreuzverhör*, 207-208.

¹³² Bergerhausen, *Die Stadt Köln*, 151-152.

Catholic allies, but the councillors simply did not believe that they would take an active hand in internal civic politics. They were wrong. In response to the council's intransigence, the Duke of Alba, who held the governorship of the Low Countries at the time, forbade any Dutch citizens from attending the University of Cologne, which threatened to rob it of a crucial source of students.¹³³ The aristocracy, which had strong connections to the university, in turn pressured the council to accede to Alba's demands so that he would lift the embargo.¹³⁴ Religious tolerance was no longer a primarily local matter of economic and social calculus, for it now threatened to not only alienate important nearby states but also undermine a major civic institution and consequently a large number of its locally influential patrons. Cologne's leadership had felt up to this point free to act upon its own interests, but its vulnerability to external demands had suddenly become very apparent.

The increase in foreign pressure coincided with shifts in how the most influential citizens of Cologne viewed their new Dutch neighbours. Previously, Bürgermeister Lyskirchen and his supporters had controlled the council, which led to an administration largely disinterested in the regulation of religion for its own sake and content to simply keep dissidents under observation, but in the middle of 1570 power shifted to a new faction.¹³⁵ Kannegießer and Geil, both members of a more religiously conservative group in the aristocracy, gained the offices of Bürgermeister and thus control over the city's religious policy.¹³⁶ The new administration shared many of the concerns of the city's irate Catholic neighbours, which made it much more willing to implement policies that would appease them. The economic appeal of the Calvinist Dutch immigrants also faded, as those local crafts that the council had hoped to revive with an influx of skilled workers

¹³³ Schwerhoff, *Köln im Kreuzverhör*, 243-244.

¹³⁴ Bergerhausen, *Die Stadt Köln*, 151-152.

¹³⁵ Schwerhoff, *Köln im Kreuzverhör*, 243-244.

¹³⁶ Schwerhoff, *Köln im Kreuzverhör*, 243-244.

now felt threatened by new competition and began to call for their expulsion.¹³⁷ The Gaffeln, which loosely represented the workers and merchants of the city, now also had a powerful incentive to put their support behind a new policy of intolerance. In this way, a multitude of factors came together to change the atmosphere of Cologne to one much more hostile to the Dutch Calvinists than had previously existed.

This confluence of events marked the decisive shift in Cologne's relationship with its new Calvinist residents, who found themselves suddenly unwelcome in the city. On July 21, 1570, the council issued an ordinance demanding new immigrants who had arrived in the past four years prove that they had lived as faithful Catholics and ordered those who would not or could not do so to leave the city by August 13.¹³⁸ This decision did not spare those who had already obtained citizenship, either, but lumped them in with the rest of the Dutch refugees.¹³⁹ This did not represent a simple change of course, but an outright rejection of a decade's worth of tolerant religious policy, as the move prioritized communal purity over the threat of civic upheaval. Contemporary accounts claim that two thousand heretics left the city, and while that number is almost certainly exaggerated given Cologne's total population of only forty thousand, the council edict did force out a large portion of the immigrants.¹⁴⁰ Not all did so, however, as many of the richest or most influential of the newcomers successfully delayed or even entirely circumvented their expulsion.¹⁴¹ These exceptions aside, the Dutch Calvinists who had fled religious persecution in their homeland now found themselves homeless for a second time in only a few years. This harsh decree made one thing clear: if Cologne had once proven a safe haven for Protestants, it was no longer one.

¹³⁷ Bosbach, "Köln: Erzstift und Freie Reichsstadt," 72-73.

¹³⁸ Bergerhausen, *Die Stadt Köln*, 152.

¹³⁹ Bergerhausen, *Die Stadt Köln*, 152.

¹⁴⁰ Schwerhoff, *Köln im Kreuzverhör*, 243-244.

¹⁴¹ Schwerhoff, *Köln im Kreuzverhör*, 243-244; Schilling, *Niederländische Exulanten*, 59.

Nor was the administration satisfied with a simple expulsion of the foreigners among its religious minorities; it also began to crack down on Calvinists within its own native population. In November of 1571, the city Gewaltmeister, with the help of a tip from a disillusioned member of the Reformed community, discovered nineteen Calvinists in the midst of a religious assembly and arrested them.¹⁴² Two accounts of these events have survived to the present day, one from Hermann Weinsburg and the other from Johann Rethius, the scion of a powerful Cologne politician and a great champion of the Catholic cause in his own right. Though the former remained stoic in his record of the apprehension, Rethius openly praised God in the record of the events preserved in his journal, as he viewed it as an answer to prayer.¹⁴³ The authorities had grown bold enough to move against one religious minority in the city, and public sentiment, at least among the aristocracy, had begun to shift against such dissidents as well. Notably, several of the arrested group attempted to deflect the investigation with assurances that their group had no political intentions, but such arguments did not dissuade their interrogators.¹⁴⁴ Unlike in previous years, divergent religious belief sufficed to bring prosecution even without civic disturbances. After weeks of imprisonment and the torture of at least some of the prisoners, most of the accused, including three tried formally by Cologne's High Court, secured their release after they recanted their former beliefs.¹⁴⁵ While the magistrates avoided outright banishment or execution, their new policy bore all the hallmarks of the violent religious persecution so common in other parts of Reformation Europe. The Calvinists swept up in the raid faced incarceration, corporal punishment, and conversion under duress simply for belief in a confession that had been tacitly if not officially accepted only two years earlier. As it put its new policy of persecution

¹⁴² Schwerhoff, *Köln im Kreuzverhör*, 240.

¹⁴³ Schwerhoff, *Köln im Kreuzverhör*, 240.

¹⁴⁴ Schwerhoff, *Köln im Kreuzverhör*, 242.

¹⁴⁵ Schwerhoff, *Köln im Kreuzverhör*, 241-242.

into practice, the council willingly went beyond what its allies demanded and actively pursued the ideal of a unified Catholic community.

While the much smaller Lutheran community escaped most of the consequences of Cologne's newly intolerant religious policy for several years, this changed in 1579 as the result of another foreign intervention. The Catholic powers of the Holy Roman Empire still felt far from secure about the state of religion in Cologne, which remained in their mind crucial to the confessional battle both for its role as a safe haven for Catholics in the region and its reputation as a bastion of the faith.¹⁴⁶ As such, the imperial Catholic bloc did not rest on the gains from its victory in the matter of the Calvinist minority but resolved to involve itself once again in the internal politics of the city. In early 1579, the imperial commissioners Philip of Winnenberg and Philipp of Nassau arrived in the city determined to complete the Catholicization of the city.¹⁴⁷ Though they obviously could not achieve a complete purge of the city, they used their influence to effect major changes in the civic policy of the city and set the city down the road of further confessionalization. As the only remaining religious minority not subject to criminal persecution, the Lutherans naturally became the target of this campaign.

The council itself became the primary battleground for the imperial intervention. Though laws existed that made Catholicism a requirement of membership on the city council, the Gaffeln had ignored these ordinances up to this point, a state of affairs that the imperial commission resolved to change. As such, they pressured the magistrates to expel not only any known Protestant council members, but also those who they could not readily identify as loyal Catholics and forbid any such individuals from subsequent elections.¹⁴⁸ In other words, the two commissioners and their backers not only demanded the council fulfil the laws on record, but

¹⁴⁶ Bergerhausen, *Die Stadt Köln*, 162-163.

¹⁴⁷ Bergerhausen, *Die Stadt Köln*, 154-155

¹⁴⁸ Bergerhausen, *Die Stadt Köln*, 154-155.

also urged it to go beyond them to keep anyone who would not support a policy of renewed confessional vigour out of positions of leadership. Weinsberg provides a complete account of the events that followed, which began with the investigation of three councillors in particular: Jacob Omphalius, Arnt Jabach, and Herman Smidtman. Despite their protests, the three men lost their seats on the council in December 1579, and in response, Weinsberg piously wrote in his journal, “God grant that the council chamber remain in all good Catholic faith.”¹⁴⁹ The tide had turned against a religiously tolerant Cologne, and even the normally reserved Weinsberg could see that a confessionally defined city was the future. The authorities had to overcome the strenuous opposition of the three Gaffeln who faced the loss of their elected representatives in the government and as a result fought the decision in both local and imperial courts, but the council’s leadership refused to back down.¹⁵⁰ The following year, the council rejected two more nominees, this time from the Goldschmidt and Aren Gaffeln, on the grounds that an investigation conducted personally by a Bürgermeister had failed to clearly identify their religious affiliation.¹⁵¹ The city’s leadership had chosen to side with their external Catholic allies and willingly faced the internal consequences, even if the influential sections of the populace expressed their displeasure with the result. For their part, the Catholic powers continued to keep a close eye on elections in Cologne for several years after this initial success, in order to ensure that the city would not backslide on its assurances.¹⁵² The city’s leadership had lost their trust over the previous decades and they steadfastly resolved to make it into a holy city in truth through a transformation of the government after their own image. While in Augsburg the council’s internal attempt to align with the city’s allies had ultimately upset the balance of

¹⁴⁹ “Gott gebe, das die raitkamer alles reine plibe im guttem catholicischen glaben“ (translated by the author), Weinsberg, *Das Buch Weinsberg, Vol III*, 50-52; Herborn, “Protestanten in Schilderung,” 144-145.

¹⁵⁰ Weinsberg, *Das Buch Weinsberg, Vol III*, 53-54; Schilling, *Niederländische Exulanten*, 120.

¹⁵¹ Herborn, “Protestanten in Schilderung,” 145.

¹⁵² Bergerhausen, *Die Stadt Köln*, 155.

religious toleration, active intervention by Cologne's neighbours brought about that city's turn towards increased persecution.

Once again, a period of official vigilance against Protestants of both high status and low accompanied the foreign intervention. The influential politician Johann von Hardenrath, who frequently held the office of Bürgermeister in the final decades of the sixteenth century, in particular acted as an architect of this Counter-Reformation movement, which soon acquired majority support in the city council.¹⁵³ The council thereafter pursued a religious purge of society, which included expulsions as well as social and religious programs, including the closure of the city brothel in 1594 and increased catechization.¹⁵⁴ With the full weight of the government behind it, the metamorphosis of society proceeded quickly, and soon the Lutheran minority found themselves just as unwelcome as the Calvinists had less than a decade earlier. In 1579, authorities uncovered a secret congregation of approximately one hundred Lutherans, and though they soon released many of the arrested, the ringleaders of the group faced imprisonment, interrogation, fines, and a compulsory oath to avoid future clandestine religious groups before they too regained their freedom.¹⁵⁵ Other waves of persecution followed and pushed the Lutherans, like the Anabaptists and Calvinists before them, to the margins of society, though they survived in small numbers. As a result of these actions, Cologne experienced a re-confessionalization socially as well as governmentally.

Some citizens of course resisted Cologne's new turn towards intolerance and though they ultimately found little success, they did generate a great deal of discussion about the place of Cologne in the Peace of Augsburg. In 1571, several of those arrested for Calvinist beliefs based their defence on the Religious Peace directly through the claim that they held to the Augsburg

¹⁵³ Schilling, *Niederländische Exulanten*, 63,153.

¹⁵⁴ Chaix, "Von der Christlichkeit," 242.

¹⁵⁵ Schwerhoff, *Köln im Kreuzverhör*, 244-245.

Confession and thus fell under the protection of Article Twenty-Seven, but their prosecutors simply ignored such arguments.¹⁵⁶ Whether they legitimately doubted the accused's supposedly Lutheran faith or rejected the idea that Cologne fell under the category of confessionally mixed cities designated by the Peace, the magistrates made clear that they would not hesitate to disregard such appeals to the 1555 treaty if it stood in the way of their policy. In 1582, Johann Bruckman, Johann van Süchtelen, and Jaspar de Wedige tried an even more direct approach when they appealed the council to grant them the right to worship freely as Protestants.¹⁵⁷ The council was unmoved. After the three men ignored a warning from the Bürgermeister to withdraw their petition or face potential reprisals, the administration quickly voted down the proposal.¹⁵⁸ This case demonstrates that several prominent citizens felt both passionately enough about the status of Cologne as a religiously tolerant city and secure enough in their rights as citizens to directly challenge the administration's new policy. In 1591, Johannes Bade took the argument for tolerance one step further; in response to his arrest for heresy, he argued that a free imperial city fundamentally differed from a principality in that the magistrates represented the people and, as an implication of that fact, he claimed they could not permanently determine the religious direction of the city.¹⁵⁹ Through his use of such a defence, Bade effectively contended that a municipal government could never hold the right of *cuius regio, eius religio*, a point which the magistrates would never concede, but which did raise questions about the legitimacy of their policies. Cases such as these, while unsuccessful in the short term, do demonstrate that the ideas enshrined in the Peace of Augsburg had begun to trickle down into the ways the populace thought about religious coexistence and governance.

¹⁵⁶ Schwerhoff, *Köln im Kreuzverhör*, 242.

¹⁵⁷ Bergerhausen, *Die Stadt Köln*, 157-158.

¹⁵⁸ Bergerhausen, *Die Stadt Köln*, 157-158.

¹⁵⁹ Schwerhoff, *Köln im Kreuzverhör*, 263-264.

Cologne's new religious intolerance also drew attention from the other Protestant states of the Holy Roman Empire, especially with regards to its legitimacy under the Peace of Augsburg. As early as August 1579, the Protestant estates appealed to the Emperor to rescind the demands of his commissioners and argued that the city's tolerance up to that point demonstrated their willingness to act as a mixed confessional city if only he would offer his approval, but the petition fell through as a result of the Protestant party's own internal disunity.¹⁶⁰ Though undermined by the imperial politics of the day, this proposal demonstrates that the concept of religious coexistence still held appeal as a compromise solution. Indeed, the debate over Cologne's legal obligations to the Peace did not end there. As the case developed in the imperial courts, the Protestants continued to argue that Cologne's actions went against the terms of the Peace, while the Emperor insisted that as an imperial city, Cologne's magistrates simply acted as an extension of his authority and thus his own right of reform.¹⁶¹ Cologne itself, naturally uncomfortable with the implications of both presented options, began to assert contrary to both arguments that while it did not fall under the Emperor's direct control, the Protestant presence in the city had not existed in sufficient numbers in 1555 to qualify the city as a mixed confessional city under Article Twenty-Seven.¹⁶² While Cologne's administration still supported the turn towards religious purity, it would not sacrifice its autonomy to achieve their goals, so it turned to the vagaries of the Peace itself for protection. As a result, the legal case deadlocked and eventually came to nothing, but in the process it proved that the Peace and its ideals still held sway in the minds of the Empire's political elite.

After the transformations of the 1570s, Cologne's religious policy settled into a new pattern that primarily consisted of the repression but not elimination of its religious minority

¹⁶⁰ Bergerhausen, *Die Stadt Köln*, 159-160.

¹⁶¹ Bergerhausen, *Die Stadt Köln*, 166.

¹⁶² Bergerhausen, *Die Stadt Köln*, 167.

groups. Small groups of Calvinists and Lutherans both continued to eke out an existence under the watchful gaze of the city council, but they faced many forms of persecution both direct and indirect. As late as 1595, Weinsberg could still record in his journal accounts of openly worshipping Protestants who had escaped the purges and still resided in Cologne, but he did not hesitate to note the political and social exclusion they experienced.¹⁶³ As a magistrate himself, Weinsberg reflected the prevalent perception of religious minorities among the city leadership; he accepted their right to live in the city, but gave them little other allowances, with an attitude both uncharitable and dismissive. Furthermore, such dissidents still risked prosecution should the council judge them to have overstepped their bounds; in one period analyzed by Gerd Schwerhoff, 183 individuals, which amounted to 9.3% of all criminals brought before the courts, faced prosecution because of their religious beliefs.¹⁶⁴ Given that such crimes applied to a community no larger than four thousand individuals, this means that more than one in twenty-five Protestants experienced religious persecution first hand, which attests to simple fact: dissension in matters of faith made for a dangerous way of life. The Presbyterian Protocols of the Cologne Calvinist community, written by Eduard Simons, reveal the survival tactics employed by religious minorities in the city during this period; communities had to be small, tight-knit, and strongly disciplined in order to avoid the attention of the authorities.¹⁶⁵ While this constituted religious coexistence of a sort, it fell well short of true tolerance. Catholicism remained the only acceptable religion in active Cologne society, for the policies of a confessionally-committed administration had pushed every other element to the margin.

Not everything worked against Protestants in Cologne, however, for though the council remained vigilant against religious dissidents, their countermeasures against accused heretics

¹⁶³ Weinsberg, *Das Buch Weinsberg, Vol IV*, 242; Weinsberg, *Das Buch Weinsberg, Vol V*, 416.

¹⁶⁴ Schwerhoff, *Köln im Kreuzverhör*, 245.

¹⁶⁵ Chaix, "Die schwierige Schule," 213.

became significantly less harsh. From around the year 1588, those arrested for Lutheran beliefs no longer faced banishment but rather a simple fifty gold florin fine.¹⁶⁶ Around the same time, the city leadership became somewhat more merciful towards Calvinists as well; in a one-year period from the middle of 1590 to the middle of 1591 authorities uncovered a number of secret Calvinist gatherings, but while a handful of leaders among the community faced imprisonment and a formal trial, the rest escaped with a fine.¹⁶⁷ Such punishments aimed to discourage the active practice of non-Catholic faiths, but made no real attempt to convert dissidents. Similarly, Weinsberg notes in his journal that when it became known in 1595 that two sons of a prominent local aristocrat had become involved in Calvinist gatherings, they too received only a fine and a stern warning.¹⁶⁸ Despite the scandal, this episode did not galvanize the council to take same extreme measures it had in the past. In truth, while the magistrates remained convinced of the Protestant threat to social order, the common people did not share their concerns, so while the council could keep a careful watch on suspicious individuals, it lacked the popular support necessary for a stronger campaign of repression.¹⁶⁹ For those prepared to pay the very real social, economic, and political costs, life as a Protestant in Cologne was quite possible, if not pleasant.

The expansion of religious tolerance in nearby Mülheim, which fell under the authority of the Dukes of Berg, provided another boon to the Protestant cause in the free imperial city. With this development, it became possible for committed Protestants to work in Cologne, but travel to Mülheim to worship and thus avoid any direct violation of Cologne's religious codes.¹⁷⁰ The arrangement had benefits not only for those religious dissidents who now had a new outlet for their faith, but also for the city's economic prosperity, which may have suffered if the

¹⁶⁶ Schwerhoff, *Köln im Kreuzverhör*, 255.

¹⁶⁷ Schwerhoff, *Köln im Kreuzverhör*, 255.

¹⁶⁸ Weinsberg, *Das Buch Weinsberg, Vol IV*, 242.

¹⁶⁹ Schwerhoff, *Köln im Kreuzverhör*, 255.

¹⁷⁰ Kaplan, *Divided by Faith*, 169-170.

administration's policies had forced the local minorities, along with their expertise and wealth, out of the city altogether. However, the council did not sit by while its plans for civic religious purity were so blatantly undermined. In May of 1610, the council ordered a halt to travel in and out of the city on Sunday mornings and imposed of a new one hundred gold florin fine on any Cologne citizen caught at religious services in Mülheim.¹⁷¹ They hoped that this would stop movement between the two cities, but this proved overly optimistic: Mülheim's proximity to Cologne and the ease of access that the Rhine provided made traffic all but impossible to control. Measures increased in severity over the next few years, but they did not translate into an effective deterrence; according to one contemporary chronicler, the magistrates still arrested eighty-four individuals for violations of the new legislation during its first two years.¹⁷² Despite their efforts, Cologne could not monitor everyone who came and went from the city, nor could it force its more tolerant neighbour to change its religious policy, so Cologne had to live with the resultant boost that Mülheim offered to Protestants in their own city. Here, too, niches opened up for those determined to carve out a life in the free imperial city despite allegiance to a faith that stood at odds with the local elite and the majority of the population.

The stark difference between Cologne's religious policy in the first two decades of the Peace of Augsburg and the subsequent several decades makes its response as a whole to the challenge of toleration presented by Article Twenty-Seven difficult to evaluate. On the one hand, as the Protestant estates argued in their appeal to the Emperor, Cologne's leadership did at first demonstrate a definitively open stance towards religious diversity despite the uncertainty of its status as a confessionally mixed city under the Peace and the improbability of any repercussions should they have chosen to ignore it. On the other hand, the city's aristocrats proved enthusiastic

¹⁷¹ Schwerhoff, *Köln im Kreuzverhör*, 256.

¹⁷² Schwerhoff, *Köln im Kreuzverhör*, 256.

participants in a program of persecution once offered the impetus by external interventions. Certainly by the time matters had settled into the new status quo established in the last decade of the sixteenth century, Cologne's religious policy stood in direct violation of the terms set by the Peace of Augsburg, even if it allowed for small religious minorities to continue to exist in the shadow of mainstream society. As in Augsburg, the atmosphere of acceptance established in Cologne in the wake of the Peace could not survive the revival of confessional rivalries in the Holy Roman Empire, but Cologne also lacked the counterbalance of numerous and influential religious minorities. For this reason, Cologne swung even more dramatically towards intolerance and in the end came to fulfill the reputation for militant Catholicism that it had always sought to project.

Besieged Intolerance in Nuremberg

Nuremberg stands in stark contrast to both Augsburg and Cologne as a city that defiantly and resolutely resisted the least concession to the Peace of Augsburg throughout its sixty-three-year duration. With a populace almost entirely loyal to the Lutheran faith, Nuremberg's leadership faced no serious internal challenges to its position, as did Augsburg, and they also proved more unyielding in the face of external pressures than their counterparts in Cologne. These two factors combined to give Nuremberg's religious policy a sense of confidence that the other two cities lacked. What tokens of toleration that the city council granted, it did so of its own volition, not because other actors either inside or outside the city forced its hand. In all, though the Peace of Augsburg did evoke many of the same challenges and issues in Nuremberg as in her sister-cities, it ultimately did not significantly impact the trajectory of the city as it developed into a fully confessionalized Protestant polity.

Much as it had in the early years of the Reformation, Nuremberg initially positioned itself as a firmly but not militantly Lutheran city. The city's relationship with its monasteries offers a key example of this policy, for the magistrates allowed existing members of the religious orders to continue to live out their faith as they saw fit and even provided stipends for their expenses, but they refused to allow them to recruit any new members.¹⁷³ With this policy, they avoided the public spectacle and potential unrest that uprooting such institutions would have caused, but they also guaranteed that the Catholic presence in the city would slowly die away. St. Katherine's, the most enduring convent in Nuremberg, maintained particularly strong ties to the aristocracy; Sebald Welsch, to offer one example, wrote of his visits to the cloister as a youth and continued to correspond warmly with "the worthy women of St. Katherine's" long afterwards despite his

¹⁷³ Steven Ozment, "The Private Life of an Early Modern Teenager: A Nuremberg Lutheran Visits Catholic Louvain (1577)," *Journal of Family History* 21 (1996): 26, accessed July 18, 2016, doi: 10.1177/036319909602100103.

strong Protestant convictions.¹⁷⁴ The nuns were quite literally family to the upper class and their powerful kinsmen readily ignored their religious dissension as long as they continued to make no trouble. As Strauss notes, in this matter as in all others, “what mattered most with the Council was the preservation of the city's security and internal autonomy,” so their religious policy could afford to give a little to avoid any offense to the nuns’ important supporters.¹⁷⁵ In Nuremberg, the Lutherans had won a decisive victory, but they extended generosity in small ways to Catholic sympathizers once in unquestioned control of the city.

The free imperial city also maintained its policy of closeness with the Emperor despite their religious differences. Indeed, given the friction that had emerged through Charles V’s decision to impose the largely Catholic Interim on Nuremberg despite its loyal support during the Schmalkaldic War, the councillors saw the reestablishment of positive relations with his successor, Ferdinand I, as one of their most crucial tasks after the Peace of Augsburg.¹⁷⁶ Because of the hostile Catholic environs that surrounded Nuremberg, the good will of the Emperor, who held in addition to his primary title several of the most powerful principalities in the region, could make the difference in the survival of the isolated city, so it is little wonder that one Nuremberg politician concluded that “it would no doubt be best for an honourable Council to be neutral and after God Almighty to trust in the Roman Emperor as the supreme Head.”¹⁷⁷ This decision put them at odds with the rest of the Protestant states of the Empire and only enhanced the city’s reputation as a colluder with the enemy, but in truth Nuremberg had little choice. After

¹⁷⁴ Ozment, “Private Life,” 26.

¹⁷⁵ Strauss, *Nuremberg*, 183-184.

¹⁷⁶ Rudolf Endres, “Vom Religionsfrieden zur protestantischen Union,” in *Nürnberg – Geschichte einer europäischen Stadt*, ed. Gerhard Pfeiffer (München: Verlag C.H. Beck, 1971), 265; Reicke, *Geschichte der Reichstadt Nürnberg*, 923.

¹⁷⁷ “einen Ehrbaren Rat wohl das beste und fürträglichste sein möchte, gar neutral zu sein und nach Gott dem Allmächtigen sich allein dem Römischen Kaiser als oberstem Haupt zu vertrauen” (translated by the author), Mogge, *Landsberger Bund*, 31.

the destruction caused to Nuremberg and its neighbours by the Second Margrave War from 1552 to 1555, the city simply lacked the strength necessary to defend itself, so they needed a powerful patron to protect them.¹⁷⁸ Charles had broken the greater Protestant powers of the Empire and only fell short of complete dominance due to the intervention of his coreligionists in France, so only Catholic states had the power to provide protection to Nuremberg in those early years. In this regard, the Emperor represented the least distasteful of the city council's options. Even when the Protestant estates began to recover and return to the main stage of imperial politics, Nuremberg sided with Elector Augustus of Saxony against any move towards a second Schmalkaldic League for fear that it would merely provoke new tensions between the faiths.¹⁷⁹ This too resulted from the city's environment; of all the Protestant estates, the isolated and vulnerable Nuremberg could least afford a new escalation in confessionalization that would leave it on the front lines of the conflict. In these ways, Nuremberg maneuvered apart from most of its fellow Protestants and more in line with the Habsburgs when it came to the politics of the Empire.

Nevertheless, Nuremberg ably proved over the next several decades that these concessions to the reality of its geopolitical situation did not mean that it would give any further ground or compromise its internal religious consensus. Indeed, as proven by one of primary conflicts the city fought over religion, namely the issue of whether it would allow a revival of the local monasteries, Nuremberg prioritized its religious purity over its relationship with key neighbours, including the Emperor. In July 1559, Ferdinand summoned Nuremberg's ambassadors to request that the magistrates allow a confessor to enter the city's cloisters to "give

¹⁷⁸ Mogge, *Landsberger Bund*, 31.

¹⁷⁹ Endres, "Vom Religionsfrieden," 268.

them the Holy Sacrament, and sometimes read a small Mass.”¹⁸⁰ He further assured them that they need no make any public acknowledgement of the deed, as it could stand as a small personal favour to their liege.¹⁸¹ This could hardly have endangered the faith of the community as a whole and thus offered Nuremberg an opportunity to earn the goodwill of the Emperor at little cost, but even this failed to budge the council. When the council denied Ferdinand’s request formally in a response delivered on December 7, 1559, they argued that the nuns had no cause for complaint and that to allow Catholic services within the city would not only betray their consciences, but also the trust that the Lutheran citizenry had granted them.¹⁸² With the Interim only recently overturned, they had no desire to grant Catholicism the smallest foothold in the city again. In the next six years, the authorities seized both a monastery and a cloister after their last inhabitants passed away, which further diminished the presence of the old faith in Nuremberg.¹⁸³ When it came to the faith of the city and its citizens, Nuremberg’s leadership had determined to champion the Protestant cause, and no amount of external pressure would change that mindset.

The greatest challenge to Nuremberg’s monastic policy came, ironically, with the extinction of the city’s final monastery, St. Katherine’s. After the death of the last resident, Cordula Knorr, the German provincial of the Order of Preachers, Konrad Zittardus, petitioned the free imperial city to allow new nuns to populate the cloister, but the council predictably refused.¹⁸⁴ Aware of their precarious right to the convent under the terms of the Peace of Augsburg, the city claimed, contrary to any truth, that they had controlled St. Katherine’s prior to

¹⁸⁰ “das heilige Sacrament zu reichen, und ihnen bisweilen ein Meßlein zu lesen gegonnen” (translated by the author), Karl Braun, *Nürnberg und die Versuche zur Wiederherstellung der alten Kirche im Zeitalter der Gegenreformation (1555-1648)* (Nürnberg: Vereins für bayr. Kirchengeschichte, 1925), 7-8.

¹⁸¹ Braun, *Versuche zur Wiederherstellung*, 7-8.

¹⁸² Braun, *Versuche zur Wiederherstellung*, 7-8.

¹⁸³ Pfeiffer, “Augsburger Religionsfrieden,” 280.

¹⁸⁴ Braun, *Versuche zur Wiederherstellung*, 36.

the Peace.¹⁸⁵ The Peace mandated that religious institutions remain in the hands of whichever confession controlled them prior to the conflicts of the mid-century, so such a claim, if accepted, would give the city legal ownership of the convent and thus the right to do with it as the council willed. Undeterred, Zittardus turned to the Emperor for justice and the latter duly commanded Nuremberg in late 1596 to hand over control of St. Katherine's to the Catholic orders.¹⁸⁶ This intervention of the Emperor drastically escalated the severity of the situation, as Nuremberg could not directly defy his will should he bring his full power to bear. The council, however, gambled that he would not and in its refusal to comply, it simply repeated its weak claim to the convent. Without more substantial evidence, this proved enough and despite the protests of both Zittardus and the nearby Bishop of Bamberg, the deadlocked case eventually folded in 1600.¹⁸⁷ The imperial courts lacked the power and influence to resolve the starkly polarized conflicts of the Reformation era, and so, in lieu of open war, sheer stubbornness often won out over even the most legitimate claims. The continued existence of the monasteries constituted a serious chink in the city's armour under the Peace of Augsburg, but Nuremberg's resolute defense against external pressures proved that a determined political actor could defy such pressures in the fractious atmosphere of the day.

Other attempts to crack Nuremberg's confessional intransigence took the form of claims against already shuttered Catholic institutions in the city and its territory. Such "Revindikationsbestrebungen," or revindication efforts, became a hallmark of the Counter-Reformation in Germany and posed a repeated challenge to Nuremberg in particular through this

¹⁸⁵ Braun, *Versuche zur Wiederherstellung*, 36-37.

¹⁸⁶ Braun, *Versuche zur Wiederherstellung*, 37.

¹⁸⁷ Braun, *Versuche zur Wiederherstellung*, 37-38.

period and well into the Thirty Years' War.¹⁸⁸ In one 1561 case, the Bishop of Eichstätt demanded the right to rebuild the Pillenreuth cloister, which Albrecht Alcibiades of Brandenburg-Kulmbach had destroyed in the Second Margrave War.¹⁸⁹ In essence, he claimed that because the convent had never officially passed out of Catholic hands, the faith still had the right to a religious institution in the region, which, if accepted, meant that Nuremberg had a legal obligation to reconstruct the convent. The magistrates of the city unsurprisingly contested this interpretation, less because they disputed the prelate's version of events than because they saw such action as contrary to their Protestant convictions.¹⁹⁰ The Peace contained no clear method for the arbitration of such grey areas and so they stood as open disputes, rarely resolved in any satisfactory way. As Nuremberg had proven in the case of St. Katherine's, spurious claims could have as great an effect as honest ones, so the city also had to contend with Catholic attempts to reopen issues that it had thought closed for good. In this way, Nuremberg faced demands to pay reparations for the city's former Carmelite cloister in 1560 and in 1570, though they rightly noted that they had legally purchased the building in 1557.¹⁹¹ In many ways, this period of Nuremberg history resembles a state of siege, in which the city adamantly defended its religious purity against seemingly innumerable attempts to undermine it.

Over the course of this period, Nuremberg's intolerance of Catholic activities within its territories earned it the enmity of the Prince-Bishops of Bamberg, who had once held religious authority over the city. Despite the assurances of the Peace of Augsburg, which clearly stated that ecclesiastical jurisdictions should no longer apply to Lutheran states, Bamberg still saw itself as the protector of Catholics in Nuremberg, a conviction that almost drove the two to open war in

¹⁸⁸ Klaus Leder, "Die religiöse Entwicklung Nürnbergs nach dem Augsburger Religionsfrieden," in *Nürnberg – Geschichte einer europäischen Stadt*, ed. Gerhard Pfeiffer (München: Verlag C.H. Beck, 1971), 279.

¹⁸⁹ Pfeiffer, "Augsburger Religionsfrieden," 280.

¹⁹⁰ Braun, *Versuche zur Wiederherstellung*, 9.

¹⁹¹ Pfeiffer, "Augsburger Religionsfrieden," 280.

1562.¹⁹² The current bishop, Veit II, was not content to rely on legalistic attempts to restore Catholicism's rights in the city and its environs, so he began to use his geopolitical influence to pressure Nuremberg. The Landsberger Bund attempted to resolve the issue, but quickly lost interest in mediation between the two member-states. After it ensured the release of several Nuremberg citizens arrested by the Prince-Bishop, the other constituent states abandoned their two associates to sort out their differences on their own.¹⁹³ The obdurate parties continued to bicker over whose actions fell outside of the bounds of the Peace of Augsburg, a fact that underlines the treaty's failure to propose a practical method with which to implement and defend the Peace. The conflict reached its climax when Veit excommunicated Nuremberg, a pronouncement that Nuremberg decried as "mischief" beyond his rightful jurisdiction.¹⁹⁴ At Nuremberg's request, the Emperor eventually stepped in and commanded Bamberg to withdraw its proclamation, which effectively ended the dispute.¹⁹⁵ Only this imperial intervention halted the march towards open warfare, which given the Emperor's own religious commitments simply was not a feasible long term system for conflict management. The conflict reared its head once again towards the end of the century with the appointment of Neithard von Thüngen as Bishop of Bamberg in 1591. A wholehearted supporter of the Counter-Reformation in Germany, Neithard immediately began to re-implement his predecessor's campaign of Catholicization; this time, he demanded that known Protestants within his territory return to the old faith or face the seizure of their goods and expulsion from Bamberg.¹⁹⁶ This time Nuremberg did not stand alone in their vehement protests against Bamberg's heavy-handed religious policy, but the situation did not truly settle until Neithard's death in 1598. This time the weaknesses of the Empire's religious

¹⁹² *The Religious Peace of Augsburg*; Braun, *Versuche zur Wiederherstellung*, 13.

¹⁹³ Mogge, *Landsberger Bund*, 176.

¹⁹⁴ Mogge, *Landsberger Bund*, 176; "unfug," Braun, *Versuche zur Wiederherstellung*, 14-15.

¹⁹⁵ Braun, *Versuche zur Wiederherstellung*, 15.

¹⁹⁶ Braun, *Versuche zur Wiederherstellung*, 24.

systems worked against Nuremberg, as the advantage in religious disputes continued to lie with the current ruler of a given territory, even when he acted in direct violation of the Peace of Augsburg. The Bamberg-Nuremberg dispute over religion thus showcased the fragility of the Peace and how the Holy Roman Empire had begun its slide back towards confessionalization.

As with their approach to external politics, the magistrates of Nuremberg remained vigilant against any potential resurgence of Catholicism among their own citizenry. To that end, they sought to indoctrinate the populace of the city with a palpable distrust of anything Catholic, as demonstrated by the writings of Sebald Welser. Though his attitude later softened, even he, who had interacted firsthand with Catholics in the city, scorned the rituals and devotions he witnessed when he first left Nuremberg to pursue his studies abroad; he described one public Eucharist as a “deceit” of the Jesuits.¹⁹⁷ The stark contrast this presents to both his positive opinion of the women of St. Katherine’s and his later willing participation in Catholic services effectively demonstrates the instinctive distrust of papal ceremony among the citizens of Nuremberg. In addition to their efforts to confessionalize the populace, the authorities kept a close eye on the convents while they still survived, suspicious that those Catholic sympathizers who remained in the city might gravitate towards such symbols of the old faith, and time proved that such fears had validity. In one instance, authorities apprehended and imprisoned several individuals who had attended masses intended only for the religious orders themselves.¹⁹⁸ For the magistrates, the arrest of a handful of local dissidents represented a small sacrifice alongside the measures they had taken to prevent the revival of Catholicism among the citizenry. Nuremberg was no Cologne, posturing about intolerance to the world while practising tolerance at home; its leadership had and would continue to repress any Catholic element it detected in the city.

¹⁹⁷ Ozment, “Private Life,” 26-27.

¹⁹⁸ Ozment, “Private Life,” 27.

Like her fellow free imperial cities of Augsburg and Cologne, Nuremberg also had no tolerance of or patience with the more radical movements of the Reformation. A group of Anabaptists that took after the radical Reformation leader Caspar Schwenckfeld caused the city's leadership particular concern. The authorities did not hesitate to banish such groups of "Schwärmer," a term roughly equivalent to "enthusiasts," as soon as they uncovered them.¹⁹⁹ Johann Schröder, who served as the preacher at one of the local churches, played a central role in these purges and thereafter continued to keep a militant eye out for any clandestine radicals.²⁰⁰ While Catholics represented the threat of the old order, Anabaptists and other radicals foreshadowed a potential breakdown of council authority in the other direction, towards religious individualism and, in the minds of the elite, anarchy. Even the followers of the renegade Lutheran Matthias Flacius, such as the preacher Johann Kaufmann, found themselves on the wrong end of expulsion orders as the council tried to maintain the communal religious purity of the city.²⁰¹ In this action, the magistrates showed their determination to remain in control of the Reformation in Nuremberg, even if it meant the repression of a few of their less conservative brethren. At this point in church history, few polities showed any tolerance towards radical sects of Christianity, which still evoked a great deal of fear for their role in catastrophes like the Münster Rebellion, and in this regard Nuremberg was no exception.

Notably, Nuremberg made an allowance within its policy of intolerance for one group of religious dissidents, namely their fellow Protestants the Calvinists. Like Cologne, Nuremberg saw the economic benefits of the exiles of the Low Countries could offer their city and even went so far as to offer them tax exemptions and other incentives to choose Nuremberg as their

¹⁹⁹ Leder, "Die religiöse Entwicklung," 279-280; Reicke, *Geschichte der Reichstadt Nürnberg*, 936.

²⁰⁰ Leder, "Die religiöse Entwicklung," 279-280.

²⁰¹ Endres, "Vom Religionsfrieden," 266; Reicke, *Geschichte der Reichstadt Nürnberg*, 936.

new home.²⁰² The Dutch Calvinists did not pose the existential threat to the Reformation as did Catholicism, nor did they reject the urban order in way that Anabaptism did, so the Nuremberg council gladly tolerated them for the material benefits their presence brought. Likewise, Nuremberg maintained strong relationships with nearby towns that harboured significant non-Lutheran communities, including Fürth, which had an expanding Jewish minority, and Erlangen, which received a large influx of Huguenot residents.²⁰³ These adjacent towns served as extensions of Nuremberg's workforce, and the city benefited the local religious minorities, but they did not have to directly accommodate their religious dissension and thus threaten the communal unity. The magistrates also did their best to avoid the various controversies within the Protestant camp through the years; in 1573 they adopted an all-inclusive creed as the religious standard of the city and several years later they refused to sign the Formula of Concord, which served to maintain this open stance towards all variations of Protestantism.²⁰⁴ The council might have envisioned itself as the defender of Lutheranism, but it had no particular attachment to any given faction within the faith. In these ways, Nuremberg and its patrician class remained loyal to Protestantism as a whole, but never involved itself too directly in the maintenance of any particular religious structure within that broader range.

Nuremberg's magistrates not only accepted the presence of non-Lutheran Protestants in the city, but also among their own number. One such figure, Christoph Hardsheim, became quite influential as a trusted consultant of the council despite his open Calvinism.²⁰⁵ Johann Herel, another notable Calvinist, also served in the Nuremberg government and after a successful career as a consultant rose as high as membership on the Great Council and a title among the

²⁰² Grell, *Tolerance and Intolerance*, 7.

²⁰³ Kaplan, *Divided by Faith*, 169.

²⁰⁴ Leder, "Die religiöse Entwicklung," 279.

²⁰⁵ Leder, "Die religiöse Entwicklung," 279.

imperial nobility.²⁰⁶ Throughout Germany during this time period, governments began to require greater numbers of high-born, skilled, and educated individuals as they became more professionalized, and Nuremberg could not afford to turn away the services of two such men simply because their religious beliefs did not align perfectly with the rest of the city's leadership; that their faith did not endanger the social order sufficed. Calvinists and other religious dissidents never made up more than a fraction of the city elite, however, so the presence of a handful in the highest bodies did little to impact policy directly. The patrician class of Nuremberg showed itself to have an open mind when it came to fellow Protestants, even when it came to membership in the most important government bodies, but this marked the limits of their toleration.

Like Augsburg, Nuremberg stood out from the majority of its neighbours in terms of confession, so it too attempted to play the middle in an attempt to balance its religious interests with ties to important geopolitical allies. This eventually drove Nuremberg towards the relative safety of the non-confessional alliance known as the Landsberger Bund. While the Bund had no official position on religious toleration as an ideal, it did represent the promise of cooperation between the confessionally divided states of the Holy Roman Empire; even Duke Albrecht, who as the ruler of Bavaria represented the member-state most committed to the Counter-Reformation, did not hesitate to state in 1569 that in the Bund "we make no distinction between the Catholics and the estates of the Augsburg Confession."²⁰⁷ Given that Nuremberg needed to somehow maintain positive relationships with its predominately Catholic neighbours, this offered a prize worth the ideological cost. Nuremberg well understood the security benefits of membership in the Bund, as many of the most powerful states of southern Germany had already joined, and felt confident that it could resist the Catholic influences that might come from close

²⁰⁶ Mogge, *Landsberger Bund*, 42.

²⁰⁷ "machen wir kein Unterschied zwischen den Catholischen und den Ständen der Augsbургischen Confession" (translated by the author), Mogge, *Landsberger Bund*, 49-50, 231.

association with states of that faith.²⁰⁸ The main threat that membership in the Landsberger Bund posed to Nuremberg was the risk that it would enhance its reputation for collusion with the confessional enemy among its fellow Protestants, which had already grown strong enough for Augsburg, a city desperate to appease its Lutheran majority, to oppose its induction into the Bund in the first place.²⁰⁹ Nevertheless, the city's leadership ultimately decided that the cost did not outweigh the benefits of geopolitical safety. Though Nuremberg might have preferred to turn to the Protestant powers for protection, they were simply too far away and not powerful enough to influence Nuremberg's immediate neighbours. These factors led Nuremberg down the path of extra-confessional alliance despite its established intransigence when it came to internal religious matters.

Nuremberg soon found, however, that membership as a Protestant state in a predominantly Catholic alliance had significant downsides. For one, Augsburg's fears quickly became reality as the Landsberger Bund gained an ugly reputation among the Protestant estates, who decried it as a "clerical conspiracy."²¹⁰ Through its membership, Nuremberg became tarred with the same brush and Protestant distrust of the free imperial city grew. In order to counteract this, Nuremberg pushed for the Bund to offer membership to more Protestant states, and advocated for the admittance of former members of the Swabian League, but over time this threatened to alienate it from the group as Protestant candidates continued to refuse offers due to the Bund's reputation and the other members lost patience with Nuremberg's repeated veto of potential Catholic candidates.²¹¹ Even Augsburg earned less ill will in this regard, for it had made its support conditional on the opinion of the Emperor, who acknowledged in 1571 that

²⁰⁸ Mogge, *Landsberger Bund*, 79.

²⁰⁹ Mogge, *Landsberger Bund*, 419-420.

²¹⁰ Warmbrunn, *Zwei Konfessionen*, 147.

²¹¹ Mogge, *Landsberger Bund*, 205, 212, 267.

Protestants would find the addition of more Catholic states “offensive” but did not view the situation with the same urgency as Nuremberg.²¹² Nuremberg’s insistence on a confessional balance in the Bund’s members, which stemmed from a desire not to antagonize valuable potential allies among the Protestant estates, only served to annoy its current allies; the combined effects of this push and pull put Nuremberg in a truly unenviable position. Eventually it became evident to Nuremberg patrician Georg Volckamer that the Bund had split, perhaps irrevocably, into two parties over the issue of expansion, with only Austria, Augsburg, and Mainz in agreement with Nuremberg on the necessity of new Protestant members.²¹³ Such divisions undermined the effectiveness of a non-binding association that had already proven reluctant to intervene in times of crisis like the Bamberg-Nuremberg conflict and still did little to address the dark suspicions of the Bund that already existed in the Protestant camp despite the best efforts of the more irenic members to alleviate their fears.²¹⁴ Ultimately, the Bund could not shake its negative reputation among the non-Catholic states, which greatly diminished its ability to act as a point of cooperation between the two camps as Nuremberg had hoped. The chasm between confessions during the Reformation yawned too wide and Nuremberg’s attempts to span it only made the city more isolated in a time of great polarization.

Eventually the free imperial city’s leadership decided that such a close association with the Catholic states of the Empire was simply not tenable in the long term. Bavaria’s ever-strengthening commitment to the Counter-Reformation in particular soured Nuremberg on the Bund and it began to withdraw from active participation.²¹⁵ The two states’ inability to compromise on something so fundamental to their identity put them constantly at odds, which

²¹² “die Konfessionisten würden eine katholische Erweiterung des Vereins also „Offensivwerk“ ansehen“ (translated by the author), Mogge, *Landsberger Bund*, 206, 267.

²¹³ Mogge, *Landsberger Bund*, 276.

²¹⁴ Mogge, *Landsberger Bund*, 104.

²¹⁵ Warmbrunn, *Zwei Konfessionen*, 148.

undermined the incentives for Nuremberg remain a part of the Bund in the first place. However, even though Nuremberg had never had any interest in participation in a confessional conflict, and had repeatedly threatened to leave the Bund should it break out, the city now had to fear that its very departure from the Bund could lead to such a conflict, as to this point Nuremberg had acted as its “Protestant figurehead and alibi for neutrality.”²¹⁶ This worry kept Nuremberg in the Bund for a time as its diplomats tried to play peacemaker between the two confessions. Eventually, however, membership in the Bund and neutrality in the religious struggles of the Empire became mutually exclusive, and at that point Nuremberg took its leave from the alliance.²¹⁷ Not long after, the Bund itself collapsed, as it no longer filled any role that an openly Catholic league could not play better. In order to replace the geopolitical security the Bund had offered, Nuremberg had to turn to the only other bloc of real influence in the Empire, and in May of 1609 the free imperial city formally joined the Protestant Union.²¹⁸ Unable to make a place for itself as a neutral party in the conflict between confessions, Nuremberg chose the side of its brethren in faith rather than that of its historic allies and close neighbours. After an experiment decades long, Nuremberg had decided that in foreign affairs as in internal matters, a confessionally-exclusive policy would better serve the interests of the city.

During the more than six-decade duration of the Peace of Augsburg, Nuremberg consistently defied its nudges towards toleration and instead chose the path of pure Protestantism, if not pure Lutheranism. Outside of a handful of convents that soon died out, Catholics did not have the freedom to worship that the Peace of Augsburg mandated and indeed the authorities openly persecuted any such individuals they could find. Efforts by other states

²¹⁶ “protestantisches Aushängeschild und neutrales Alibi” (translated by the author), Mogge, *Landsberger Bund*, 220, 301.

²¹⁷ Mogge, *Landsberger Bund*, 421-422.

²¹⁸ Braun, *Versuche zur Wiederherstellung*, 43-44.

who believed Nuremberg to have violated the Peace repeatedly failed to soften the city's stance against Catholics through the simple expedience of the city's stubborn refusal to compromise. Where the free imperial city showed any modicum of toleration, it came about not because of the Peace, but because the magistrates saw advantages for the city in toleration, whether due to economic factors, as in the case of the Dutch Calvinist resettlement, or political gains, as they hoped the Landsberger Bund would provide. It is therefore difficult to see the Peace as anything more than an abject failure in the case of Nuremberg, which remained unwaveringly committed to the Protestant cause and the Protestant cause alone throughout the Reformation era.

The Peace of Augsburg in Three Cities

When one takes a step back from the specific examples of Augsburg, Cologne, and Nuremberg and compares the three histories, it becomes possible to trace the predominant themes in the implementation of the Peace of Augsburg and particularly Article Twenty-Seven in the free imperial cities as a whole. In order to analyze the successes and failures of this attempt to create a new space for toleration in the Holy Roman Empire, this paper looks at three stages in the development of toleration. First, one must ask whether authorities intentionally allowed religious minorities to exist in these cities or whether their presence simply reflects an inability to fully execute a policy of intolerance, since the latter certainly does not fulfill the goals set out in the Peace. After this initial acceptance, however, a polity must also introduce certain structures and safeguards in order for this state of coexistence to endure for any length of time. In his larger study of religious toleration in early modern Europe, Benjamin Kaplan proposes a list of five key factors that allowed some mixed communities to exist in peace and, where lacking, led others to collapse into confessional conflict:

“(1) security guarantees that eliminated both the threat of persecution and the prospect of persecuting others; (2) rigid, detailed regulations that limited what the confessions could fight over; (3) parity between confessions, so that one could not rule over the other(s); (4) autonomy for each confession to govern its internal affairs without interference; and (5) legal mechanisms for adjudicating disputes impartially.”²¹⁹

Finally, this paper also asks one question not directly posed by the Peace of Augsburg: did biconfessionalism ever progress beyond simple cohabitation of two distinct religious and social groups to the point of where two confessions formed a single harmonious community?

Obviously, it is difficult to quantify such a transition, but glimpses of it show through the ways in which both the city elite and the populace conceptualized the situation and talked about the

²¹⁹ Kaplan, *Divided by Faith*, 232.

opposite faith. Such hallmarks include whether the elite and citizenry viewed the Peace as a temporary stopgap measure or the new state of affairs and whether the two communities mixed freely or held themselves apart from one another. Together, these three sets of criterion can indicate whether the Peace of Augsburg failed to achieve its stated goals, effectively implemented them, or even surpassed its original function.

Perhaps the Peace of Augsburg's greatest unmitigated success came through the introduction of the idea that religiously diverse cities could exist even in the confessionally-charged atmosphere of Reformation era Germany. Before Luther's challenge to the religious establishment, the idea of a knowing accommodation of heresy hardly entered into the conversation, and even in the subsequent decades few individuals, from kings all the way down to peasants, accepted the split in Christendom as anything more than temporary. That notion began to fade over time, especially in the war-torn Holy Roman Empire, but even the Peace of Augsburg simply enshrined the current division of principalities as a necessary consequence of the right of rulers to decide which faith to embrace – except in the case of the free imperial cities. Such made it possible for a recognized government like the Augsburg city council to issue their declaration that "past events and daily experiences make it obvious to everyone what unity and good follow from peaceful and friendly cohabitation," a concept that almost no other state in Europe could have officially endorsed at the time.²²⁰ Furthermore, this ideal did not begin and end with the authorities, but trickled down into the minds of everyday citizens, such as in the cases of David Weiss, a patrician, and Georg Müller, a pastor, both of whom identified Augsburg's later troubles not with the Peace but violations of that agreement.²²¹ Such individuals might never have encountered theological arguments in favour of toleration, such as those

²²⁰ Tlusty, *Augsburg*, 24.

²²¹ Tlusty, *Augsburg*, 47-48, 50.

advanced in intellectual circles by Erasmus, Castellio, and others, but they could look around and decide for themselves that the Peace held enough of a promise of confessional peace to be worth preservation. In Cologne, Johannes Bade took the idea of religious toleration one step further and made it synonymous with the very notion of a free imperial city when he argued in his interrogation that the magistrates of such polities could only reflect and not shape the views of the citizenry.²²² Here stands evidence of at least one case in which a resident of the free imperial city took what he had experienced and extrapolated it into something far greater than what the Peace had proposed. While the Peace certainly did not create the idea of religious coexistence, it did introduce it as a viable possibility into the minds of ordinary people, who could in turn shape the way future generations thought about toleration.

Beyond simple ideals, however, the historical record also clearly indicates that religious minorities did continue to survive in each of Augsburg, Cologne, and Nuremberg, albeit to different extents and under different degrees of legality. Augsburg offers the most clear-cut case of religious coexistence, in which a Lutheran majority and a Catholic minority both enjoyed open freedom of worship throughout the period prior to the Thirty Years' War and beyond. While in practice council elections produced fewer and fewer Lutheran magistrates, the city never passed any legislation that overtly restricted the rights of either religious group, nor did the two confessions ever do more to oppress one another than jockey for power and control. In Cologne, Lutherans and Calvinists did not achieve a similar degree of equality with the majority Catholics, but authorities still officially embraced them as part of the community into the 1570s and even beyond that period of persecution knew of and continued to grudgingly accept their presence in the city. Even in Nuremberg, the least tolerant of the three, the extant Catholic monasteries had the official approval of the authorities to exist if not to recruit, while Calvinists

²²² Schwerhoff, *Köln im Kreuzverhör*, 263-264.

enjoyed the freedom to live, work, and even govern in the city. Whether as official citizens or unsanctioned inhabitants, each case in this range of examples demonstrates a notable increase in the ability of religious minorities to live and worship in the city, at least in the initial period immediately after the Princes' War. Therefore one must conclude that the Peace did usher in a period of religious coexistence in the free imperial cities at the very minimum.

However, the Peace did fail in one important respect even at this early stage in the establishment of religious coexistence: it did not clearly define which cities should consider themselves bound by the principles of Article Twenty-Seven, nor did it state what rights cities outside of the mixed confessional categorization had in matters of faith. Of the three cities under examination, only Augsburg, a city with a large minority that made up a substantial portion of the local elite, existed in a clearly defined category, since Ferdinand had written the clause with just such a case in mind. On the other hand, Cologne languished for decades in a grey zone of legality, in which no clear consensus existed as to whether it fitted the category of a confessionally mixed city. The issue of timing further muddled the question; while Cologne had very little in the way of a Protestant population in 1555, the authorities allowed that community to grow freely in subsequent years, to the point where at its height it made up a full tenth of the population. This led to a number of legal battles fought at the imperial level over whether Cologne had the right or even, as some Catholic powers would have had it, the obligation to suppress Protestant worship within the city, or if instead the Peace made such persecution illegal, as the Palatinate and its supporters vigorously argued.²²³ Thus the city council had to create its religious policy under immense pressure from both sides of the confessional divide and with no clear guidelines beyond the desire to appease its most important allies, which eventually led the magistrates to side with the Catholics and place themselves outside of Article Twenty-Seven's

²²³ Bergerhausen, *Die Stadt Köln*, 166.

jurisdiction. Even then, citizens like Bade continued to dispute the legitimacy of that decision and insist that they had a right to peaceful coexistence, though the authorities did their best to silence such dissidents. In this environment of uncertainty, the Peace did very little to direct the development of the city's religious policy; the council still made the decision between tolerance and intolerance, just as they would have under *cuius regio, eius religio*. The failure of religious coexistence in Cologne therefore directly relates to the failure of the authors of the Peace to clearly stipulate the intended jurisdiction of Article Twenty-Seven.

Nuremberg did not experience the same degree of confused identification under the Peace of Augsburg, in part because of the clear dominance of Lutheranism within the city and in part because its magistrates never conceded any rights to their religious minorities, but the city still became involved in several lengthy debates about what obligations it held to Catholicism under the treaty. The monasteries provided one obvious sore point, as they not only represented a persistent Catholic presence in the city, but also brought to the fore questions of ownership and control, such as when Konrad Zittardus tried to reclaim and revive St. Katherine's. The legal case did not challenge Nuremberg's right to maintain the religious status quo within their territory, but it did question whether the city could further reform its lands through the seizure of defunct Catholic property. Similar issues fueled the Revindikationsbestrebungen throughout the Holy Roman Empire, since the Peace did not clearly delineate the right of reform, but the free imperial cities faced a unique challenge beyond even this, namely the question of whether they even possessed such a right. This ambiguity arose because of a key omission, for when Ferdinand wrote Article Twenty-Seven into the Peace to allow for biconfessionalism in some free imperial cities, he failed to state what should happen in those cities that did not fall into that

category, a fact which did not go unnoticed in the years to follow.²²⁴ As a result, mono-confessional cities like Nuremberg existed in a kind of limbo state, neither forced to accept religious diversity nor confirmed in their right to suppress it. Bamberg likewise used the uncertainty created by the Peace to claim that despite Nuremberg's accepted turn towards the Protestant camp, it retained its religious jurisdiction over the Catholics in Nuremberg's territory and thus had the right to use its political might to defend them. This assertion had no basis in the written terms of Article Twenty-Seven, and indeed contradicted another article of the Peace, but it nevertheless lingered unresolved until a new religious conflict could tear down the present order and attempt to construct a more defined solution. As the example of Nuremberg thus demonstrates, the state of limbo between true biconfessionalism and the full right of *cuius regio, eius religio* extended not only to cities like Cologne that had substantial religious minorities, but even to cities that most considered outside of the bounds of Article Twenty-Seven, which further undermined its ability to establish a peaceful status quo between the confessions.

This early failure of the Peace had ripple effects throughout its implementation and duration as the law of the land. As long as uncertainty endured, beyond a few cases, as to which cities Ferdinand had meant to refer to in Article Twenty-Seven and which he had not, it remained possible for any city to throw off its obligations simply through the expedience of a denial of their validity. Furthermore, the cities themselves stood on unstable ground as long as the interpretation of the Peace in the wider political environment of the Holy Roman Empire remained open to reinterpretation, and so even if they held a genuine commitment to their original stance on toleration, their implementation might have to change dramatically in response to external shifts. All in all, the Peace did achieve something notable in its creation of a space for

²²⁴ Bergerhausen, *Die Stadt Köln*, 163-164.

religious toleration, but the breadth and longevity of that space was anything but certain even in its earliest days.

The Peace of Augsburg's methods for the establishment of the conditions of a durable confessional peace contained still more holes that undermined its effectiveness. Of Kaplan's five criteria, the Peace only provided a basic framework for security guarantees and mechanisms for redress, and furthermore completely failed to address the issues of regulation, parity, and autonomy. This intensified the uncertainties around confessional coexistence and in many cases served to undercut whatever gains the Peace had initially achieved. As a result, religious toleration never gained a foothold in Nuremberg, soon disappeared in Cologne, and became severely embattled, though never eliminated, in Augsburg. The vague structures of the Peace thus doomed it to failure in the long run before the free imperial cities had even begun to implement it.

Because the Peace did not directly specify a method of enforcement, communal intervention at the imperial level provided the only assurance of protection against illegitimate persecution in the free imperial cities. However, given the divisive nature of confessional struggles, such a system could not guarantee that the intervening powers would act in an unbiased and neutral manner, as indeed the history of this period proved. As one of the more stable biconfessional cities, Augsburg and its citizens rarely had to call upon outside assistance for the protection of their religious rights, but when they did so, the results demonstrated that imperial politics could eventually produce a solution, but not without many years of strife between the confessional camps. Augsburg experienced this phenomenon most directly in the Kalenderstreit, which saw the Protestant estates uniformly support the grievances of the populist Lutheran revolt while the Catholic powers defended the actions of their coreligionists on the

council. Rather than resolve the claims that the new calendar infringed on the religious rights of the Protestant majority, this simply served to fan the flames of the conflict, which lasted for years longer as a result. Even when the imperial commission became involved, the citizenry at first refused to accept the negotiated solution, as they viewed the process as inherently biased towards the Catholics. Without a clearly designated body to maintain the terms of the Peace, such scenarios led to periods of extended chaos which left the whole system of religious coexistence in jeopardy. Though biconfessionalism in Augsburg did survive a number of challenges, in part because of the intervention of other states in the Holy Roman Empire, a more defined system of safeguards might have allowed the city to escape these episodes sooner or perhaps avoid them altogether.

Cologne also experienced a number of foreign interventions, but unlike Augsburg, its neighbours and allies sought not to preserve biconfessionalism, but to quash it. The Catholic powers argued that Cologne had not met the conditions of a mixed confessional status at the ratification of the Peace, and so it had no right to open religious stance that it had adopted. While such a claim had its merits, the events which followed from that stance demonstrated many of the greatest weaknesses of the protections put in place by the Peace. Through the use of proxies like the Duke of Alba and the imperial commission of 1579, the Habsburgs forced this interpretation of the Peace upon Cologne over the protests of a weakened Protestant party and reshaped the city after their vision of a Catholic bastion in the Empire's northwest. Though Cologne's magistrates eventually shook off claims of direct imperial authority over the city, they never again returned the heights of toleration experienced during those first few decades. This constituted the primary flaw in the Peace's method of protecting religious coexistence: a free

imperial city had no method of recourse when the threat to the Peace was the very forces that it had charged with its preservation.

On the other side of the issue, Nuremberg, although much less tolerant than the other two cities in an absolute sense, demonstrated that the mechanisms of the Peace had the power to affect even the most intransigent of free imperial cities. While the magistrates ably fended off attempts to revive St. Katherine's and the other local Catholic institutions, their survival for nearly four decades speaks to what Kaplan calls "the enduring protection" of the Peace.²²⁵ In a city that prided itself on the pure and faithful Lutheranism of its citizenry, these few enclaves of Catholicism stood out as a visible sign of the limits of the city council's power. Furthermore, Nuremberg's accountability to the imperial courts gave Catholics such as Zittardus an avenue for redress, albeit an imperfect one, that simply could not have existed outside of the context of the Peace. Such protections may not have successfully compelled the free imperial city to adopt a more tolerant attitude towards Catholicism, but Nuremberg did have to take the threat of imperial intervention seriously, which forced it to walk the line between full submission and open defiance. Through the comparison of the three cities' experiences with the safeguards of the Peace, one must conclude that they did have a certain power, but their lack of clear guidelines and controls against bias severely weakened their effectiveness.

The imperial courts also held the primary responsibility for the adjudication of disputes over Article Twenty-Seven, but their association with the Catholic estates through the Habsburgs similarly tainted their involvement with the spectre of bias and left them with little power to effect proactive change. Indeed, while imperial legal mechanisms frequently issued rulings in cases of suspected violations of the Peace, the Protestant estates demonstrated in several instances that they had no way to actually enforce their judgements. In this way the unrest of the

²²⁵ Kaplan, *Divided by Faith*, 208.

Kalenderstreit in Augsburg continued through one mandated resolution handed down by an imperial commission, while in the face of a direct order to hand over control of St. Katherine's Nuremberg simply refused to acknowledge a battle lost and continued to insist on the city's legal ownership of the convent until the case lapsed. In light of these frequent struggles to have their verdicts recognized, the imperial courts carried little weight as an adjudicating body, which naturally complicated any attempts to resolve religious conflicts peaceably. Thus at the level of states one must conclude that the Peace failed to supply an adequate mechanism for impartial judgment.

However, the ordinances of the Peace itself did have some long-term impact on smaller legal cases that concerned issues of toleration, as well as on social perceptions of legitimate political action. Most notably, several extant cases exist of individual citizens in the free imperial cities who cited the Peace and Article Twenty-Seven in order to defend their legal right to religious coexistence. The most notable instance of this comes from Cologne's 1571 wave of persecution against suspected Calvinists, some of whom defended their actions through the claim that they owed their loyalty not to the Reformed faith but rather to the Augsburg Confession and thus had a legal right to their religious freedom.²²⁶ This points to a simple and yet profound fact: these citizens believed that if they could convince their interrogators that they were Lutheran, they would come under the protection of the Peace. Given that Cologne had never expressly declared itself a mixed confessional city, this leap suggests that ordinary citizens had enough awareness of its clauses to seek protection in them. Similarly but more obliquely, the anonymous Protestant author of a 1583 letter of protest pointedly questioned "what sort of peace" the Augsburg magistrates sought to keep through the imposition of the new calendar in his

²²⁶ Schwerhoff, *Köln im Kreuzverhör*, 242.

accusation that they aimed at a Catholic restoration in the city.²²⁷ Likewise, David Weiss did not directly call upon Article Twenty-Seven in his testimony before the imperial commission, but he did accuse the Augsburg council of having “impeded” Protestant worship and thus upsetting the balance between confessions that the Peace had constructed.²²⁸ In both cases, citizens of Augsburg based their accusations of governmental overstep on standards of behaviour established by the Peace, which further speaks to its influence all the way down to the everyday in the free imperial cities. Without unbiased adjudication and protection, the Peace did not have the clout to perfectly implement the changes that it promised, but the fact that individuals believed in its influence did give it a certain degree of soft power.

Beyond the mixed results produced by the Peace’s systems for protection of minorities and adjudication, however, its implementation was also flawed by its complete omission of any provisions for regulations, parity, and autonomy. Since the Peace simply stated that “each party shall leave the other to maintain in a peaceful and orderly fashion its religion, faith, usages, ordinances, and ceremonies,” opinions on what aspects of life fell under its protection ranged widely.²²⁹ Indeed, this problem formed the basis for the entire Kalenderstreit, as the council argued that the new calendar had nothing to do with religion, while the Protestant populace saw the changes it imposed on religious holidays and other observances as a fundamental threat to their liberty. If the two confessions in a single city could not agree on what constituted reasonable religious coexistence, what hope existed for a wider consensus on the issue? Furthermore, this overreach of the Peace hugely complicated attempts to resolve the conflict, for as Scott Dixon puts it, “no compromise or simultaneum could neutralize a disagreement over

²²⁷ Tlusty, *Augsburg*, 37.

²²⁸ Tlusty, *Augsburg*, 48.

²²⁹ *The Religious Peace of Augsburg*.

something so fundamental to notions of order as the passage of time.”²³⁰ Although in the chaos of the Kalenderstreit the city did function under the observation of two different calendars, this could not serve as a feasible solution in the long-term, so any resolution had to address this gulf between the two parties. Without a clear delineation of what aspects of everyday constituted a religious right, the implementation of the Peace lacked consistency and struggled to address the more uncommon confessional conflicts.

The Peace also made no mention of how biconfessionalism should impact governmental structures. This was an intentional oversight on the part of the Habsburgs, as Charles and Ferdinand saw the city councils of the free imperial cities as a key staging ground for a Catholic resurgence, but it nonetheless produced many problems for the maintenance of the Peace in the long term.²³¹ In Cologne and Nuremberg, the magistracy made no pretense to confessional parity and remained under the control of the dominant confession from before the Peace. Without this important element of stable religious coexistence, their respective councils had the freedom to pass less than even-handed laws without any accountability within the city. Cologne’s Catholic allies implicitly acknowledged this fact when they forced the city to purge its government of Protestants in 1579, and indeed, Cologne’s more militant Catholic aristocrats swept to power in the wake of this change. In the absence of a more temperate voice in the administration, the previous acceptance of religious diversity evaporated, replaced by an atmosphere of vigilant intolerance. If anything, the lack of parity in Augsburg and the other free imperial cities more evenly divided by confession had even graver repercussions. In the initial decades of the Peace the influence of the two faiths within the government waxed and waned freely, but such a balance proved unstable in the long run; before long the Fugger-led pro-Catholic faction

²³⁰ Dixon, *Contesting*, 15.

²³¹ Kaplan, *Divided by Faith*, 221.

acquired a stranglehold over the council and did not relinquish it until the Thirty Years' War. The correlation between this shift and the sudden increase in confessional conflicts did not go unnoticed, for from the halls of patrician homes all the way down to the common taverns Protestant-sympathetic voices spoke out against the new religious bias of the council.²³² From this point onward, confessional coexistence in Augsburg depended entirely on the goodwill of the Catholic council and their reluctance to provoke the dissatisfaction of Protestants local and foreign, a state of affairs which did maintain the most obvious elements of toleration but exposed the community to any number of small manipulations of the confessional balance. Intentional or not, the Peace's surrender of any control over the religious makeup of the free imperial cities' governments made all of its achievements incredibly vulnerable to abuses of office when city councils became confessionalized.

The ability of religious minorities to handle their own affairs proved a tricky matter in the environment of early modern Europe, as no separation of church and state yet existed, and yet Article Twenty-Seven also did nothing in address this critical issue. This most directly impacted Augsburg and the other openly biconfessional cities, which continued to treat the priesthood and other religious positions as a form of public office and thus a position under the auspice of the city council. Once Anton Christoph Rehlinger ascended to the office of Stadtfleger and gave the militant Catholic faction decisive control over the government, they used this fact to meddle with the internal affairs of the Protestant church. The imperial commission of 1584 records David Weiss' extensive and bitter complaints on this very point:

“Before, the church elders searched for [new] preachers, examined them in the council of ministers, and presented them to an Honorable Council. Now the mayors do it, and even Doctor Tradel himself, whose religion isn't known, since he doesn't go to any church and doesn't take communion. The preacher [Johannes] Ehinger, who was most recently appointed based on Doctor Tradel's

²³² Tlusty, *Augsburg*, 48; Jesse, *Evangelischen Kirche*, 167.

recommendation, is such an unlearned man that he isn't qualified to be here. He, David Weiss, could preach better than this Ehinger."²³³

With the power to appoint their own candidates to the most important positions within the local Lutheran church, the Catholics of Augsburg could undermine their confessional rivals without the need to openly defy the Peace. Whether or not such actions fell under the contemporary definition of persecution, they certainly represented a major flaw in the way Article Twenty-Seven had constructed religious coexistence. Ironically, more covert religious movements such as the Lutheran and Calvinist communities in Cologne enjoyed more freedom in this regard, as they had no open places of worship to be regulated by the authorities. Due to their small numbers and the tight discipline that persecution had forced upon them, Protestant leaders had much more effective control over the religious aspects of everyday life than their Catholic counterparts.²³⁴ This increased autonomy as compared to other religious minorities, however, came only through persecution, so one can hardly credit the achievement to the Peace. Regardless of the scenario, the 1555 treaty gave no input on the issue of the independence of the churches from potentially biased local governments, to the clear detriment of the stability of confessional coexistence.

When evaluated by Kaplan's five criteria, the terms of Article Twenty-Seven clearly fall well short of adequate for the task of maintaining the religious peace's effectiveness in the free imperial cities over the long term. With only imperfect methods for the adjudication of disputes and protection against abuses combined with a blithe unconcern for clear bounds, governmental parity, or confessional autonomy, the Peace could do little to address the major challenges of religious coexistence, whether they took the form of Augsburg's gradual confessionalization, imperial interference in Cologne, or the stubborn refusal of Nuremberg to comply with its regulations. As such, the confessional balance in the free imperial cities perennially

²³³ Tlusty, *Augsburg*, 48.

²³⁴ Chaix, "Die schwierige Schule," 213-214.

demonstrated its fragility and by the time of the Peace of Westphalia, it survived in only four of their number.

However, the Peace's failure in the long term does not necessarily preclude its potential to encourage genuine toleration in the short term, so one must analyze this aspect on its own merits. In essence, the question is this: when two religious communities had to coexist in the same space, did they accept this state of affairs and mix freely with one another, or did they hold themselves apart and look for any opportunity to circumvent statutes of toleration? Since the authors of Peace did not seek to legislate such a deep integration of biconfessionalism into society, nor would they have even if they could, each individual free imperial city experienced this aspect of coexistence in their own unique way. Overall, what seems evident from the histories of Augsburg, Nuremberg, and Cologne is that in absence of religious conflict true toleration lay well within the realms of possibility, for as Michelle Hanson puts it, "it took a combination of factors, not religious difference alone, to motivate hostility."²³⁵ However, in the face of the confessional pressures of the day, which fused religious issues with political, social, and economic concerns, this state of concord could collapse in a sudden and dramatic fashion. Therefore, in this area as well the Peace constituted only a mixed success.

In order to truly understand Augsburg's experience of religious coexistence, one must divide its history into two periods, for the Kalenderstreit marked a major turning point in how the confessions viewed and interacted with one another. Before that outburst of hostility, peacefully intermingled society was the order of the day. The two faiths shared the same schools and welfare systems, participated in government together, and even intermarried, which reflected the

²³⁵ Hanson, *Religious Identity*, 174.

general if not total cooperation and harmony between the confessions.²³⁶ Confession seemed not to form a key part of everyday identity, for the two religions did not hold themselves as definably separate communities. Some citizens did of course continue to hold a strong antipathy towards the religious other, but this proved more the exception than the rule and outward manifestations of these tensions remained rare in the early days.²³⁷ For the most part, therefore, the citizenry of Augsburg exercised a genuine attitude of toleration towards the religious other in this period immediately after the Peace.

All of this changed in the early 1580s after the Catholics swept to power in the council and the citizenry became divided over the institution of the new calendar. Not only did social institutions become segregated, but the citizenry began to internalize their separate confessional identities and reflect them in highly personal ways like their choice of names.²³⁸ With differences of religion so readily apparent, Augsburg began to separate into two communities within the same set of walls. Politics also underwent a process of confessionalization, as not only did parties divide based on religious conviction, but leaders also used theology to justify their positions.²³⁹ Faith therefore began to define all aspects of an individual's life within the city, a state bound to provoke distrust of those so completely different from oneself. However, just as some held to intolerant outlooks during the first stage of the Peace in Augsburg, tolerant attitudes remained possible during this latter period, though individuals with such beliefs dwindled in number and could be found for the most part only in the city's elite.²⁴⁰ Due to the fact that the rhetoric of the city had become so thoroughly confessionalized and the populace so divided,

²³⁶ Thomas Brady, *German Histories in the Age of Reformations, 1400-1650* (Cambridge: Cambridge University Press, 2009), 233.

²³⁷ Dixon, *Contesting*, 11.

²³⁸ Kaplan, *Divided by Faith*, 258; Brady, *Communities*, 386.

²³⁹ Dixon, *Contesting*, 3.

²⁴⁰ Warmbrunn, *Zwei Konfessionen*, 391-392.

most accepted that the faiths would never reconcile their differences. Thus if the 1560s and 1570s represented a time of unprecedented religious toleration, the later years of the Peace demonstrated an equally intense period of confessional division.

Cologne underwent a very similar process of confessionalization to Augsburg, in which Catholics and Protestants enjoyed relatively cordial relations in the first decades after the Peace, only to see tensions rise in the 1580s. Initially, the faiths maintained only very fluid boundaries, for many among the elite did not yet see the breakdown of Christian unity as permanent.²⁴¹ However, as in Augsburg, a more militantly Catholic faction came to power, in this case with outside assistance, and moved the city towards a period of general intolerance. Hermann Weinsberg stands as a prime example of this shift; as late as 1579 he recorded an account of a friendly religious debate with a Calvinist named John Tonberg, but by 1595 his perspective had shifted such that he castigated the impoverished Protestant Diederich Forst for his “wretchedness and corruption.”²⁴² Weinsberg was by no means an alarmist on the topic of religion, but even he eventually absorbed the hostility of the environment as it became more polarized. Ironically, the authorities’ successful isolation of the Protestants within society seems to have diminished the fear of and aggression towards such groups, since over time the discovery of secret gatherings of religious dissidents provoked less alarm and less violent reprisals.²⁴³ Therefore, even more so than Augsburg, Cologne’s experience reinforces the impression that confessional friction in the everyday was more the product of social conflicts than their source.

Although Nuremberg for the most part evaded the Peace’s requirement for the accommodation of religious minorities and thus had little opportunity to demonstrate toleration in the everyday, certain facets of the citizenry’s attitude towards the religious other still offer

²⁴¹ Hsia, *Social Discipline*, 80.

²⁴² “elend und verderbnis” (translated by the author), Weinsberg, *Das Buch Weinsberg, Vol V*, 143, 416.

²⁴³ Schwerhoff, *Köln im Kreuzverhör*, 255-256.

valuable insights into the issue. As the case of Sebald Welser shows, hostile attitudes to the idea of Catholicism did not necessarily extend to interactions with individual Catholics, though few outside of the aristocracy had the chance to interact with the monastery residents. Catholicism as a larger idea posed an existential threat to Nuremberg's identity, but individual adherents of the religion represented a lesser danger, so they did not draw the same belligerent reaction. To use the words of Alexandra Walsham, "abstract hatred of a false religion as a system of thought was by no means incompatible with cordial relations with its human adherents. People might exhibit a profound opposition and aversion to a rival faith without translating this into a practical distaste of or destructive action against those who professed it."²⁴⁴ In addition, for all of the magistrates' vigilance against a Catholic resurgence, they made no clear distinction between themselves and other Protestant groups, up to and including those Calvinists who sat on the council with them. In this area, Nuremberg actually exceeded Augsburg and Cologne in tolerance, as neither of its sister-cities ever allowed a Calvinist to take part in their leadership. This attitude of toleration in the ordinary facets of life had little impact on the direction of the city, but it does hint that given the opportunity, the citizenry of Nuremberg possessed a more generous attitude towards religious diversity than the council's policies might suggest.

The Peace of Augsburg did not ultimately usher in a revolution of interreligious acceptance, for the tolerant atmosphere proved highly fragile and prone to disruption. Nor did these communities ever accept a full range of religious acceptance even at the heights of their diversity, for each enacted and followed through with violent policies of repression against the radical Christian groups like the Anabaptists. However, those spaces and periods of time in which toleration became the order of the day showed a remarkable facility to impact the views of individual citizens and their everyday interaction. Mixed record or not, the Peace proved that

²⁴⁴ Walsham, *Charitable Hatred*, 21.

even during the polarized environment of Reformation era Europe, people of different faiths could create a single functional community together if given the chance.

What, then, do the examples of Augsburg, Cologne, and Nuremberg reveal about the nature of the Peace of Augsburg in the free imperial cities? Evidently, the treaty had many flaws, which a wide range of actors exploited as the atmosphere of the Holy Roman Empire as a whole became confessionalized, but this should not take away from the major strides the Peace made in first few decades after the Princes' War, as it not only allowed confessions to live next to one another, but even created a space in which they could truly live together. Furthermore, the gains made by Article Twenty-Seven for religious diversity endured in Augsburg and a few of its fellows through the Thirty Years' War and beyond. In the investigation of tolerance in the early modern period, therefore, the free imperial cities remain a case study with much information to offer about how individual communities have responded to the challenge of diversity in an era of divisiveness and mutual hostility.

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