

# Church, Space and Conflict: Religious Co-Existence and Political Communication in Seventeenth-Century Switzerland<sup>1</sup>

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## I: Introduction

The story begins with a religious conflict; the setting is the parish church of St Mary in Zurzach, in the *Grafschaft* (county) of Baden.<sup>2</sup> From the Reformation until the eighteenth century both Catholics and Protestants used this consecrated space to conduct their services.<sup>3</sup> The key to the door of the church was kept by the canons of the Verenastift (the St Verena foundation), who were responsible for the spiritual welfare of the Catholic congregation;<sup>4</sup> a Reformed minister led services for the village's Protestant faithful. In winter the church doors were opened for the village's Protestants at 9 o'clock, and in summer the minister ascended the pulpit at 8—on condition, though, that the Catholic priest, who with his larger congregations had the use of the church an hour earlier in each case, had finished his own service in good time.<sup>5</sup>

<sup>1</sup> This article forms part of a project, supported by the Schweizer Nationalfonds, on the culture of politico-denominational conflict within the *Gemeine Herrschaften* of the Swiss Confederation. I am grateful to the Schweizer Nationfonds for financial assistance, and to Thomas Maissen, Jan-Friedrich Missfelder and Bernd Roeck for suggestions and criticisms, as well as to this journal's two anonymous referees.

<sup>2</sup> The Verenastift in Zurzach had long had charge of the church, while Zurich had held the patronage; see Albert Sennhauser, Hans Rudolf and Alfred Hidber, *Geschichte des Fleckens Zurzach* (Zurzach, 2004), p. 228.

<sup>3</sup> The Protestant congregation acquired its own parish church in 1716/1717; see Georg Germann, *Der protestantische Kirchenbau in der Schweiz von der Reformation bis zur Romantik* (Zurich, 1963).

<sup>4</sup> Physical access to the consecrated space thus had a denominational aspect. It was not until 1668 that the Reformed congregation demanded, *inter alia*, its own church key; see Sennhauser, Rudolf and Hidber, *Geschichte*, p. 232. There is also a complaint about the lack of a key in a catalogue of grievances compiled by Waser, the town clerk; see Staatsarchiv Zürich (henceforth StAZH) BI 284, fol. 295.

<sup>5</sup> StAZH A. 321.1 Gemeine Herrschaften, Politisches: Zurzach und Kadelburg (1265–1737), no folio nos. See also Paul Brüscheiler, *Die landfriedlichen Simultanverhältnisse im Thurgau* (Frauenfeld, 1932), p. 94. A conflict over dual-confessional use of a church, arising after a Catholic

As the fact that the Catholic service was held before the Protestant one indicates, rights to the use of the church building were by no means equal.<sup>6</sup> This is particularly clear as far as the arrangement, furnishing and use of the space for liturgical purposes was concerned. The Protestant congregation was required to respect the visual manifestations of the Catholic faith, and churches that were used by both denominations were accordingly decorated with religious paintings.<sup>7</sup> By contrast, the rights of the Protestants to influence the appearance of the church interior were limited, since account had to be taken of the religious sensitivities and rites of the Catholics.<sup>8</sup> This imbalance had quite specific consequences for the Reformers' religious practices. After the canons of the Verenastift closed off the open chancel of the church with rails, in accordance with the principles of the Council of Trent,<sup>9</sup> that area of the church was no longer available for use by the Protestants, or access at least became significantly more difficult. Zwingli's tract on the Lord's Supper of 1525, however, had specified that the Communion table should be placed in the chancel,<sup>10</sup> and that was where the Zurzach Protestants, too, usually received Communion. A simple moveable table was placed at the front of the chancel for the purpose.<sup>11</sup> The effect of the railing-off of the chancel was to define this

service had overrun, is analysed in Daniela Hacke, 'Zwischen Konflikt und Konsens: Zur politisch-konfessionellen Kultur in der Alten Eidgenossenschaft des 16. und 17. Jahrhunderts', *Zeitschrift für Historische Forschung*, 32 (2005), 575–604.

<sup>6</sup> As Brüscheiler notes, the time when the Catholic service began was specified, but not the time at which it should finish; see Brüscheiler, *Die landfriedlichen Simultanverhältnisse*, p. 94.

<sup>7</sup> It is by no means easy to establish what the interior of the Zurzach parish church would have looked like in the sixteenth and seventeenth centuries. Most of the furnishings fell victim to the iconoclasts, as may be inferred from the Wyss chronicle. According to the chronicler, pictures and altars were burnt by Georg Teufel and the preacher Franz Zingg, who had been sent out from Zurich; see *Die Chronik des Bernhard Wyss 1519–1530*, ed. Georg Finsler (Quellen zur schweizerischen Reformationsgeschichte, 1, Basle, 1901), p. 140. Some frescoes, however, seem to have survived the activities of the iconoclasts, such as an image of St Sebastian next to the niche of the south side altar, a crucifixion on the south wall of the nave and some Renaissance ornamentation above the triumphal arch; see Sennhauser, Rudolf and Hidber, *Geschichte*, p. 31 and Adolf Reinle, *Die heilige Verena von Zurzach: Legende, Kult, Denkmäler* (Basel, 1948), pp. 204–208.

<sup>8</sup> Brüscheiler says, correctly, that the 'Protestants' right to the use [of the church] ... by contrast with that of the Catholics, was, in the main, a right at the disposal of others rather than of one of themselves'; see Brüscheiler, *Die landfriedlichen Simultanverhältnisse*, pp. 85–86.

<sup>9</sup> The Milan provincial synod of 1576, together with a series of further synods until 1619, made it mandatory for the altar to be closed off behind rails or other barriers and banned the laity from entering the altar area; see Josef Braun, *Der christliche Altar in seiner geschichtlichen Entwicklung* (Munich, 1924), vol. 2, p. 654.

<sup>10</sup> More precisely, beneath the triumphal cross at the chancel entrance; see Germann, *Der protestantische Kirchenbau*, p. 17, and Germann, 'Der protestantische Kirchenbau in der Schweiz bis 1900—30 Jahre Forschungsgeschichte', in Klaus Raschzok and Rainer Sörries (eds), *Geschichte des protestantischen Kirchenbaus* (Erlangen, 1994), pp. 192–200, esp. p. 193. The Reformed congregations in the dual-confessional churches of the Baden *Grafschaft* adhered to the rules governing religious belief and worship that had, in large part, been established by Zwingli in 1525; see Emil Egli *et al.* (eds), *Zwinglis sämtliche Werke* (uncorrected reprint, Munich, 1981), vol. 4, p. 661, no. 70: 'Ordnung der christlichen Kirchen zu Zürich'.

<sup>11</sup> A moveable altar table, covered with a white cloth, at which Communion was celebrated, conformed closely to Zwingli's 1525 teaching on Communion; see Germann, *Der protestantische Kirchenbau*, pp. 18–19.

space within the church as a specifically Catholic area. In 1606 the Reformed minister complained that the provost and chapter now had complete control of the chancel.<sup>12</sup>

The Reformed congregation of Zurzach was similarly disadvantaged with regard to the ceremony of baptism. Unlike the Catholics, they did not have a baptismal vessel of their own until the beginning of the seventeenth century: the Reformed minister had to use a simple copper receptacle when conducting christenings, whereas the Catholic priest was able to use a stone font. When, after long negotiations, the Protestants finally acquired a font of their own for their children's baptisms, there was 'much unpleasantness and vexation' among the churchgoers. On the occasion of the first baptism with the new font, the infant's father, a shoemaker called Hansen Nägeli, was pelted with stones, as were his children; Nägeli himself feared for his life.<sup>13</sup> The *Landvogt*, the senior administrator of the *Grafschaft*, was forced to issue a call for the restoration of order and calm, threatening that he would punish anyone who ignored it.<sup>14</sup> The dispute over the font quickly gave rise to concern at the highest level of the Confederation. In June 1604 the question of the installation of the font in bi-confessional Zurzach was discussed at the Confederate Swiss Diet. The font subsequently became the subject of lengthy political negotiations that wore on for two years, involving the Verenastift in Zurzach, the *Landvogt* of the *Grafschaft* of Baden and various Reformed and Catholic confederates or states (*Orte*) of the Swiss Confederation.

This brief introductory account of the way in which the parish church in Zurzach was used shows how the physical space of the early modern church constituted a religious action-space within which, and concerning which, conflicts between the adherents of the two denominations flared up. Disputes arose, first, because the clashing aims of Catholics and Protestants in their drive towards confessionalization came into confrontation at the closest of quarters.<sup>15</sup> It was in the church interior that the differences between the cultures of the two denominations assumed concrete form. Indeed, when a new image was introduced, or a chancel railed off, or a font installed in this consecrated space, these events were not merely the consequences of confessionalization but acts of confessionalization as such.<sup>16</sup>

<sup>12</sup> See StAZH A. 321.1 Gemeine Herrschaften, Politisches: Zurzach und Kadelburg (1265–1737), no folio nos. For a particularly well documented example of the railing-off of a chancel in the Toggenburg, see Bruno Z'Graggen, *Tyrannenmord im Toggenburg. Fürstbühliche Herrschaft und protestantischer Widerstand um 1600* (Zurich, 1999).

<sup>13</sup> StAZH BVIII 10 (1600–1606), Instruktionen 1605, fol. 195v.

<sup>14</sup> StAZH A. 321.1 Gemeine Herrschaften, Politisches: Zurzach und Kadelburg (1265–1737), no. 19, unpaginated, 25 April 1606: *Landvogt* Pfyffer to the council and parish of Zurzach.

<sup>15</sup> On the clashes arising from the drive towards confessionalization, and their manifestation within the church space, see Freya Strecker, *Augsburger Altäre zwischen Reformation (1537) und 1635. Bildkritik, Repräsentation und Konfessionalisierung* (Münster, 1998), p. 59.

<sup>16</sup> See Jan Harasimowicz, *Kunst als Glaubensbekenntnis. Beiträge zur Kunst- und Kulturgeschichte der Reformationszeit* (Baden-Baden, 1996), preface (unpaginated).

Secondly, the system of bi-confessionality—the *simultaneum*—within the Confederation did entail parity in the arrangement, furnishing and employment of space in churches, since the rights to the use of churches that had been laid down in the *Landfrieden* were considerably to the advantage of Catholic priests and laity and to the disadvantage of Protestant congregations. Indeed, contemporaries themselves recognized that the unequal treatment of the different denominations with regard to the spatial arrangement of churches was a source of disputes and ill-feeling.<sup>17</sup> In consequence, the confessionalization of dual-use church space under structurally unequal conditions became a factor relevant to social order in the bi-confessional village and town communities. To put it another way, the ‘institutionalization of confessionalization’<sup>18</sup> in those bi-confessional communities within the Confederation led to conflicts over the liturgical arrangement, furnishing and use of parish churches which extended beyond the consecrated space of the church as such and posed a threat to order and social harmony in the villages themselves and, arguably, in the Confederation at large.

A parish church, by dint of being a public space, exemplifies the connection between the public sphere and institutional order.<sup>19</sup> For purposes of historical analysis, two aspects of this connection may be distinguished (following recent work by Susanne Rau and Gerd Schwerhoff): ‘first, the contribution made by public spaces to institutional arrangements in the early modern period and, secondly, the problem of stability and order within these spaces themselves: the inn, the church, the market-place.’<sup>20</sup> The problem of stability and order within the church space and in community social structure was certainly applicable to bi-confessional Zurzach, since the church became an arena in which questions of liturgical spatial arrangement and practice gave rise to conflicts between the Protestant and Catholic faithful. However, the fact that the *Landvogt* called for public order and that the Confederate Diet became involved in local politics indicates that the conflict within the bi-confessional community was sufficiently explosive to transcend the question of confessional arrangements at local level. It is this transfer of the denominational

<sup>17</sup> Hence it was argued, logically enough, that the approval of a Protestant font in Zurzach would lead to greater ‘peace’ and ‘unity’: see StAZH BVIII 10 (1600–1606), Instruktionen 1605, fol. 194v.

<sup>18</sup> For this term, see Susanne Rau and Gerd Schwerhoff (eds), *Zwischen Gotteshaus und Taverne. Öffentliche Räume in Spätmittelalter und Früher Neuzeit* (Cologne, Weimar and Vienna, 2004), p. 26.

<sup>19</sup> My definition of a public space follows Rau and Schwerhoff, *Zwischen Gotteshaus und Taverne*, p. 48: ‘We can define, provisionally, as public those spaces which were, essentially, accessible to people of differing regional and social backgrounds and of both sexes. In addition, such spaces played a part in communication and social interaction and were relevant to early modern societies in the sense that they were places where people of very diverse origins could engage in complex social-exchange relations and where processes of opinion-formation were facilitated, conflicts conducted and decisions made: they were places, in other words, where the public sphere was established.’

<sup>20</sup> See Rau and Schwerhoff, *Zwischen Gotteshaus und Taverne*, p. 25.

conflict to the sphere of Confederate politics that gives it a special significance and makes it of relevance to broader questions about the handling of confessional differences through political communication within the Confederation.

The central thesis in what follows, then, is that if we analyse these conflicts over the arrangement and furnishing of certain church spaces we can gain an insight into political practice, the establishment of social order and the handling of denominational differences within the Swiss Confederation. This article is an attempt to contribute to our understanding of early modern political history by using concepts from cultural history and communication theory in which politics is closely linked to social and confessional processes generating meaning and order.

It should be noted, incidentally, that in using the term ‘communication theory’ this article is not referring to the notion of communication used in the sender-recipient model developed within communications science, a view of communication as the transmission of information which has gained considerable currency in studies of the pre-modern era<sup>21</sup> and has been the basis for detailed analyses of the ‘revolution’ in the communications media (book printing, pamphlets and newspapers) and of the technological innovations that took place in postal, transport and news services.<sup>22</sup> Nor is it concerned with communication as symbolic interaction or activity—an approach which, following the shift towards cultural studies in the 1980s, has been influential, in particular, in studies of the medieval and early modern periods and of the role of ritualistic and ceremonial forms of authority.<sup>23</sup> The view taken here of communication is instead sociological in inspiration and sees political discourse as an arena with its own internal system of production of meaning.<sup>24</sup>

<sup>21</sup> See, for example, the collections compiled by Heinz-Dieter Heimann and Ivan Hlaváček, *Kommunikationspraxis und Korrespondenzwesen im Mittelalter und in der Renaissance* (Paderborn, Munich, Vienna and Zurich, 1998), and Institut für Realienkunde des Mittelalters und der Frühen Neuzeit, *Kommunikation und Alltag in Spätmittelalter und Früher Neuzeit*, Internationaler Kongress Krems an der Donau 9. bis 12. Oktober 1990 (Vienna, 1992). The latter collection examines the ‘communicational relevance’ both of the primary media (language and body language) and of the secondary media (writing and pictures), emphasising that ‘it is necessary to demonstrate the extent to which information is conveyed to recipients, doing so in terms of the criteria of social rank and/or differences in social rank, distance and proximity, dissemination and speed of dissemination, attitudes and assessments, and, finally, promotion and repression’ (p. 5).

<sup>22</sup> For a good survey of the state of research up to 1994, see Wolfgang Behringer, ‘Bausteine zu einer Geschichte der Kommunikation’, *Zeitschrift für Historische Forschung*, 21 (1994), 92–112; Behringer, *Im Zeichen des Merkurs: Reichspost und Kommunikationsrevolutionen in der Frühen Neuzeit* (Göttingen, 2003); Behringer, ‘Communication in History’, *German History*, 7 (2006), 325–332; and Behringer, ‘Communications Revolutions: A Historiographical Concept’, *German History*, 7 (2006), 333–74. For a treatment of the Reformation as a media event, see Johannes Burckhardt, *Das Reformationsjahrhundert: Deutsche Geschichte zwischen Medienrevolution und Institutionenbildung 1517–1617* (Stuttgart, 2002).

<sup>23</sup> See the survey by Barbara Stollberg-Rilinger, ‘Symbolische Kommunikation in der Vormoderne: Begriffe—Thesen—Forschungsperspektiven’, *Zeitschrift für Historische Forschung*, 4 (2004), 489–527.

<sup>24</sup> The term ‘meaning’ (*Sinn*) is used here not in Luhmann’s sense but in the sense customary in the humanities; Luhmann uses it to refer to the totality of what is possible within a system.

On this approach, communication is not, primarily, a medium for action orientated towards understanding (*verständigungsorientiertes Handeln*, as in the Habermasian concept of communicational action, *kommunikatives Handeln*) but (following Luhmann) is a process of selection and hence fundamentally contingent.<sup>25</sup> This process involves not only information and its transmission but also understanding itself.<sup>26</sup> It directs our focus away from the *transfer* of items of information (as in Habermas) and places the emphasis on the emergence of communication.<sup>27</sup> For Luhmann, moreover, communication is not goal-directed or subjective.<sup>28</sup> His view of communication is not concerned with consensus and agreement (Habermas's framework): rather, he sees it as the enforcement of a decision or selection, in other words the acceptance or rejection of an item of information.<sup>29</sup> Choice between these options 'differentiates the connective position for the next communication':<sup>30</sup> that is, determines whether one selection process leads on to another and hence whether a subsequent communication takes place or the communication is broken off. This approach highlights the potential for contingency in communication and emphasizes that communication is only partially governed by motives, intentions and strategies. It sees communication as the arena for the production of difference: as a process that occurs through the succession of one act of communication by the next and thereby makes difference visible and demarcates it.

If we are to understand the communication practices through which denominational differences were articulated in the Swiss Confederation, it is vital that we consider the practical politics that accompanied them. The reason why we shall reconstruct in detail the conflict over the font in Zuzach and the lengthy negotiations that were involved is that in the process we shall learn a great deal about the forms of political communication that existed in the Swiss Confederation. However, this study will also enable us to explain how denominational differences were produced, ascribed and entrenched, through the medium of writing and through the means of communication specific to the different denominations. As the latest work in the field suggests, confessional

<sup>25</sup> 'Like life and consciousness, communication is an emergent reality, a state of affairs that is *sui generis*. It comes about through the synthesis of three different processes of selection: selection of an item of information, selection of a means of transmission of the information, and selective understanding or misunderstanding of this transmission and of the information transmitted. None of these component parts can occur in isolation. Only together do they create communication.' See Niklas Luhmann, 'Was ist Kommunikation?', in Luhmann, *Aufsätze und Reden* (Stuttgart, 2004), p. 97.

<sup>26</sup> 'Understanding is never a mere duplication of transmission within another consciousness, but is a connective prerequisite, within the communications system itself, of further communication: in other words, a precondition of the autopoiesis of the social system.' See Luhmann, 'Was ist Kommunikation?', p. 98.

<sup>27</sup> Luhmann, 'Was ist Kommunikation?', p. 100.

<sup>28</sup> 'Communication has no purpose, no entelechy. It either takes place or does not take place—that is all that can be said about it.' See Luhmann, 'Was ist Kommunikation?', p. 102.

<sup>29</sup> *Ibid.*, pp. 103–104.

<sup>30</sup> *Ibid.*, p. 104.

difference is a fruitful object of study in its own right, a phenomenon that did not exist in objective terms but was repeatedly re-negotiated through processes of ascription and appropriation in the course of religious and political disputes. These processes were very varied, occurring both from ‘top down’ and ‘horizontally’ between the Reformed and Catholic groups living in Zurzach and among the ecclesiastical and secular authorities. Individuals and the various authorities all had to react to the ‘confessional’ question and accept that it had become part and parcel of social relations and political communication.<sup>31</sup>

It will be desirable, therefore, first to say something about the structures and norms that governed practices of communication in the Confederation and contributed to the formation of communication and social order. After all, as Rudolf Schlögl has outlined, it is only when ‘technologies of communication formation’ are available—in other words, when the ‘repeatability of communication’ is assured—that social order can emerge.<sup>32</sup> Communication thus encompasses action,<sup>33</sup> inasmuch as language itself plays a vital role in creating, and not merely reproducing, meaning.<sup>34</sup>

## II: Structures and Norms: Forms of Communication in the Confederation

The installation of the font in Zurzach became a political bone of contention in the Confederation only because this small town lay within a *Gemeine Herrschaft* (a ‘shared lordship’, or mandated territory): namely, the *Grafschaft* of Baden, which had been jointly governed by eight Confederate states since the early fifteenth century. When the Confederation split along denominational lines, this joint form of governance, already complex in structure, became even more difficult to operate as the separate Confederates went their different confessional ways. On one side of the divide, with a smaller population but far greater political and economic strength, were the three Reformed states

<sup>31</sup> See Christophe Duhamelle, ‘Religiöse Identität als Streitprozess: Der Gesangsbuchstreit in Wendehausen (Eichsfeld), 1792–1800’, *Historische Anthropologie*, 3 (2003), 397–414, esp. 398.

<sup>32</sup> Rudolf Schlögl, ‘Perspektiven kommunikationsgeschichtlicher Forschung. Ein E-Mail-Interview’, *sehpunkte*, 4, 9 (10 Sept. 2004).

<sup>33</sup> Niklas Luhmann, *Soziale Systeme* (Frankfurt/Main, 1984), p. 227: ‘In parallel to the distinction between information and transmission, action is socially constituted in two different contexts: as information, or as the topic of a communication; or as an act of transmission. In other words, of course, there is non-communicational action, about which communication is merely informed ... Communications systems are free to communicate about actions or about something else; they must, however, interpret transmission itself as action, and it is only in this sense that action becomes a necessary component of the self-production of the system from one moment to the next.’

<sup>34</sup> The methodological advantage of this position, which is a shift away from a cultural-studies view of the way the world is represented in language, cannot be over-emphasized. It is stressed by Rudolf Schlögl: see ‘Bedingungen dörflicher Kommunikation. Gemeindliche Öffentlichkeit und Visitation im 16. Jahrhundert’, in Werner Rösener (ed.), *Kommunikation in der ländlichen Gesellschaft* (Göttingen, 2000), pp. 241–61, esp. pp. 260–61.

of Zurich, Berne and Reformed Glarus; on the other side were the five Catholic states of Lucerne, Schwyz, Zug, Uri and Unterwalden. Although the governing states sent a *Landvogt* to the *Vogtei* on a two-year rotation, Catholic succeeding Protestant and vice versa, the *Landvogt* was in charge of a community in which Protestant subjects were in the minority and Catholics in the majority. The Baden *Landvogt* possessed important powers—for example, as the *Grafschaft*'s highest political official he exerted supreme legal authority within the co-governed *Vogtei*—but he was far from being sovereign. His administrative and political decision-making was subject to the control of the eight Confederate states which governed this *Gemeine Herrschaft*.

The eight Confederates, in other words, were the real authority within the *Grafschaft* of Baden. In the joint *Vogteien* they operated, not as individual sovereign entities, but as co-regents. They conducted government business at the Confederate Swiss Diets that met at regular intervals. The Diet, or *Tagsatzung*—the term derives from the phrase *einen Tag setzen*, 'to set a day'—is generally described as a congress of envoys from the separate Confederates that made up the political body of the Swiss Confederation.<sup>35</sup> On average, joint Confederate sessions took place three times a year in the post-Reformation period, and extra separate Catholic and Reformed sessions were also called from time to time.<sup>36</sup>

In contrast to customary practice in the early modern period, it was a structural feature of the governance of the *Gemeine Herrschaften* that the governing partners did not communicate with one another face to face. Rather, the political culture and the shaping of social order within the Confederation was heavily influenced by the medium of writing. Communication took the form, in part, of 'instructions' (*Instruktionen*) and 'recesses' (*Abschiede*) produced in connection with the Confederate Diet. The deputies, or, more accurately, the envoys,<sup>37</sup> who represented the political opinions and followed the orders of their states when conflicts arose at the Diet sessions, received their *Instruktionen* in written form, these directives outlining topics to be discussed

<sup>35</sup> On the functioning of the Diet, see Andreas Würigler, 'Die Tagsatzung der Eidgenossen: Spontane Formen politischer Repräsentation im Spätmittelalter und in der frühen Neuzeit', in Peter Blickle (ed.), *Landschaften und Landstände in Oberschwaben. Bäuerliche und bürgerliche Repräsentation im Rahmen des frühen europäischen Parlamentarismus* (Tübingen, 2000), pp. 99–117; Niklaus Bütikofer, 'Konfliktregulierung auf den Eidgenössischen Tagsatzungen des 15. und 16. Jahrhunderts', *Parliaments, Estates and Representation*, 11 (1991), 103–115; Bütikofer, 'Zur Funktion und Arbeitsweise der eidgenössischen Tagsatzung zu Beginn der frühen Neuzeit', *Zeitschrift für Historische Forschung*, 13 (1986), 15–41; Michael Jucker, *Gesandte, Schreiber, Akten: Politische Kommunikation auf eidgenössischen Tagsatzungen im Spätmittelalter* (Zurich, 2004).

<sup>36</sup> In the late fifteenth century Diets were held more frequently, with an average of over twenty joint sessions annually: see Würigler, 'Die Tagsatzung der Eidgenossen', esp. p. 107.

<sup>37</sup> The delegates of the individual states were, not least, senior political function-holders within their political states (mayors, treasurers etc.); at the Diet they were transmitters of information and 'experts in governance, negotiating partners and power-holders': see Jucker, *Gesandte*, p. 81.



and indicating goals that their masters hoped to achieve.<sup>38</sup> If the envoys had no instructions, then the business in question had to be ‘brought home’ or referred for consultation, and further negotiations had to wait until the convening of a new Diet, by which time instructions would have become available.<sup>39</sup> In contrast with *Instruktionen*, which specified the topics on which negotiations were to take place and spelled out, with varying degrees of exactness, what negotiating line was to be followed, *Abschiede* (the term first occurs in the 1470s, in the context of internal Confederate diplomacy)<sup>40</sup> were records of political negotiations. They were drafted at the end of a session by the clerk of the Confederate state in which the Diet was held and given to the individual envoys; they were then ‘brought home’ by the envoys—that is, passed on to the relevant political estate, such as Zurich, Berne or Lucerne. As the pace of diplomatic communication within the Confederation increased in the late fifteenth century, *Abschiede* also took on the function of structuring political communication, serving to organize and impose written form on the political debates at the Diet, albeit in a selective and synthesizing fashion.<sup>41</sup>

In addition to the written material that was generated by the meetings of the Confederate Diet, an intensive system of correspondence developed. In the course of religious disputes in the *Gemeine Herrschaften* countless missives passed among the co-regent states. Many of the communications that were exchanged among the Catholic Confederates had the purpose of establishing an internal denominational position on a particular issue before written negotiations were conducted with the Reformed states.<sup>42</sup> This correspondence network included not only the ‘supreme’ authorities but also the administrator of the *Grafschaft*, the *Landvogt* in Baden, and the officials and priests of the individual parishes: in the archives we encounter these individuals in their roles as reporters to, and recipients of orders from, the Confederate authorities. Together with the actual business conducted by the Diet, this hierarchically structured (and ‘structuring’) written traffic not only described, but

<sup>38</sup> The negotiating freedom enjoyed by the envoys seems to have varied from topic to topic. On the question of the building of the church at Tegerfelden, for example, Zurich advised its Diet envoys to come to an arrangement with the envoys from Berne and Reformed Glarus (see StAZH, BVIII 21, fol. 55r). In other cases, however, it gave them exact instructions as to how they should ‘proceed and settle’ a ‘matter’ (see StAZH, BVIII 19, fol. 208r). Jucker, *Gesandte*, p. 102ff. takes the view that there is ‘at least some doubt’ whether envoys always felt bound by their instructions, since they themselves were part of the political system that they represented.

<sup>39</sup> If a session of the Diet lasted for several days, then it was sometimes possible for envoys to obtain orders from the relevant authorities while the Diet was still in session: see Bütikofer, ‘Zur Funktion und Arbeitsweise’, esp. p. 22.

<sup>40</sup> Jucker, *Gesandte*, p. 167.

<sup>41</sup> Jucker, *Gesandte*, pp. 168 and 173ff. The *Abschiede* were also used for setting the date of the next meeting of the Diet, if the Confederates had not arranged one.

<sup>42</sup> The separate meetings held by the Catholics also played an important role. By contrast, the powerful Reformed urban republics of Zurich and Berne generally operated separately: there are few recorded instances of their coming to comparable internal denominational arrangements.

formed the basis of, the political practice of the form of governance that was the *Gemeine Herrschaft*. The many political facets of these writings illuminate the way in which the different levels of authority within the *Gemeine Herrschaft* functioned. And the body of sources as a whole (missives, *Instruktionen*, *Abschiede* and reports) not only provides testimony about these functions in a formal sense but gives us a range of insights into the practicalities of rule in the *Grafschaft* of Baden and the way in which the denominations sought to exert authority. This in turn tells us about denominational conceptions of meaning and order in the co-regent Confederate states.

Crucial to the structuring of political communication were the legal regulations governing bi-confessionality in the *Gemeine Herrschaften* that were laid down in the Second *Landfrieden*, the ‘public peace’ or treaty concluded by the Reformed and Catholic states on 20 November 1531.<sup>43</sup> In the aftermath of the religious turmoil of the early sixteenth century, there was no political or religious homogeneity in the jointly administered mandated territories of the Confederation: the territories had become sharply fragmented, and the Reformation and reform within the Catholic church had created a complex pattern of Reformed, Catholic and bi-confessional village communities.<sup>44</sup> These different confessional communities came under the jurisdiction of the Second *Landfrieden*, the second article of which contained seven clauses creating the legal framework of the *Gemeine Herrschaft* as a political unit and defining the religious freedoms of the denominations. Whereas in the states in the rest of the Confederation the principle *Cuius regio, eius religio* prevailed, the *Landfrieden* granted the subjects of the *Gemeine Herrschaften* significantly wider religious freedoms.<sup>45</sup> Paradoxically, it was actually in the jointly administered shared lordships that a person was not, effectively, forced to leave if they changed their religious denomination. That said, individuals were allowed to convert only if they were returning to the ‘old’ faith: anyone adopting the ‘new’ faith was thenceforth obliged to take up residence

<sup>43</sup> The principal agreement was the treaty between Zurich and the five Catholic states, concluded on 16 Nov. and sealed on 20 Nov. 1531. The treaty of 24 Nov. 1531 between Berne and the five Catholic states, expanded to deal with reparations, incorporated the articles of the *Landfrieden* of 20 Nov. 1531 and was, in turn, the basis for the treaties with Basle (22 Dec. 1531) and Schaffhausen (31 Jan. 1532); see Ernst Walder (ed.), *Religionsvergleiche des 16. Jahrhunderts* (Berne, 1945), p. 5.

<sup>44</sup> In the *Grafschaft* of Baden, despite successful re-Catholicization, some communities retained Reformed majorities (Gebenstorf, Schlieren, Tegerfelden, Würenlos, Weiningen and Zurzach), while in others Reformed minorities survived (in Birnenstorf under Berne’s protection; in Dietikon under Zurich’s protection and likewise in neighbouring Spreitenbach; other Reformed communities included Lengnau, and Waldhausen and Hägelen in Fislibach).

<sup>45</sup> Key studies are Ferdinand Elsener, ‘Zur Geschichte des Majoritätsprinzips (Pars major und Pars sanior), insbesondere nach schweizerischen Quellen’, *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, Kanonistische Abteilung*, 42 (1956), 73–116, 560–70; and Elsener, ‘Das Majoritätsprinzip in konfessionellen Angelegenheiten und die Religionsverträge der Eidgenossenschaft vom 16. bis 18. Jahrhundert’, *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, Kanonistische Abteilung*, 55 (1969), 238–81.

in a Reformed state, or so the text of the *Landfrieden* laid down.<sup>46</sup> The treaty also—albeit somewhat one-sidedly—permitted members of each denomination to practise their religion<sup>47</sup> and forbade the ‘besmirching or abuse’ of the other faith.<sup>48</sup> However, only the Catholic faithful enjoyed protection as a minority, being entitled to assert the right to celebrate mass if they lived in a community with a Reformed majority.<sup>49</sup> This privilege, together with the right of conversion that was assured to Catholics in villages that had transferred almost wholesale to the Reformed faith, had the effect that parish churches that had been taken over by the Reformers were able to continue after 1531 to be used for liturgical events by Catholic congregations.<sup>50</sup> Thus it was crucial to the establishment of a *simultaneum reale* that the church building in question should be in Protestant possession at the moment when the *Landfrieden* came into effect. Minority rights could be protected only where the majority was a Reformed one, because the one-sided law on conversion criminalized transfers to the Protestant faith after 1531—at any rate if we give credence to the principles governing bi-confessionality laid down in the *Landfrieden*.<sup>51</sup>

The *Landfrieden* did not guarantee the Protestants analogous rights to spread their own religious practice and denominational influence: on the

<sup>46</sup> See Walder, *Religionsvergleiche*, p. 8(c): ‘If, however, any of those who have adopted the new faith and who desire to withdraw from it and wish to adopt the old, true Christian faith again, then they grant the same [person] full right and power to do so, unhindered by other men.’ There has as yet been no study of actual legal practice with regard to religious conversions in the *Gemeine Herrschaften*. Some examples of conversions in the Thurgau (a *Gemeine Herrschaft*) may be found in Frauke Volkland, *Konfession und Selbstverständnis: Reformierte Rituale in der gemischtkonfessionellen Kleinstadt Bischofzell im 17. Jahrhundert* (Göttingen, 2005), pp. 139–187, though the issue raised here is not discussed. On the legalistic reading of the *Landfrieden*, see Konrad Straub, *Rechtsgeschichte der evangelischen Kirchgemeinden der Landschaft Thurgau unter dem eidgenössischen Landfrieden (1529–1798)* (Frauenfeld, 1902).

<sup>47</sup> See Walder, *Religionsvergleiche*, p. 8(b): ‘It has also been clearly discussed and agreed by both the parties that where, in the same common lordships [*gemeinen herrschaften*], any parishes or districts, however designated, have adopted the new faith and wish to remain with it, then they may do so;’ *ibid.*, pp. 8–9(d): ‘Likewise that where anyone in the aforementioned lordships still does not deny the old faith, whether secretly or openly, they should remain with their old faith without being combated or reviled.’

<sup>48</sup> See Walder, *Religionsvergleiche*, p. 9(g): ‘Nor shall either party besmirch or abuse those of the other faith, and if any persons do so, shall be punished for it by the governor [*Vogt*], in appropriate measure.’

<sup>49</sup> The treaty did not lay down minimal numbers; see Walder, *Religionsvergleiche*, p. 9(e): ‘If any persons, whether one or more, wish once again to restore and receive the seven sacraments, the office of the holy mass and other customs of Christian church ceremony, they shall and may do so, in the same way as the preachers may for their part.’

<sup>50</sup> The Catholic faithful were also entitled to a share of the patrimony and to the benefice; see Walder, *Religionsvergleiche*, p. 9(f): ‘They shall also share with the priest, according to their size: the patrimony and that which belongs to the benefice, and assign the remainder to the predicant.’

<sup>51</sup> It should be emphasized, again, that there has been no examination of actual legal practice in this area. A mere transfer to the Catholic faith did not bring with it the right to reintroduce the mass: the matter had to be taken before the authorities. See Brüscheweiler, *Die landfriedlichen Simultanverhältnisse*, pp. 76 and 78 and, on minority rights, p. 20.

contrary. The first clause of the second article of the *Landfrieden*<sup>52</sup> was interpreted by the governing Catholic states as ‘guaranteeing clerical privileges such as traditional parish boundaries . . . and the spiritual jurisdiction of the bishop of Constance’, to which the *Grafschaft* of Baden belonged.<sup>53</sup> At the same time all changes affecting the practising of the Reformed religion or the spatial arrangement of churches were interpreted by the Catholic parties as ‘novelties’ (*Neuerungen*) at odds with the *Landfrieden*: an interpretation which, as we shall see presently, was firmly rejected by the Reformed states. Conversely, changes which affected Catholic services or the Catholic visual culture were defended, even in face of the ‘supreme’ authority, by reference to the rights enshrined in the *Landfrieden*.

Although a terse document, the Second *Landfrieden* did more than establish the legal framework governing questions of church policy: it provided the crucial set of norms that had to be taken into account at the highest level of Confederate politics in the subject territories. In many respects it paid little heed to older structures of authority and church privileges within the *Grafschaft* of Baden.<sup>54</sup> At the same time, however, the document reproduced, to a certain extent, the denominational differences which, as a ‘public [*landt*] and religious peace’ (to use its full contemporary title),<sup>55</sup> it was meant to reconcile, inasmuch as it institutionalized the disadvantageous position of the Protestants. Moreover, as far as political practice was concerned, the seven clauses of the second article of the *Landfrieden* proved to be an extremely vague piece of drafting, a fact which gave the governing Confederats great scope for placing their own constructions on its intentions. Many questions were left unresolved: for example, how large did a Catholic flock have to be in order to be able to invoke its rights as a minority? How precisely were ‘novelties’ in a church building to be defined? What constituted a ‘blasphemous’ sermon, and how should a priest be punished who preached such a sermon from the pulpit? Such questions could be answered only when the *Landfrieden* was interpreted in the context of practical politics.

Although (or perhaps precisely because) the *Landfrieden* was very vague, it remained valid, with some modifications, into the eighteenth century. It was only in 1712, with the Fourth *Landfrieden*, that an entirely new legal framework was drawn up. Until then the document remained a fixture in

<sup>52</sup> See Walder, *Religionsvergleiche*, p. 8(a): ‘Furthermore, we declare that we, the two parties, shall keep all the freedoms, authorities and rights that we have in the shared lordships and local communities [*vogteilen*], unhindered by all other men.’

<sup>53</sup> Randolph Head, ‘Fragmented Dominion, Fragmented Churches: The Institutionalization of the Landfrieden in the Thurgau, 1531–1610’, *Archiv für Reformationsgeschichte*, 96 (2006), 117–144, here p. 125.

<sup>54</sup> *Ibid.*, 118.

<sup>55</sup> StAZH, BI 284, fol. 429.

Confederate debates on denominational issues, albeit one that was repeatedly amplified, refined and in some respects modified by means of Confederate *Abschiede*.<sup>56</sup> Political communications about individual clauses of the *Landfrieden* thus had the effect of shaping the law. The *Landfrieden* and the subsequent Confederate *Abschiede* that were drafted at the Diets accordingly have to be regarded as a whole: the legislative content of the *Landfrieden* was generated by all of these elements.<sup>57</sup>

It is a well-known fact that legal and constitutional historians tend to pay little or no attention to the way in which legal norms are applied in practice. This, though, is what the following pages propose to do, using the communications-theoretic model outlined above. Although the various *Landfrieden* served as the foundation on which the rights and obligations of religious believers within the *Gemeine Herrschaften* were laid down, and thus established norms that governed the way in which denominational pluralism operated in everyday life, it was only through political communication—in the traffic of diplomatic documents and at the meetings of the Diets—that this small body of regulations concerning bi-confessionality gradually took on real content. In order to reach concerted political, and hence also legal, decisions, despite the denominational differences, of the three Protestant and five Catholic states governing the *Grafschaft* of Baden had to follow the basic principle of Confederate politics that the minority should accept the political decisions of the majority. Despite undergoing a crisis at the start of the sixteenth century, this majoritarian doctrine was seen as a ‘tacit but self-evident principle of the Confederate constitution’.<sup>58</sup> By contrast with matters affecting the full thirteen-strong Confederation, where decisions had to be unanimous, in the administration of the *Gemeine Herrschaften* a simple majority was all that was

<sup>56</sup> Head, ‘Fragmented Dominion’, describes this process as the ‘institutionalization of the *Landfrieden*’. Because the document was meagre in its legal content, it was primarily by political means that the law was extended, and conflicts were regulated, within the Confederation. The Confederation had no supreme court of appeal to deal with burgeoning conflicts, comparable to the *Reichskammergericht* in the German Empire: see Andreas Würzler, ‘Aushandeln statt Prozessieren. Zur Konfliktkultur der alten Eidgenossenschaft im Vergleich mit Frankreich und dem Deutschen Reich (1500–1800)’, *Traverse*, 3 (2001), 25–38, esp. 29–30.

<sup>57</sup> See Brüscheweiler, *Die landfriedlichen Simultanverhältnisse*, p. 71.

<sup>58</sup> Elsener, ‘Majoritätsprinzip’, 240. The majoritarian principle also went through a crisis in the dispute over pensions of 1521, when some Confederates said that they would forgo the payment of foreign pensions (i.e. payments to states by foreign rulers) only if a unanimous decision could be reached: see *Amtliche Sammlung der älteren eidgenössischen Abschiede 1245–1789*, different places of publication, 1839ff. (abbreviated as EA below), 4, 1a, no. 63n, p. 147 (Lucerne, 10 Dec. 1521) and Elsener, ‘Majoritätsprinzip’, 243–244. This crisis of the majoritarian principle over pensions arose as a result of the intensification and broadening of the debate about pension payments that occurred in the aftermath of the powerful sermon against pensions that Zwingli delivered in 1521. For these new factors affecting the pensions system, see Valentin Groebner, *Gefährliche Geschenke: Ritual, Politik und die Sprache der Korruption in der Eidgenossenschaft im späten Mittelalter und am Beginn der Neuzeit* (Constance, 2000), esp. pp. 158–194 and 243ff.

required.<sup>59</sup> Legal historians have assumed that as in other fields, so with regard to the development of the law, this structural principle worked to the advantage of the Catholic estates. ‘The sole weapon that the Protestant estates remained able to wield against clear infringements of the *Landfrieden* was legal action at the Confederate level, in the form of appeals for unbiased decisions.’<sup>60</sup>

However, as the case-study that follows shows, the political reality was very different and far more complex.<sup>61</sup> We need to examine, rather, how people dealt with the unequal division of political influence and, above all, how they prevented the structurally disadvantageous position of the Reformed believers and the Reformed states from constantly becoming the cause of communal and Confederation-level crises.

### III: Successive Communications: The Installation of the Font at Zurzach

The campaign by the Protestants in the village of Zurzach to be allowed their own baptismal font, described at the start of this article, was the first in a series of calls for installations of fonts in the *Grafenschaft* of Baden from the early seventeenth century onwards.<sup>62</sup> In this instance it was the urban republic of Zurich that drafted the request for a font on behalf of the Zurzach Protestant congregation, in a letter of May 1603 to the provost of the *Verenastift*. The letter argued that the congregation needed its own font because the Reformed minister had only a simple copper basin with which to conduct baptisms. Admittedly, the simplicity of this religious object was far from being at odds with the principles of Reformed theology: indeed, for the communion service itself Zwingli had prescribed only wooden ‘dishes and chalices’, ‘to prevent the return of luxury’.<sup>63</sup> In churches used by both Protestants and Catholics these simple objects were commonly placed on top of the Catholic font during the baptismal ceremony. In the aftermath of the reforms of the Catholic confessionalization, however, that practice became more difficult to sustain, as Catholic priests were now urged to keep their fonts locked in order to prevent

<sup>59</sup> Again, in contrast with decisions concerning Confederation-wide affairs, the majoritarian principle operated without restriction and decisions were binding; in the event of a division of views, the Confederates had no right of veto: see Walter Ämisseger, *Die gemeineidgenössische Tätigkeit der Tagsatzung 1649–1712* (Winterthur, 1948), p. 209, and Hans Conrad Peyer, *Verfassungsgeschichte der alten Schweiz* (Zurich, 1978), pp. 31–32.

<sup>60</sup> See Brüscheweiler, *Die landfriedlichen Simultanverhältnisse*, p. 73.

<sup>61</sup> Voting at the Diet based on the majoritarian principle seems, despite some discrepancies, generally to have functioned without major difficulties until the start of 1520. When contentious issues arose, envoys were instructed to ask their superiors to allow the majority to ‘be a majority’: see EA 3, 2, no. 514, p. 731, 1 August 1513 and Elsener, ‘Majoritätsprinzip’, 241.

<sup>62</sup> Installations followed in Dietikon (1615), Würenlos (1642) and Birmenstorf/Gebenstorf (1651). For a detailed analysis of conflicts centering on the installation of fonts, see Z’Graggen, *Tyrannenmord im Toggenburg*, pp. 218–230.

<sup>63</sup> Quoted in Germann, *Der protestantische Kirchenbau*, p. 18.

the holy water from becoming contaminated.<sup>64</sup> In many places the fonts were fitted with pointed lids, so that Reformed ministers were unable to perform baptisms in the way to which they were accustomed.<sup>65</sup> It is impossible to say whether such an impediment to the conduct of the Reformed baptismal ceremony was the reason why the Protestant congregation in Zurzach wished to install its own font. Internal denominational communications make reference only to the necessity of baptism: as a contemporary with knowledge of theology put it, baptism was ‘the first and highest sacrament and among the chief articles of a religion’.<sup>66</sup> In point of fact, the missive that Zurich sent to the provost and chapter of the *Verenastift* in Zurzach does not employ theological arguments, instead simply stating that ‘for its convenience and need’ the Protestant congregation wished ‘to have a font of its own in the church in Zurzach in order to baptize its children’.<sup>67</sup> Zurich backed up this ‘friendly request and desire’ with a reference to past convention: ‘... since in most places in the Confederate shared lordships under the public peace, where the adherents of both religions had previously used a common baptismal font, the Protestants have their own fonts in their parish churches, and this has been allowed them.’<sup>68</sup> Moreover, the missive argued, not only was this wish in accordance with the *Landfrieden*, but granting the Protestants their own font would lead to ‘more harmony, friendship and good will’ and help to preserve peace and order in the village.<sup>69</sup>

The *Landfrieden* of 1531, however, had transformed the consecrated space of the church into a political action-space for the Confederates, since changes in religious belief and observance were subject to the will of the supreme governing authority.<sup>70</sup> At the same time, though, these structures of authority were, in practice, diluted in various ways. Thus Reformed Zurich at first shunned the Diet, circumvented the majoritarian principle and, without the knowledge of the Catholic states, dealt with the provost of the *Verenastift* directly: in other words, it operated through the communal rather than the Confederate power structures. It is possible that in deciding not to turn to the five Catholic states over the question of the font, Zurich was hoping to achieve a quick solution. For the meetings of the Diet in Baden on 1 and 18 June 1603 the Zurich envoys were instructed to find out from the Baden *Landvogt* (or from the minister in Zurzach) whether the font had yet been installed in Zurzach parish church.<sup>71</sup>

<sup>64</sup> The rule was formulated in the Constance synodal statutes of 1568: see Z’Graggen, *Tyrannenmord im Toggenburg*, p. 220.

<sup>65</sup> Unless the Catholic priest unlocked the font: *ibid.*, p. 220.

<sup>66</sup> The writer was from the Toggenburg, not Zurzach: *ibid.*, p. 219.

<sup>67</sup> StAZH, BIV 61, 7 May 1603, fol. 24v.

<sup>68</sup> *Ibid.*

<sup>69</sup> *Ibid.*

<sup>70</sup> See the discussion of the Second *Landfrieden* above.

<sup>71</sup> See StAZH BVIII 10 (1600–1606), Instruktionen, fol. 53v.

It was only after the simple baptismal vessel had been contaminated by 'evil people' that the font installation at Zurzach became a matter of Diet business.<sup>72</sup> On 27 June 1604 counsel for the Protestant congregation of Zurzach went before the Diet envoys of the eight old Confederates and requested that the supreme authority approve the installation of a font. Here we see the gathering of envoys functioning as a court of appeal for subjects in the *Gemeine Herrschaften*. According to Niklaus Bütikofer, in the case of petitions brought by individuals or groups the envoys to the Diet possessed wide-ranging powers: they could deal with such appeals themselves, 'without needing even to report their decisions in their *Abschiede* to the authorities, let alone obtain confirmation from them'.<sup>73</sup> Since the application for a new font in Zurzach, as we learn, had previously been rejected by the Catholic *Landvogt*, the Diet was the next highest forum of appeal for the Protestants. The points adduced by the Protestant congregation were the meagreness of the liturgical object (a copper basin) that was available to the minister for baptisms and the contamination of the basin that had occurred 'at various times'.<sup>74</sup> On behalf of the Verenastift, the provost objected on grounds of convention and tradition to any alteration of the church's interior, an argument that was echoed in the reply given by the envoys of the five Catholic states. The latter expressed their amazement that the Zurzach congregation should desire a 'novelty' of this kind, since adherents of the Protestant religion were quite unaccustomed to using fonts anywhere in the *Grafschaft* of Baden: whence it followed that they should 'keep to the old customs'.<sup>75</sup>

This reply exemplifies a specifically Catholic way in which the treaty of 1531 was interpreted, the first clause of the second article in particular. Although the relevant passage in the *Landfrieden* refers only to the preservation of a general denominational status quo,<sup>76</sup> by the beginning of the seventeenth century the Catholic states (following the institutionalization of the *Landfrieden* in political practice) had established an interpretation<sup>77</sup> whereby any alteration

<sup>72</sup> The nature of the contamination is not described in the sources. We learn only that the basin was 'defiled': see StAZH BVIII 114 (1600–1610), *Abschiede*, fols. 137v–138r.

<sup>73</sup> Bütikofer, 'Funktion und Arbeitsweise', p. 26.

<sup>74</sup> The fact that this conflict was being brought before the Diet, which was the body with power to interpret the *Landfrieden*, makes it very probable that the 'evil people' in question were Zurzach Catholics. This would have been a case of breach of the *Landfrieden*, since the treaty outlawed mutual 'besmirching and abuse' (cf. fn. 48 above).

<sup>75</sup> StAZH BVIII 114 (1600–1610), *Abschiede*, fols. 137v–138r; Staatsarchiv Bern (henceforth StABE) A V 849, *Badenbücher* I, fols. 75–82, esp. fol. 77.

<sup>76</sup> Cited in fn. 52 above.

<sup>77</sup> Political communication about the treaty has a history of its own. I owe this point to Marc R. Forster. See H-German@H-NET-MSU.EDU, 7 June 2005, conference report, FNI: 'Fruehe Neuzeit Interdisziplinaer', Duke University, session V, 'Acting, Negotiating, Concealing: Confessional Diversities in Seventeenth-Century Cologne, Wesel, and Baden (Switzerland)'. On the history of the 'institutionalization' of the *Landfrieden*, see Head, 'Fragmented Dominion'.



to a church interior was labelled as a breach of the treaty—at any rate, if the alteration was carried out by the Reformers. The installation by Catholics of new choir rails or altars, on the other hand, did not fall foul of this ban. In objection to this Catholic position, the Zurich envoys argued that in two places in the Thurgau—likewise a *Gemeine Herrschaft*—the installation of fonts had been approved. Although they were not saying so explicitly, they were implying that the Zurzach request, which they supported, was in no sense a novelty but was in keeping with long-standing tradition. The Catholic envoys thereupon waived the use of the *Landfrieden* argument. Indicating that their lords and masters desired to erect altars in various places, they said that if the other side were prepared to be accommodating on this question, then they themselves might ‘make good reply’.<sup>78</sup> This move suggests that liturgical objects could become the currency of political exchange. In other words, the Confederate interlocutors provided themselves with a political communication space that went beyond the narrow legal terms of the *Landfrieden*—a space in which both denominations were able to make adept use of negotiating tactics and longer-term strategies. These political negotiations—which even had their playful side—tested the limits of what was feasible. They had a significant influence both on communicational dynamics and on the political atmosphere, which, as we shall see, oscillated between episodes of crisis and the reaching of political compromise.

As well as illustrating how pragmatic political considerations led to a trade-off in the particular case-study we have been discussing, the response of the Zurich envoys shows that the pattern of arguments that was used went beyond the *Grafschaft* of Baden and was applied to towns and villages in another *Gemeine Herrschaft*. On the Reformers’ side, this made for an expansion in the interpretative scope of the *Landfrieden* and of what, in political discourse, was labelled a ‘novelty’. Because of this *Gemeine Herrschaft* system of arguments and references, the Catholic parties sought to forestall possible changes that would improve conditions of worship for the Reformers by labelling them from the outset as breaches of the *Landfrieden*: this was the only way, from their point of view, of keeping the argument-system manageable and within limits. In turn, the Zurich envoys cited the instance of another *Gemeine Herrschaft*, arguing that fonts which had not yet been installed in the bi-confessional churches of the *Grafschaft* could not be termed ‘novelties’, since two such fonts were already in place in the Thurgau.

The rhetorical term ‘novelty’ thus became a permanent resource within political communication concerning the arrangement, furnishing and liturgical use of the church space. In the terms referred to earlier, the primary function

<sup>78</sup> It is not entirely clear, however, why the five Catholic states, with the majoritarian principle in their favour, needed to rely on Zurich’s consent: see StAZH BVIII 114 (1600–1606), Instruktionen, fol. 140v.

of communication was not to generate consensus; rather, acts of communication served to articulate denominational differences between the Catholic and Reformed Confederates as they voiced their different understandings of what constituted a ‘novelty’ within the church space.

Since, in its view, the installation of a font did not constitute a breach of the *Landfrieden*, Zurich instructed its envoys Konrad Großmann and Hansen Escher to seek ‘earnestly’ for a reply from the envoys of the five Catholic states at the next meeting of the Diet on 19 August 1604 (old calendar; 29 August 1604, new calendar).<sup>79</sup> On behalf of their ‘lords and masters’ the Catholic Confederates were prepared to accept that a ‘*Gändterlin*’—a cupboard or chest—might be made in which the Protestants of Zurzach could lock away their baptismal basin ‘so that no affront [might be] caused’. The response shows that although the Catholic states had paid attention to the events in the church of St Mary, they were not willing to approve the installation of the first Protestant font in the *Grafschaft* of Baden. It was not customary, they maintained, for there to be two fonts in a single church, and the church space should therefore be left as it had been ‘from time immemorial’; in any case, the Catholic envoys said, they had been given no orders to agree to a font. However, at the urging of the Zurich delegates the Catholic envoys promised to make reference to the question in the *Abschied* and ‘bring it to [the attention of] their masters’. The Catholic envoys were thus sending a diplomatic signal to the Reformed delegates that they were ready to continue discussions and negotiations, and the process of communication was maintained, not broken off.<sup>80</sup> One act of communication gave rise to another.<sup>81</sup> At the same time, this act communicated a certain respect for the other side: indeed, the Zurich envoys explicitly noted as much and mentioned it in the *Abschied* so as to bring it to the attention of their superiors.<sup>82</sup>

Despite these assurances of mutual respect, however, the tone of the exchanges became sharper just a few months later. At the annual audit of the accounts of the Diet on 7 November 1604 two Zurich delegates (again, Großmann and Escher) were instructed to negotiate with the Catholic envoys. They were told to say that if approval for the installation of the font continued to be withheld, Zurich would seek other ways of making it happen; and ‘the [Catholic] states’ could be thus informed, [if] that were necessary’.<sup>83</sup>

<sup>79</sup> StAZH BVIII 10 (1600–1606), Instruktionen, fol. 140v.

<sup>80</sup> As they put it, ‘May you not take this amiss, but understand it well’: see StAZH BVIII 114 (1600–1610), fol. 178v.

<sup>81</sup> In Luhmann’s terminology, connective communication occurred: see Luhmann, ‘Was ist Kommunikation?’, p. 104.

<sup>82</sup> StAZH BVIII 114 (1600–1610), fols. 177v–178v, esp. 178v: ‘they understand well how your lords and masters are respected and how much it is attempted to do them a favour. Be so kind as to include this in your recess [*Abschied*].’

<sup>83</sup> StAZH BVIII 10 (1600–1606), Instruktionen, fol. 151v. This also includes the first reference to the Berne envoys: it was intended that they should help in formulating the application.

The Reformed envoys followed these instructions only partially. They continued to employ a friendly, if urgent, tone: ‘for the sake of unity and good will’ and ‘in order to avoid repercussions’, they asked ‘your lords and masters to be so gracious and pleased’ as to agree to the installation of a font with a lockable lid in the parish church of Zurzach, since this request was not in conflict with the *Landfrieden*.<sup>84</sup> The Catholic envoys, however, could report only that their masters were sticking to the position they had already adopted and were not granting permission for the font; all they were prepared to concede was a cupboard in which the baptismal basin could be stored. Nevertheless, the request was once again included in the *Abschied* and further political negotiations were promised.<sup>85</sup> Communication about confessional differences continued.

Not only was the ‘contentious’ font the focus for the articulation of denominational differences between the Confederates, but in Zurzach during the period while the installation of the Protestant font was under discussion denominational membership was an important criterion in the production and ascription of difference among the town’s inhabitants. Although the Confederates, of whichever denomination, were the supreme authority for the subjects of the *Grafschaft* of Baden, believers as well as the Confederates themselves drew distinctions on the basis of confessional membership: denomination was an important factor in determining who was accepted as an authority, and by whom, and who was regarded as a subject, and by whom, despite what had been envisaged when the bi-confessional form of government in the *Gemeine Herrschaft* was established. Likewise, the implementation of criteria of hierarchy took place within this confessional system of ascription, structuring perceptions of authority relations ‘from top down’ and conversely.<sup>86</sup> Thus in their communications of April 1605 each of the two leading urban republics of the Confederation voiced its displeasure at the disobedience of the subjects of its denominational opposite number. Zurich wrote to Lucerne that the Catholics of Zurzach (characteristically referred to as ‘your co-religionists in Zurzach’) should be urged to desist from behaving ‘persistently and with such defiance against our co-religionists’: only then would the two sides be able to live together in mutual friendship and benevolence, not just

<sup>84</sup> The documents contain no information about the appearance of the font and the lid; there are no details of any iconographic features. Article 4 of the Treaty of Wil of 26 Aug. 1596 that was concluded between the abbot and monastery of St Gallen and the Protestant congregations of the *Grafschaft* of the Toggenburg prescribes that pointed font lids are to be replaced by flat ones, so that the Protestant baptismal vessels can rest securely on them: see EA, 5, 1/1, pp. 510–11. The treaty is reprinted in Z’Graggen, *Tyrannenmord im Toggenburg*, pp. 313–18.

<sup>85</sup> StAZH BVIII 114 (1600–1610), *Abschiede*, fols. 210v–211r.

<sup>86</sup> There are frequent examples in the collection of Confederate *Abschiede*. See, for example, the *Abschied* of 26 Aug. 1584, in which the confederates are asked, in view of the ‘contention’ over the introduction of the new calendar, to ‘urge calm and peace’ upon *their* subjects in the *Gemeine Vogteien*: cf. EA 4, 2a (1556–1586), conference of the XIII Confederate cantons, 26 Aug. 1584, p. 842, art. 691c (my emphasis; D. H.)

in Zurzach but in the Confederation generally.<sup>87</sup> For its part, Lucerne complained in its missive to Zurich that despite the attempts that had been made to reach agreement over the question of the font, the ‘members of the new religion’ had been behaving in a ‘disorderly and defiant’, even violent, manner.<sup>88</sup> The explosive character that the dispute had assumed was seen by both Zurich and Lucerne as posing a threat to the cohesion of the *Eidgenossenschaft*: the *Gemeine Herrschaften* were potentially a source of escalation of conflict within the Confederate system of leagues. Therefore, the Catholic party urged that ‘in order to preserve the common peace and well-being within the fatherland’, Zurich should earnestly call upon their co-religionists in Zurzach to cease ‘their improper conduct’ and let the ‘business’ drop until the next meeting of the Diet.<sup>89</sup> Until the eight Confederates had made their decision, peace and order needed to be preserved and installation of the Zurzach font should not go ahead. By issuing these instructions, the Catholics managed to gain themselves a period of reflection and postpone a decision about the font. The delay was also a skilful negotiating ploy, as it allowed the Catholics to retain the font as a potential object of political exchange. Nevertheless, the use of this delaying tactic did nothing to defuse the interdenominational tensions in Zurzach. Accordingly, in order to maintain peace in the village, which the conflicts over the use of the church seemed to be putting in jeopardy, the *Landvogt*, acting in his capacity as senior administrator and magistrate of the *Grafschaft*, threatened to impose physical and financial punishments on anyone who refused to obey his orders or behaved in a ‘rebellious’ or ‘insubordinate’ manner.<sup>90</sup>

#### IV: Behind the Door or in Front of the Pulpit? Debates on the Placing of the Font

The obstinacy with which Zurich pursued the question of the font, continually raising it in its communications with the other Swiss Confederates, eventually paid off. A document called an ‘*Urkunde*’ (deed or charter) laid down in writing that the envoys of the eight states governing the *Grafschaft* of Baden ‘[have] unanimously agreed [...] that the members of the Protestant congregation in Zurzach may place a font in the church of the said town for the conduct of their Christian services’.<sup>91</sup>

<sup>87</sup> The note spoke of the friendship, peace and good will that Zurich promised to ‘implant’ in ‘our beloved fatherland’ in the future: see StAZH BIV (Missive), vol. 62 (1604–1605), fol. 216r.

<sup>88</sup> StAZH A. 321.1 *Gemeine Herrschaften*, Politisches: Zurzach und Kadelburg (1265–1737), no. 19, unpaginated, 27 April 1605.

<sup>89</sup> StAZH A. 321.1 *Gemeine Herrschaften*, Politisches: Zurzach und Kadelburg (1265–1737), no. 19, unpaginated, 27 April 1605.

<sup>90</sup> StAZH A. 321.1 *Gemeine Herrschaften*, Politisches: Zurzach und Kadelburg (1265–1737), no. 19, unpaginated, 25 April 1606: *Landvogt* Pfyffer to the council and parish of Zurzach.

<sup>91</sup> Tantalizingly, however, this document is not signed or sealed: see StAZH A. 368.2 *Bistümer und Klöster* (Diverse Klöster N-Z, 1253–1791), 17 April 1605.

However, the granting of permission for the installation of a font for the use of the Reformed congregation in Zurzach was only a partial victory:<sup>92</sup> the question as to where the font should be placed within the parish church remained subject to negotiation.<sup>93</sup> Indeed, the document just mentioned makes this point, though it does so primarily with regard to the differences between Catholic and Reformed views on the arrangement and furnishing of the church interior for liturgical purposes. This contentious issue highlights the antagonisms generated by the drive towards confessionalization on the part of the Confederates; or, to put it another way, it illustrates the way in which confessional differences were ascribed and mediated.<sup>94</sup>

To resolve the question of the positioning of the new font, Zurich sent its council treasurer, Escher, to Baden with instructions to reach an agreement with the Catholic *Landvogt*, Heinrich Pfyffer of Lucerne. The face-to-face negotiations were successful and agreement was reached. At six o'clock on the following morning, however, as Escher got ready to leave for Zurzach with the *Landvogt* in order to set the installation of the font in train, he discovered that Pfyffer had already left on horseback an hour earlier. It seems that the *Landvogt* used his head start to consult with the Verenastift on the issue.<sup>95</sup> The consultation appears to have prompted the Catholics to harden their position, because when Escher reached Zurzach he learned that the *Landvogt* no longer wanted to abide by the agreement. Pfyffer and the canons now wished the Reformers' font to be placed 'at the back of the church', in keeping with Catholic tradition.<sup>96</sup> In Reformed theology, however, baptism is not only a sacrament that brings the individual into communion with his or her fellow Christians and so paves the way to salvation: it is also one that is administered publicly, before the congregation.<sup>97</sup> For Protestant congregations, accordingly,

<sup>92</sup> It is not clear, incidentally, when and at which meeting of the Diet the agreement was concluded. The document just mentioned refers to the 'recently held Diet in Baden' as the occasion at which an agreement between the Confederates in favour of the Reformers had supposedly been concluded: that would give a date of 17 April 1605. However, although there was a meeting of the Diet in Baden on that date, according to Confederate *Abschiede* the question of the font was not dealt with: see EA 5, 1/2, p. 1470 and EA 5, 1/1, p. 736. There is also a reference to the granting of permission for a font at the Diet of 17 April 1605 in StAZH, A. 321.1 Gemeine Herrschaften, Politisches: Zurzach und Kadelburg (1265–1737), no. 19, no folio nos., 25 April 1605.

<sup>93</sup> See communication from mayor and council of the city of Zurich to mayor and council of the city of Lucerne Staatsarchiv Aaran, Älteres Archiv (henceforth StAAG AA) 2829.12, fols. 50r-v, 28 April 1605 (old calendar).

<sup>94</sup> On the antagonisms involved in the drive towards confessionalization and its manifestation within the church space, see Strecker, *Augsburger Altäre*, p. 59.

<sup>95</sup> 'What business he carried out at this time in one or another place, he himself will know best,' was the laconic comment of the mayor and council of the city of Zurich in its missive to the mayor and council of the city of Lucerne: see StAZH BIV (Missive), vol. 62 (1604/05), fol. 215r.

<sup>96</sup> Before the Reformation, fonts were placed at the west end of churches, near the entrance, 'thus symbolizing the meaning of baptism as the first sacrament': see Ulrike Mathies, *Die protestantischen Taufbecken Niedersachsens von der Reformation bis zur Mitte des 17. Jahrhunderts* (Regensburg, 1998), p. 13.

<sup>97</sup> In this respect the Reformers also dissociated themselves from the baptismal practice of the Baptists: see Germann, *Der protestantische Kirchenbau*, pp. 12 and 23.

it was a key feature of the use of church space that the font be given a new position in the centre of the church, usually in the chancel area.<sup>98</sup> Reflecting the same point of view, the *Urkunde* cited above also declared that ‘for the practice of holy baptism according to our true Christian religion’ the font should be ‘placed and erected [in an] appropriate and convenient position, as is customary’: namely, ‘right in front of the pulpit’. The document confidently stated, moreover, that this position was ‘not incompatible with the public peace’.<sup>99</sup> In other words, the choice of position of the font was not fortuitous. It served at this time to establish a new liturgical central space within the church. Placing the font near the altar and pulpit—the main elements of Protestant church arrangement—created a space within a space: a ‘liturgical triad’.<sup>100</sup> However, as part of its drive towards confessionalization, embodied in the decisions of the Council of Trent, the Catholic church had ruled that the congregation should have a clear view of the pulpit, and that objective would be hindered if a font were located in the chancel. Presumably it was on these grounds that the Catholic *Landvogt* of Baden adjudged that the position in front of the pulpit was not suitable.<sup>101</sup> In the end, Pfyffer and Escher failed to reach agreement on the question of the placing of the font. Nevertheless, further political negotiations over the arrangement and use of the church space according to different denominational principles remained an option—or, to put it another way, this subject of negotiation gave scope for the denominational differences between the Confederates to continue to be articulated. And—as *Landvogt* Pfyffer correctly emphasized—it was with the eight Confederates that the decision over the placement of the font lay.<sup>102</sup>

At this point, however, communications between the Confederates were abruptly broken off. Without entering into further diplomatic negotiations, or awaiting a decision at the next Diet,<sup>103</sup> the council in Zurich issued treasurer

<sup>98</sup> Mathies, *Die protestantischen Taufbecken*, p. 13. Zwingli believed that the font should occupy the place of honour within the church that the high altar occupied within Catholicism: see Sennhauser, Rudolf and Hidber, *Geschichte*, p. 228. The council in Berne had ruled as early as 1529 that fonts should be placed in the chancel: see Germann, *Der protestantische Kirchenbau*, p. 23.

<sup>99</sup> StAZH A. 368.2 Bistümer und Klöster (Diverse Klöster N-Z 1253–1791), unpaginated, 17 April 1605.

<sup>100</sup> Jan Harasimowicz, ‘Evangelische Kirchenräume der frühen Neuzeit’, in Rau and Schwerhoff, *Zwischen Gotteshaus und Taverne*, pp. 413–445, esp. p. 424. At the same time, the space within which the priest functioned was more sharply distinguished from the space occupied by the congregation. The introduction of these rules governing the arrangement and use of the church space is only one example of the attempt that was made in the early modern period to define the church space as a sacred sphere clearly separated from the profane world: see *ibid.*, p. 51.

<sup>101</sup> StAZH A. 368.2 Bistümer und Klöster (Diverse Klöster N-Z 1253–1791), unpaginated, 17 April 1605.

<sup>102</sup> See StAZH A. 321.1 Gemeine Herrschaften, Politisches: Zurzach und Kadelburg (1265–1737), no. 19, unpaginated, 25 April 1606.

<sup>103</sup> The *Landvogt* voiced his regrets that the installation of the font had taken place ‘despite the fact that the gentlemen of the foundation [*Stift*] had asked them, and rightly so, not to proceed with the matter and to let it wait until St John’s Day’, i.e. the day of the forthcoming meeting of the Diet: see StAAG AA 2829.12, fols. 53r–54r, esp. fol. 53v.

Escher and Captain Holzhalb with an order to ride to Zurzach and arrange for the font, now approved, to be installed.<sup>104</sup> Plainly the order was issued without the knowledge, let alone the consent, of the Catholic states, because the astonished Catholic *Untervogt* of the *Grafschaft* of Baden, Christoph Keller, wrote to the *Landvogt* on 28 April 1605 (new calendar; 18 April, old calendar) that Escher and Holzhalb had arrived in Zurzach, instructed that ‘the parish church there be opened and issued orders (contrary to established practice) that the new font be brought into the church and [...] erected there’.<sup>105</sup> On the same day the Catholic *Landvogt* sent the mayor and council of Lucerne a detailed account of these events. In both cases the communication of the information was the primary purpose of the missives, though at the same time anger was expressed at Zurich’s behaviour and the Reformers were demonized. The enraged *Landvogt* said that although the location of the font desired by the Protestant congregation had not been approved by the five Catholic states, and ‘the matter’ had been postponed until the next Diet, Escher and Holzhalb had ridden to Zurzach with a ‘foreman’ and caused the font to be brought into the church and installed there; this had happened ‘without the foreknowledge, behind the back and without the consent of my gentlemen of the Catholic states’.<sup>106</sup> Indeed, the *Landvogt* added, not only had a baptismal font been installed in the church without the knowledge of the Catholic Confederates, but alterations to the consecrated space of the church had been made without regard to Catholic doctrine or Catholic conceptions of the nature and use of the space. The font now stood ‘in the parish church where previously an altar had stood, namely next to the pulpit [added in margin: a place which] the governing states had rejected.’<sup>107</sup> By installing the font near the pulpit Zurich had created a *simultaneum* in keeping with the Reformed baptismal liturgy. The facts on the ground had changed—and, in their turn, became the subject of further negotiations among the Swiss Confederates.

### V: ‘Stabilising Conflicts’: Mission to Zurich

Zurich’s disregard for the views of the Catholic co-regents in the *Grafschaft* of Baden over the question of the placement of the baptismal font within the consecrated space of the Zurzach parish church gave rise to a debate about the basic political principles of government within the *Gemeine Herrschaften*. At a special meeting on 17 May 1605 the Catholic states decided to send emissaries to Zurich to discuss the question.<sup>108</sup> In view of the

<sup>104</sup> StAZH BII 292 Ratsmanuale des Unterschreibers, 15 April 1605 (old calendar), fol. 24r.

<sup>105</sup> StAAG AA 2829.12, fol. 49r.

<sup>106</sup> StAAG AA 2829.12, fol. 54r.

<sup>107</sup> StAAG AA 2829.12, fol. 53v.

<sup>108</sup> The decision was taken at the special session of the seven Catholic states held in Lucerne on 17 May 1605: see EA 5, 1/2, p. 1470, art. 196.

political tensions that had arisen, the purpose of the mission was stated in carefully diplomatic terms. Good neighbourliness, close friendship and laudable ties, the Catholics said, had long united the different Confederate states. It was important that these bonds of 'unity' and 'love' should be maintained and strengthened, for the sake of the 'common peace and welfare of our beloved fatherland'. These tactful overtures were then followed by the request that emissaries might be sent to Zurich on 7 June 1605 (new calendar) and 'kindly be granted Confederate audience'.<sup>109</sup> A few days later a positive answer came back to Lucerne.<sup>110</sup> Meanwhile, during the preparations for the Zurich audience the rural republic of Uri, in a letter to Lucerne dated 5 June 1605, voiced its anxieties: the mission might give rise to 'repercussions', inasmuch as an address to the Zurich council listing grievances might worsen the political and diplomatic tensions between Zurich and the five Catholic states.<sup>111</sup> The emissaries' address, which was finally delivered on 8 June 1605 (new calendar; 28 May, old calendar), raised fundamental issues. It not only referred to the events in Zurzach but rehearsed a wide range of complaints concerning Zurich's disregard of the majoritarian principle and its pursuit of its own interpretation of co-governance in the *Gemeine Herrschaften*. This behaviour, the emissaries said, posed the severest threat to the cohesion of the *Eidgenossenschaft*.<sup>112</sup>

Zurich's reply to the delegation of the five Catholic states was a long time in coming. It was not until 17 October 1605 (old calendar; 7 November, new calendar) its delegates addressed the small and large council of the city of Lucerne. Their document responded in detail to the extensive points of complaint and grievance that the Catholic delegation had raised in the early summer. On the question of the font, the Zurich delegates invoked the *Landsfrieden*, claiming (without further explanation) that the desire of the Zurzach Reformed congregation for its own font was lawful according to the treaty. Moreover, they argued, as the Reformed authority they felt obliged to accede to the congregation's request. With regard to the positioning of the font, the place that had been suggested by the Catholic *Landvogt* and the

<sup>109</sup> The request was for the emissaries to be received by the council on the morning of 8 June 1605 (by the Catholic calendar): see Staatsarchiv Lucern (henceforth StALU) Akten 13/3362, Thurgau, Rheintal, Baden, Landfriedenssachen ..., 3–4 June 1605, fols. 95r–v.

<sup>110</sup> The letter bears the date 25 May 1605 (evidently according to the old calendar): see StALU Akten 13/3362, Thurgau, Rheintal, Baden, Landfriedenssachen ..., 3–4 June 1605, fols. 96r–v.

<sup>111</sup> Nevertheless, Uri accepted the decision and promised also to send emissaries: see StALU Akten 13/3362, Thurgau, Rheintal, Baden, Landfriedenssachen ..., 3–4 June 1605, fols. 97r–v.

<sup>112</sup> There are three versions of the address: see StALU Akten 13/3362, Thurgau, Rheintal, Baden, Landfriedenssachen ..., 3–4 June 1605, fols. 98r–101v and StALU Akten 13/3363, Thurgau, Rheintal, Baden, Landfriedenssachen ..., 5–18 June 1605, fols. 103r–106v (second version); *ibid.*, fols. 78r–84v (third version). The version of the address of the five Catholic states before the council and burghers of the city of Zurich that was actually delivered can be found in StAZH E II 101, fols. 120v–131r (29 May 1605, old calendar).



canons of the Verenastift, namely behind the door—as in Catholic churches<sup>113</sup>—was ‘unfitting’; it was dark and therefore ‘dishonourable’ to the ‘true Protestant religion’ and the holy sacrament of baptism. Zurich had therefore arranged for the font, which had been paid for by the Reformed congregation, to be installed at a ‘fitting’ place in the church—a church which, after all, was used and financed by a Reformed majority.<sup>114</sup> If the Reformers of Zurzach were obliged to have their children baptised behind the church doors, Zurich argued, there was a danger that ‘much unpleasantness and disorder [might] arise between the members of the two religions’. ‘For the sake of greater peace and unity’, therefore, the font had been installed, in the presence of two councillors, in the church’s chancel.<sup>115</sup> This rhetorical invocation of village peace and harmony was an attempt at linguistic obfuscation. It skirted over the fact that Reformed Zurich, in the interests of its own construction of religious meaning, had ignored and bypassed the majoritarian principle within the *Gemeine Herrschaften* and the position of the five Catholic states, the *Landvogt* and the canons of Zurzach.

Zurich, a powerful force in economic terms, showed itself politically adept, too, in its use of rhetoric for negotiating purposes, exploiting and ‘stretching’ the structures and principles of authority in the *Gemeine Herrschaften* by a more intensive use of communications. It countered the delaying tactics of the Catholics by deliberately carrying out an action—the installation of the font—which, if the Confederate *Landsfrieden* was to be preserved, then needed to be defused by an increased readiness to communicate. This communications policy was successful because the legislation enshrined in the *Landsfrieden* left room for interpretation along confessional lines: the communications situation was more fluid than the legal text of the *Landsfrieden* itself implied. Further political room for communication opened up as a result of Zurich’s position on the majoritarian principle.<sup>116</sup> Zurich was willing, it told Lucerne, to respect the ‘*Mehr*’ in secular matters, but was not prepared to submit to the

<sup>113</sup> The preferred option in Catholic churches, laid down in the instructions for church-building issued by the Bishop of Milan, Carlo Borromeo, was for a separate baptistry chapel. If this was not feasible, a space at the back of the church, on the left next to the entrance door, should be considered. See Mathies, *Die protestantischen Taufbecken*, p. 13, fn. 6. For Carlo Borromeo’s instructions on church-building, see Susanne Mayer-Himmelheber, *Bischöfliche Kunstpolitik nach dem Tridentinum: Der Secunda-Roma Anspruch Carlo Borromeos und die mailändischen Verordnungen zu Bau und Ausstattungen der Kirchen* (Munich, 1984), pp. 141–42.

<sup>114</sup> It should be noted, however, that in 1606 the Reformed minister Selber calculated the ratio of Catholics to Protestants as 3 to 2: see StAZH A. 321.1 Gemeine Herrschaften, Politisches: Zurzach und Kadelburg (1265–1737), unpaginated.

<sup>115</sup> The *Instruktion* for the Confederate Diet in Baden of 1605 emphasizes that the font should not be situated in a place where an altar had previously stood or where it might impede the canons (responsible for the spiritual welfare of the Catholic congregation) in their conduct of services: see StAZH BVIII 10 (1600–1606), Instruktionen, fols. 194r–195v.

<sup>116</sup> Disputes over majorities were a feature of Confederate political life from the start of the Reformation onwards: cf. fn. 58 above.

majority in questions concerning the *Landfrieden*, religion and conscience.<sup>117</sup> However, this admitted breach with the ‘self-evident and tacit principle of the Confederate constitution’<sup>118</sup> was likewise defused rhetorically in Zurich’s political communications, which emphasized, not infringements of the majoritarian principle, but the preservation of the religious practices of the Zuzach Reformers, also protected (on the Reformers’ view, at any rate) by the *Landfrieden*. Its action, Zurich argued, should not be seen by the Catholic states as ‘defiance’: rather, Zurich was under an obligation to voice the concerns of its Reformed co-religionists. Moreover, the font itself had been approved—the only point of contention was the place where it should be installed.<sup>119</sup>

Confederate communications, then, served more than one purpose. They enabled each party to make itself understood by the other with reference to contentious concrete religious objects, and thus to articulate denominational differences; and they were also a way for each party to formulate its own conception of its confessional position, in this instance through the issue of the placement of the font and a denominational interpretation of the *Landfrieden*. At the same time, however, negotiations over religious matters exemplified the cohesive force of political communication, since although the members of the Confederation might be at loggerheads, they remained in dialogue with one another and, through the fact of communication, contributed to the formation of the *Gemeine Herrschaften* as a political system. In that sense, confessional conflicts had a system-stabilizing effect.<sup>120</sup>

It was thanks to the political pragmatism of the five Catholic co-regent states that this crisis of the majoritarian principle did not escalate further. In their reply of 13 September 1606 the Catholics refrained for the time being from discussing possible adjustments to the principle. They also let the question of the Zuzach font rest, though they indicated that they might have ‘had some things to say’ on the matter.<sup>121</sup> They complained only that Zurich had

<sup>117</sup> EA 5, 1/1, conference of the VII Catholic states together with Innerrhoden and the abbot of the monastery of St Gallen, 5 and 6 Dec. 1605, p. 766.

<sup>118</sup> Elsener, ‘Das Majoritätsprinzip’, 240.

<sup>119</sup> Zurich also made play of the fact that the Protestant congregation and the Reformed state had been prepared to tolerate crucifixes and ‘other things’ in Zuzach parish church. Such objects, however, were among the material symbols of Catholic worship which the Reformers were obliged to tolerate under the *Landfrieden*: see Walder, *Religionsvergleiche*, p. 9 (e).

<sup>120</sup> For a stimulating discussion along these lines, see Dorothea Christ, ‘Stabilisierende Konflikte und verbindende Abgrenzungen: Die Eidgenossen und ihre Bündnisse im Spätmittelalter’, in Carl A. Hoffmann and Rolf Kießling (eds), *Kommunikation und Region* (Constance, 2001), pp. 139–61. Andreas Würzler has emphasised the integrative function of the Diet, inasmuch as it transformed a ‘contention’ (*Spann*) or a ‘controversial issue’ (*Stoss*), as conflicts were termed in the political vocabulary of the Old Confederation, into a ‘point of contention’ (*Handel*)—in other words, made them matters of negotiation whereby the disputing parties might come to an agreement: see Würzler, ‘Aushandeln statt Prozessieren’, pp. 32–33.

<sup>121</sup> EA 5, 1/1, conference of the VII Catholic states together with Appenzell, Innerrhoden and the abbot of the monastery of St Gallen, Lucerne, 13 Sept. 1606, 600k, pp. 794–95.

used the term ‘true Protestant religion’ in connection with itself and its co-religionists, as this was contrary to the *Landfrieden*. Thus, although the conflicts that had been generated in the context of the question of the installation of the font had not been resolved,<sup>122</sup> the outcome, on the specific point at issue, was that the font that the Protestant congregation of Zurzach had desired was indeed installed—and in the place, moreover, that was in conformance with the Reformed notion of baptism and with the Reformed liturgy, namely at the front of the church.

## VI: Conclusion

The negotiations over the installation of the font in Zurzach illustrate how Reformed Zurich, stepping up the flow of written diplomatic traffic over and beyond the reporting of Diet proceedings, first formulated its confession-based claims to authority and then achieved these ambitions in the face of a Catholic majority. The success of Zurich, the leading Protestant centre, in using political means to (in Schlögl’s phrase) ‘dilute’ the majoritarian principle, and thus attenuate the few existing Confederate structures of authority, also led to a more clear-cut formation and entrenchment of differing denominational conceptions of order in and through the medium of writing. Admittedly, Confederate political communications concerning the handling of confessional discord within the *Gemeine Herrschaften* continued to be structured through the action-spaces of political negotiation (meetings of the Diet) and of legal norms (the *Landfrieden*). Nevertheless, the few religio-legal norms laid down in the *Landfrieden* settlement left considerable room for interpretative manoeuvre as far as bi-confessionality was concerned, and in political practice these norms were repeatedly re-interpreted. In other words, it was the confederates’, understanding of the normative and legal regulations governing bi-confessionality that was subject to negotiation and re-negotiation within political communication. Thus contentious religious objects in the *Gemeine Herrschaften* became centres of fields of conflict that contributed crucially to the growth and establishment of denominational differences among the co-regent Confederate states. Such contentious objects served as vehicles whereby denominational and political conceptions of order were first formulated and then translated into practice. The historical evidence shows that the political reality of early modern governance in the shared lordships of the Confederation was a complex texture of divergent confessional conceptions of order, constituting not so much a fixed structure as a process of communication.

As well as having a significant impact on peace and social order within the village community, the installation of the font in Zurzach demonstrates the cohesive force that the *Gemeine Herrschaften* acquired over the longer term

<sup>122</sup> They continued to find expression at several subsequent meetings of the Diet.

within the Confederate system of leagues. Denominational conflicts, because they were multi-layered, quickly escalated into conflicts on the Confederate level, which then had to defused at the highest tier of government. An awareness of the delicacy of the position of the *Gemeine Herrschaften* as far as Confederate harmony was concerned was a key ingredient in contemporary political perceptions. As the Catholic and Reformed Confederates sought to de-escalate conflicts, so diplomatic language and communicative processes took on special significance. Not only were peace and unity within the Confederation emphasized through these media, but ongoing communication about specific instances of conflict served to form the system of authority that was the *Gemeine Herrschaft*, this communication-based formation in turn helping to generate stability and order. Denominational conflicts may thus also be described as ‘stabilizing conflicts’, since communications did not merely ascribe confessional differences but ensured that religious disputes remained negotiable.<sup>123</sup>

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### Abstract

This article sets out to explore how a local quarrel in the *Grafenschaft* of Baden, a bi-confessional Swiss county, occasioned by efforts to install a separate font for Protestant parishioners, activated larger constitutional and confessional tensions between the Catholic and Protestant cantons of the Swiss Confederation. The article reconstructs the lengthy political negotiations caused by the rearrangement of church space since the *Landfrieden* of 1531: this treaty had enshrined bi-confessionalism in the Swiss Confederation and had established the duties and rights of both confessions, although to the disadvantage of the Reformed Protestants. It had also transformed the consecrated space of the church into a stage for political action by the cantons. From 1531 onwards, changes in religious belief and observance were subject to the will of the supreme governing authority. The article shows that local conflicts over the arrangement and furnishing of certain church spaces can give us fascinating insights into political practice, the establishment of social order and the handling of denominational differences within the Swiss Confederation. It attempts to contribute to our understanding of early modern political history by using concepts from cultural history and communication theory in which politics is closely linked to social and confessional processes generating meaning and order.

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**Keywords:** Swiss Confederation, cultural history of politics, religious co-existence, sacred/liturgical space, church conflict, political communication

<sup>123</sup> Inspiring Christ, ‘Stabilisierende Konflikte’