

**Religious coexistence and confessional conflict in the Vier Dörfer:
practices of toleration in the early seventeenth century.**

Prepared for:
John Christian Laursen and Cary J. Nederman,
*Beyond the Persecuting Society: Religious Toleration before the
Enlightenment*
(University of Pennsylvania Press, 1998)

Randolph C. Head
Revised draft version, February 2, 2003
(please do not cite without permission)

After nearly a century of religious quiet, the prosperous villages of Undervaz, Trimmis and Zizers outside the city of Chur, Switzerland, experienced a series of conflicts about religious confession beginning in 1611 that rapidly escalated to riots, hostile raids from neighboring towns, and vandalism and harassment between the Catholic majority and a minority of Reformed Protestants. Although the villages enjoyed theoretical sovereignty and independence in religious matters, outside parties soon joined the fray, and the bitter dispute was still going more than thirty years later, despite war, plague, famine and several shifts in the balance of power in the meantime. The villages had tolerated some kinds of religious diversity throughout most of the sixteenth century, and liberty of conscience, and even liberty of worship never became the key issues at stake during the troubles that followed at the end of the century. Instead, the inhabitants of Undervaz, Trimmis and Zizers fought about which of several possible sets of social and institutional practices were most appropriate for regulating the terms of their religious coexistence.

Before 1600, the dominant pattern had combined local majority rule about which faith to profess with an individual right to abstain from collective worship, and even to attend church elsewhere. Starting after 1600, however, the minority Protestants demanded a proportional share of the material and social resources of the villages' churches, thus challenging the terms that had kept the villages peaceful for nearly a century. The final outcome was a bitter stalemate between Catholics and Protestants that continued well into the next century, in which each party tolerated the other in a narrowest sense of the

word: each put up, legally and socially, with practices it felt to be an affront to God and an obstacle to desirable communal unity. The conflicts described here were thus not simply matters of tolerance versus intolerance, but rather show how crucial local context is for understanding the meaning of toleration as practiced in any particular society.

The study of religious toleration in pre-modern Europe often regards its subject in light of relationships between magistrates who are intent on religious orthodoxy, on the one hand, and dissident groups, whether a minority or a majority of the population, on the other. John Locke's Letter on Toleration, for example, which is sometimes seen as the first systematic defense of toleration in this context, takes it for granted that there is a civil magistrate whose duties are defined in such a way as to limit religiously motivated persecution.¹ Certainly the view that sees the main source of persecution in orthodox princes applies to much of early modern European history, both before and after the Reformation. The Spanish Inquisition's efforts to trace down alleged crypto-Judaism after the state-ordained expulsion of the Jews from Spain in 1492 is one clear example, as is the fining of recusants and the execution of priests in Elizabethan England, or the expulsion of the Huguenots from France by Louis XIV. In such situations, any call for religious toleration had to explain to the prince why the imposition of religious uniformity was either unchristian, imprudent, or impossible.

In other parts of Europe, however, the problems of religious coexistence were more complicated. Despite the principle of "cuius regio, eius religio" that was enshrined at Augsburg in 1555, the Holy

Roman Empire presents a quite different situation. Not only was official biconfessionalism established in certain Imperial cities by the ordinance of 1555, but many Catholic, Calvinist and Lutheran princes had to cope with subject populations of mixed religious adherence, while cities sought to balance economic and political interests against the maintenance of religious uniformity, or at least harmony, at home.² On the margins of the Empire, from Poland to Switzerland, even more complex constellations developed in the absence of strong central governments and religiously homogenous populations.³

A historical approach to the issue of toleration should not regard areas like Central Europe, where tolerance or intolerance had to be negotiated in light of local circumstances, as atypical or as deviations from the simple model of the orthodox magistrate and the persecuted minority. To the contrary, analyzing the historical complexities involved contributes not only to a deeper understanding of the real obstacles to both religious uniformity and religious peace during this period, but also adds a needed practical dimension to philosophically-based discussions of the very idea of toleration. Unless the theoretical central magistrate is imagined to have totalitarian powers far beyond the means of governments early modern or modern, after all, we must recognize that persecution or tolerance in any society is caught up in complex webs of political and economic relations, tied to competing conceptions of legitimacy and order, and thus inevitably historically contingent. It is to illustrate this point that this paper focuses on the course of religious coexistence between Catholics and Reformed Protestants in a few Swiss villages. The story told here is neither a tragedy of "rising intolerance" nor a

guide to clear and simple definitions of what toleration might be, but rather an illustration of the locally determined contours of relations between individuals and groups who struggled to bring different identities, both shared and conflicting, into play in the course of managing their affairs from day to day.

The villages that are the subject of this paper, Igis, Zizers, Trimmis, and Undervaz, formed the commune of the Vier Dörfer, a member of the Gotteshausbund (League of the House of God), which was in turn a constituent of the Republic of the Three Leagues in Old Upper Rhaetia, equivalent to the modern Graubünden or Grisons. This confederated republic, located in the central Alps, took up most of the ancient episcopal see of Chur, and was firmly allied with the Swiss Confederation, although it was not itself a member. Well before the beginning of the Protestant movement, the Leagues and their member communes had purchased or seized most lordly prerogatives in the region, so that the communes were effectively self-governing. In 1499, the Bündner had joined with the Swiss to fight the house of Habsburg in the Swabian war; their victory had led to Switzerland's and Graubünden's effective separation from the Holy Roman Empire.⁴ Although the Bishop of Chur remained the nominal sovereign over the Gotteshausbund, his subjects in the city of Chur in the rural communes of the League paid less and less attention to his political prerogatives, and soon sought to limit his economic rights as well.

Early in the 1520s, the news of new reforming doctrines spread into the region from Zurich at the same time as struggles over political legitimacy and the distribution of economic resources were reaching a

peak. Because of the autonomy and self-consciousness of the region's political communes and their leadership, moreover, the movement for religious change took on articulate form very early.⁵ In 1524, the Leagues passed a new statute, the First Ilanz Articles, regulating the clergy: debts were no longer to be collected under threat of excommunication, priests should be able to absolve their parishioners for all sins, trials between clerics and laymen should be held in a local court, and appeals to the Bishop's court should be prohibited except for matrimonial cases.⁶ The erection of such reform statutes was accompanied by widespread unrest directed against ecclesiastical institutions, as more and more peasants withheld their tithes and dues from outside beneficiaries, and refused to acknowledge the bishop's lordship over them.⁷

The First Ilanz Articles did little to end the turmoil in the Republic in 1525 and 1526. Peasants in the Vier Dörfer continued withholding tithes and dues for years, convinced that the First Ilanz Articles justified their position.⁸ In 1526, the Republic's magistrates decided to hold a religious disputation, thus allowing explicitly doctrinal questions to enter the political arena. The resulting disputation of Ilanz in 1526 resulted in victory for neither side. Instead, after an initial politically-motivated swing in the direction of traditional orthodoxy, the Republic's magistrates and communal delegates launched another set of articles regulating church-state relations, the Second Ilanz Articles, which were deliberated and ratified later in 1526.⁹

Although the assembled clerics in Ilanz had debated the scriptural foundation of the church and the role of the clergy, the new articles

ignored such issues entirely. Instead, they specifically addressed the political activity of the higher clergy and the economic burdens imposed by the existing church, or legitimated by its doctrine. Sandwiched among the articles regulating tithes, dues and land tenure was one giving every community the right to appoint or dismiss its own priest. This last provision provided an institutionally legitimate way to introduce Protestant worship into the Three Leagues, since the bishop was deprived of all means, spiritual or secular, of opposing or limiting the appointment of Reformed ministers.¹⁰ It provided the cornerstone for the coexistence of two confessions in the Republic after that date, and its focus on the power of the communes to appoint or dismiss their clergy, moreover, set the terms of debate for decisions about religious adherence for the next century.

These terms of debate, with their focus on communal decision-making, were entirely consistent with political developments in the Republic during the same period. As the Bündner communes emancipated themselves from lordly control, they took over decision-making and distributive authority as well. Increasingly during the sixteenth century, communal majority votes at public assemblies became the most legitimate and authoritative way of reaching public decisions. The distribution of benefits and burdens of communal citizenship, and of membership in the Republic, meanwhile, became regulated by more and more complex mechanisms that either divided resources, rotated them if they could not be divided, or distributed them by lot.¹¹ In the 1520s, religious decisions about adherence to the old or new church were subjected to the same mechanisms. By making the selection of a clergyman the prerogative of the communes, where majority vote was the preferred

method of deciding, the Ilanz Articles made the choice between Protestantism and Catholicism a matter of majority decision. During most of the sixteenth century, meanwhile, the material resources of each church were considered to be at the undivided disposal of the majority religion. Communes after 1526 often sold, divided, or leased their local church's property, but they did not partition it among members of the opposing faiths.

Communal decision-making about religious adherence, and the associated struggles about control over church resources, left open the question of individual rights with regard to religion. Over the course of the sixteenth century, the Bündner communes developed a new set of customary practices to cope with this issue as well. Older historiography has often seized on a document thought to have been promulgated in 1526, the "Recess of Davos" [Davoser-Abschied] as establishing the right of every individual to choose between Catholic and Protestant worship, thus establishing the freedom of religion, and implicitly that of worship. Unfortunately, no original of this document survives, and the earliest mention of it dates only to the late sixteenth century.¹² There, it is quoted as containing the following principle:

To every individual, of either sex and of whatever condition or estate of men, dwelling within the boundaries of our Rhaetian Leagues, it stands free as he wishes, and as he is admonished by his instinct of the good spirit, to choose, embrace, and confess either of the two religions, namely the Roman and the Evangelical.¹³

Whether an actual document to this effect was passed in 1526 is less important, however, than the process by which this principle, and the associated principle that individuals could go to neighboring communes if needed to worship, became established.

The first documented case to challenge the principle of communal authority over religious practice came from Chur in 1528. There, the Dominican monks had continued to celebrate the Mass in their cloister despite the city's enthusiastic embrace of Protestantism. The mayor of Chur complained to a special arbitrational court set up by the Three Leagues, arguing that the city had not heard any effective defense of the Mass despite several disputations, and that moreover "...the Three Leagues had decided unanimously that what the majority in any commune decided, whether to have the Mass, or not, the minority should follow and accept the vote..."¹⁴ Interestingly, the monastery's defenders did not challenge this statement, but based their defense on another provision of the Second Ilanz Articles that gave the Leagues, rather than individual communes, authority over all cloisters. "What the majority is in the Chur parish church is not the Leagues' business; nevertheless, there are still many pious people in Chur who would like to have the Mass, which had been practiced for so many years that they hoped it would not be rejected."¹⁵ Clearly, the principle of individual religious choice was not yet well-established in 1528, although everyone agreed that communes should vote by majority what brand of preacher to appoint.¹⁶

The first solid evidence of efforts on the part of the Three Leagues to provide for the minority religion comes not from Graubünden itself, but from the Republic's subject territories in the Valtelline. There,

the population remained nearly exclusively Catholic even as more and more of the ruling communes in Graubünden became Protestant. After the Protestants gained a majority in the Republic in the 1550s, efforts began to convert the subject population, or at least to make proselytization by Reformed preachers easier. A law of 1557 illustrates this process. On first reading, the 1557 statute appears to be an effort to increase religious toleration in areas ruled by the Three Leagues. It opened with a the demand that "ministers and Mass priests may teach in their churches, administer the sacrament, baptize children and bury the dead, each according to his practice" and ended with an exhortation that the subject population "should not insult or disrespect one another on account of their faith."¹⁷ But the middle of the statute reveals that it was primarily an effort to gain entrance into Valtelline villages for the Protestants, even if they had no local support:

Where there are two churches in a village, one shall be given to the minister, the other to the Mass priest. And concerning the income that belongs to the church, the community shall vote which one to give it to. And where there is not more than one church in a village, then both parties shall use the church, but one party after the other.¹⁸

Since the vast majority of the Valtelline population was and remained Catholic, such a measure giving the Protestants presumptive rights to the use of churches represented a clear violation of majority rule in religious affairs.

Any notion that the Reformed majority was interested in promoting toleration through such legislation is dispelled by a tract composed

in 1577 by a leader of the Reformed Synod, Ulrich Campell. Entitled "Concerning the Duty of Magistrates over their beloved Subjects in matters of Religion," the tract began by arguing that every magistrate was required by God to instruct his subjects in the Gospel. The Three Leagues, however, were ruled democratically, and a clear majority "both of communal votes and in the number of men" was Protestant. Therefore, Campell claimed, the Republic was a Protestant state, and was required to impose the Reformed religion on its subjects.¹⁹ Clearly, the only toleration envisioned by these statutes was that shown by the Catholic subjects, who were required to put up with Reformed ministers in their villages and in their churches.²⁰

In the Republic's sovereign communes, in contrast, a functional balance between collective and individual religious conviction remained in place throughout the sixteenth century. In both Catholic and Protestant areas, local control over the church paralleled growing local political autonomy; both developments rested on the authority and legitimacy of majority decision at public assemblies.²¹ At the end of the sixteenth century, individual dissent was acceptable only if confined to the private sphere, as illustrated in the village of Mulegns, where Christlj Buol moved and became a citizen in 1595. The village was Catholic, but Buol was Protestant; when he became a citizen, therefore, he swore not to suggest any innovations or changes in religion at Mulegns. After being accepted as a citizen, he never went outside the village to practice his religion, but had conformed outwardly by going to the Mass "on holidays and workdays."²² His sons grew up Protestant, nevertheless, and after their father's death, they helped support a Reformed minister in a neighboring

village, and went there every two weeks to worship, which resulted in a lawsuit to withdraw their citizenship. Evidently, the commune accepted the Buols, known Protestants, as citizens only as long as they kept their own religious convictions entirely to themselves in action as well as in thought.

As tension between the confessions rose toward the end of the century,²³ communes began taking measures to ensure the perpetuation of a solid confessional majority. As the Buol case showed, one way the religious balance within a village might change was if immigrants from other parts of Graubünden belonged to the minority religion. Rather than simply banning such immigration, however--which would have been difficult given the patchwork nature of confessional adherence in the Republic--villages after the mid-century began requiring new citizens to abstain from any votes on religious matters. In the Vier Dörfer, a relatively generous provision was made for new citizens who were Protestant, somewhere around 1567.²⁴ They merely needed to swear not to vote on religious affairs, and not to suggest innovations in worship within the villages where they lived. They were free, according to this oath, to go elsewhere for their own worship, as the Catholic party there pointed out during the religious disputes of the early seventeenth century.²⁵ Similarly, when the commune of Bergün converted to the Reformed camp in 1601, the agreement that regulated the matter specifically stated as its first point that "in our parish henceforth, in matters of faith, no one shall be forced."²⁶ That this statement was not a reflection of any belief in the general virtue of toleration is shown in the same document's preamble, however, which states that "in particular, we do not want to give any Mass priests place or tolerate

them in our Reformed church: for it is altogether unfitting, according to God's word, that one should sow a field with two crops."²⁷ As late as 1601, then, Protestants were firmly proclaiming a by now traditional combination of communal majority decision about which of the two authorized religions a commune should accept, together with limits on how far any individual should be forced to conform to this communal decision. It was the breakdown of this pattern that led to the outbreak of violence in the Vier Dörfer after 1611.

Before turning to the specific events in Undervaz, Trimmis and Zizers, however, the situation in Bergün gives us a few more clues to the changing terms of confessional coexistence in the later sixteenth century. The village had been solidly Catholic until the 1560s, and Reformed adherence had spread only slowly among its population. Led by a few influential individuals, however, a Reformed minority was well-established by the late 1570s, and began agitating for a share of the local church and its resources.²⁸ At first these efforts were without effect, despite support from the Protestant majority of the Gotteshausbund. A month of stirring preaching by Ulrich Campell failed to move the Catholic majority, while the Bishop of Chur also bestirred himself to resist the efforts to divide the church in Bergün. Well aware of the threat of creeping Protestantism, the bishop made in 1573 what he hoped would be an effective appeal to the higher authorities of the republic:

You should consider carefully in this, dear loyal people of the Gotteshausbund, since you well know what the practice in Graubünden has been until now – that in all cases the minority has to follow the majority....But if the opinion [that the Protestant minority was entitled to a minister at public expense] spread among the confederates, then it would be correspondingly legal and just that a Protestant commune be required to maintain a priest, if three or four Catholics were found there...²⁹

By attacking the majority principle, the bishop argued, the Protestants opened themselves to similar claims by Catholic minorities. Whether because of this argument or otherwise, Bergün remained formally Catholic until at least 1592, and was not officially formally Reformed--again by majority vote--until the document of 1601 cited above.

The Vier Dörfer constituted a single unit in Bündner politics, but the villages also enjoyed considerable internal autonomy to manage their affairs.³⁰ In the central villages, of Igis, Zizers, Trimmis and Undervaz, political and economic issues provided the stimulus for early Reformation turmoil. After the passage of the two sets of Ilanz Articles in the 1520s, for example, the Vier Dörfer, like their neighbors, promptly put them into effect. In 1527, Zizers bought out the great tithe after the higher political authorities had ordered the See to negotiate with the villagers. Despite such moves, however, three of the four villages remained Catholic; only Igis and the Hintervalzeina became Reformed.

Religious conflict in the Vier Dörfer was muted throughout the rest of the sixteenth century.³¹ The few relevant documents surviving in the communal archives have to do with the steady transfer of the bishop's holdings into communal control.³² When voting on charges made against Bishop Thomas Planta in 1560, Reformed Igis and Catholic Zizers reached the same decisions,³³ nor was Igis treated differently in the distribution of communal offices when the four villages rearranged these in 1539.³⁴ Religious restrictions on new citizens, supposedly dating to 1567, indicated a rising awareness of confessional difference, but the archives are silent about any conflicts among the four villages or within them over religious matters. Only when a small but influential Protestant minority began claiming a share of their village churches after 1611 did the chain of confrontations, riots, and lawsuits begin that would continue for the next thirty years. The particular shape of the conflicts in the Vier Dörfer rapidly uncovered the gaps and contradictions in the assumptions most Bündner held by this time about political authority and the proper arrangement of public life.

What the Protestant minorities in Undervaz, Trimmis and Zizers needed was a principle that would help them undermine the authority of majority decisions about religion. They found two, at two different institutional levels. At the village level, they argued that the village churches and their property were in fact a communal good, and ought to be distributed among the citizens like other communal goods, such as mountain pastures or bribes from foreign princes. In contrast, the standard view that majorities should decide religion implied that religious adherence was a indivisible marker of communal identity, and

should therefore be subject to majority vote. But since the decision about how to define the church was itself subject to majority vote, the Protestants needed another lever to make their case stick, and they found it not at the village or communal level, but at the level of their League, the Gotteshausbund. The documents and traditions of the Republic generally recognized communal sovereignty over local affairs, but accepted the authority of the League or the entire Republic when local disputes proved intractable. This was just the opening the Protestants needed; it was attractive, moreover, because the Gotteshausbund had a strong Protestant majority, and even the Three Leagues as a whole were more Protestant than Catholic. This fact allowed the Protestants in the Vier Dörfer to claim that they too were following the rule of the majority, thus undermining the legitimacy of the Catholic position. More practically, the Protestant majority of the Gotteshausbund ensured that the arbitrational panels and courts appointed to adjudicate the matter would in fact be more favorable to Protestant than Catholic appeals.³⁵

In 1611, a few Protestants from Undervaz, including the deputy magistrate and the village scribe, appealed to the Republic's national assembly for the right to use their village church and to hire a Reformed minister.³⁶ That their appeal was not unpremeditated is suggested by the fact that the Reformed Synod of the Republic had discussed the situation of Protestant minorities only a month before, and that one of the Reformed delegation was the fiery minister Johann à Porta.³⁷ The Protestant majority at the Diet not only suspended the Untervaz citizenship oath, which had required immigrant Protestants not to suggest any innovations regarding the church, but also approved

the Protestants' use of the church and the hiring of a minister. The citizens of Undervaz, still overwhelmingly Catholic, reacted quite moderately to this intervention. At a public assembly of the village, they rejected the demand that Protestants have access to the village church, but explicitly affirmed not only that they could worship elsewhere without hindrance, but also that they might invite a Reformed minister to preach in private houses in the village at their own cost.

The Reformed party seized this opportunity. On September 15, 1611, the pastor of Chur, Georg Saluz, came to Undervaz accompanied by the mayor of Chur and several hundred armed men. After a brief dispute on the bridge across the Rhine on the way to the village, he began preaching in an open meadow, but then moved into the village church, allegedly with the villagers' permission.³⁸ In subsequent weeks, Protestant services took place in a barn outside the village, accompanied by increasing anger from the population. When à Porta, among the most aggressive of the Reformed ministers, preached in early May, 1612, his beard was plucked by the village's women, and he was thrown in the fountain.³⁹ Meanwhile, the Protestants also sued the village for the right to use the main church; by December 1611, a court of the Gotteshausbund had given a verdict that allowed the Protestants to use the village church after the Catholics, that freed them from observing Catholic holidays in the village, and that ordered the church endowment to be divided proportionally by the number of hearths. In addition, the court sentenced the commune to a stiff fine for "resisting" the authority of its League and for insulting à Porta. Meanwhile, the Undervazers appealed to the neighboring Gray League,

which had a Catholic majority, and to the Catholic Swiss for support. The spiraling tension was damped in Undervaz only by the intervention of the French ambassador, who negotiated a compromise and convinced the Catholic majority in Undervaz to accept it, at least temporarily. It announced that "the two religions, namely the Catholic and the Evangelical shall be free in Undervaz, and that each party may celebrate Divine services, with wives, children, servants, in safety without any obstruction" in the church. The Catholics were given the first use of the church, and the Protestants promised not to disturb the altar or decorations. As in the unilaterally imposed verdict of 1611, however, the church's income was divided proportionally according to the number of hearths adhering to each confession; similarly, Protestants were awarded one fourth of the seats on the village council, and the right to have a Protestant elected village magistrate [Amman] every third year, though election was to be by the entire commune.⁴⁰

Before moving on to the conflicts that burst out in Trimmis and Zizers in the following years, a few key points should be noted here. First of all, the Reformed minority in Undervaz gained most of its goals by moving the debate from Undervaz itself to larger assemblies where Protestants predominated. Local-central relations in the Republic were still fluid at this time, and broadly-accepted principles such as majority rule did not necessarily provide unequivocal answers to disputes such as this one. The question, after all, was which majority was relevant. In addition, the Protestant case drew upon an alternate model of legitimacy by claiming a share of the church. Bündner were used to dividing or alternating in their use of

resources of many different kinds, making them more receptive to the argument that a church and its endowment, too, could be partitioned or rotated in a way that reflected the relative proportions of Catholics and Protestants in a commune. Finally, the compromise negotiated by the French ambassador repeatedly stressed public peace, and the responsibility that neighbors had not to "touch one another with disdainful or bothersome words, but to live in good peace according to our alliance."⁴¹

Although the general course of events in Trimmis resembled those in Undervaz, the intensity of the conflict rapidly spiraled higher. The Trimmiser had watched the failure of the relatively moderate stance taken by the Catholic majority in Undervaz, and were apparently determined not to make the same mistake. Sometime around 1612, the village head [Landamman] of Trimmis, Oswald Gaudenz and his brother made public their Reformed faith, and asked that the larger of Trimmis's two churches be handed over to them so that they could hear the "pure Gospel."⁴² Even without the previous troubles in Undervaz, such a claim was sure to be rejected by the overwhelming Catholic majority, and like their brethren in Undervaz, the Protestants soon appealed to the Republic's Diet, late in 1613. Over Catholic protests, the court issued a "compromise" quite similar to the one in Undervaz. Both churches were declared to be communal property open to both confessions, although the majority confession was to have the first use. The majority was also to control the endowments [Pfrunde], but to divide the income proportionally according to the number of hearths belonging to each confession. Outvoted at the federal level, again, the Catholics from the entire Republic expressed their

frustration at the way majority rule was being applied. They observed that their confederates "belonging to the opposite religion outvote us each time it comes to a dispute, establish a court and statutes as suits them, and then use violent means against those who do not want to obey and submit."⁴³ Yet this did not mean that the Catholic party wanted to give up the legitimacy that a majority offered them within the context of the Republic's political life. Instead, they offered an alternate proposal in January, 1614: in the future, each commune should decide for itself whether to employ a Catholic or Reformed clergyman by majority vote, and "the minority may then exercise its religion elsewhere wherever it wants."⁴⁴ Given the enormous legitimacy of communal autonomy, this was a clever move, and forced the leaders of the Bündner Protestants to make the unpopular counter-argument that individual communes should not be given excessive authority.⁴⁵ In short, the Catholics now adopted the position that Protestants had advocated less than a generation earlier.

The court records that survive about Trimmis make it clear that things went from bad to worse during 1614. In May of that year, an armed band attacked the village from Chur: after they failed to gain entrance to the larger church, they broke into the smaller chapel of St. Emerita. In the following two years, several attempts at compromise failed, even though they leaned further in the Catholic direction than the settlement in Undervaz had. Late in 1615, another court, this time appointed with equal numbers of Catholic and Protestant judges, met to settle the aftermath of a riot earlier that year.⁴⁶ The surviving depositions illustrate the high tension. Protestants complained that their hay and agricultural implements had

been vandalized, and that they had heard threats that "[the Catholics] wanted to uproot and burn the Lutheran heretics within the week."⁴⁷ Another man reported that "he had heard the priest in his sermon say that there were three murderers, namely the Evil spirit, the Lutherans, and he couldn't remember the third one."⁴⁸ In testimony about a riot that the court was concerned with, Elsy Kochin declared that "she had seen Hartmann Hartmann running down with a naked sword, and when she asked him where he was going, he said he wanted to find the Reformed ministers."⁴⁹ Much of the testimony concentrated on the point that the Catholics had refused to stop when bidden to observe the peace--an action that was itself a serious violation of village statutes, and one which illustrates the intensity of passions aroused in Trimmis:

Hartmann Hartmann said, give us the old villain, and he [the witness] had also heard, that the Catholics had called out the Protestants. And the women confirmed the testimony, and more, saying that Hans Sch... had told them, when [the Protestants] spoke of the peace, [Hartmann] had answered that he sought no peace.⁵⁰

In Trimmis as in Undervaz, then, we see the same effort by a Protestant minority to redefine religious coexistence as a matter for partition and division of resources, rather than for majority decision. Sensitized by their setbacks in neighboring Undervaz, the Catholics fought back harder in Trimmis, and worked to strengthen the majority principle locally. The compromises eventually imposed on Trimmis thus represented a victory for the Protestants, because they recognized Protestant claims to a share of their church in the first

place. The solution that the Catholics suggested in 1614, although almost identical to the one that the Protestants had imposed in Bergün in 1601, was no longer enough to satisfy the Protestant party. Under these circumstances, it is not surprising that any settlement imposed from outside remained unstable, and that Trimmis remained a site of considerable religious tension.

Zizers was the largest of the four villages, and the seat of the shared communal government. The struggles in Undervaz and Trimmis were bound to spread there as well, as soon as enough influential citizens of Zizers declared their adherence to the Reformed faith, which happened late in 1612. The majority in Zizers was accommodating at first: after a first refusal, the Protestants were given the use of the smaller church of St. Andrew, and the first Reformed services were held without causing disturbances. As Georg Saluz, the minister, put it, "the Undervaz affair taught them some manners."⁵¹ Affairs proceeded without trouble for nearly a year, until the Protestant faction in Zizers, at the instigation of the Reformed Synod, gave their pastor Johann à Porta village citizenship without consulting their Catholic fellow citizens. In addition, the Protestants appealed to the Gotteshausbund--their favorite tactic--in order to gain control over the larger church of Sts. Peter and Paul and the church endowment. As they put it, "there are a substantial number of Evangelicals in the village now"--sufficient cause, they thought, to give them the preferred position. The Leagues decided to appoint a commission to investigate, with two Reformed and one Catholic member. Naturally, the Catholics refused to accept this arrangement, but the commission proceeded to craft an agreement similar to that in the other villages:

both religions were to have use of the churches, the Catholics could keep the endowment as long as they were in the majority but had to share the income proportionally, and the Catholics were once again sentenced to pay significant court costs because of their "resistance." The pressure from the Reformed party continued, moreover, with the Protestants taking sole control of Sts. Peter and Paul after the Catholics refused to pay the costs and fines that had been assessed against them. In 1615, the Protestants forcibly dragged the Catholic priest, Oswald Carnutsch, out of the church after he attempted to preach there to the Catholic majority, and an armed confrontation was barely avoided.

To dampen the growing tension in the village, a new agreement was hammered out in November of 1616. Because it so vividly encapsulates the contradictory practices and principles that the opposing parties wanted to enforce, this document is particularly revealing. The preamble stressed the concrete harm that religious division was wreaking on all citizens of the village: "...so that we must be concerned, unless God as the originator of peace should grant us by his grace the spirit of peace and love, further and greater inconveniences must await us."⁵² The danger, the preamble argued, was the "spirit of disunity", and the first article of the agreement established that the exercise of both religions would be entirely free in the commune, for the explicit purpose that the inhabitants might be "not two communes, or parties, but rather one commune."⁵³ Since the rest of the document proceeded to divide the churches and their endowments, this sentiment appears to be more of a vain hope than a realistic conclusion; even so, it set this document apart from similar

agreements in Trimmis and Undervaz. Whereas those compromises had turned to partitioning resources, either in proportion to the number of hearths involved or in equal part between the two parties, the Zizers document stressed the common ownership of the resources involved. Despite the various provisions regulating the use of the two churches and the division of the costs of maintenance and income, an article at the end carefully limited such division: "Everything shall belong to the entire commune undividedly, including both churches, the bells, the church decorations, to manage and control according to its wishes."⁵⁴ All in all, this effort differed markedly from the ever more detailed enumeration of the rights pertaining to the "Catholic community" and the "Evangelical community" that is found in the agreements negotiated or imposed in Undervaz and Trimmis. In Zizers in 1616, for a moment, a commune sought to concede as little as possible to the principles of proportional division or parity, even as they separated that part of their lives where coexistence was no longer possible.

The Zizers document of 1616 echoed contemporary documents from other parts of the Three Leagues that pointed towards an alternate solution. If Catholics and Protestants could remain "a single commune" even as they affirmed their religious convictions, this implied that the political commune was distinct from religious identity and not dependent on it. Such a position had not been possible under the older practice: as we saw with Christlj Buol in Mulegns, he could remain Protestant only in a purely private sense if he wanted to function as a citizen of his village. Membership in the village implied membership in the church, or at the very least, entirely private dissent. This

was not a matter of identity only: the entire village supported the church through fees, dues imposed on common land, and through endowments made in the past. If the Zizers agreement had been followed in both spirit and letter, a new possibility would have appeared: a secular commune that ensured the support of both churches without giving sole authority to either one, and a village in which Catholics and Protestants "resided and lived next to one another as is fitting for honorable communal citizens and neighbors."⁵⁵

What do the struggles in the Vier Dörfer and in the Republic of the Three Leagues tell us, either about the practice of religious coexistence during the long sixteenth century, or about the idea of toleration more generally? First of all, they force us to recognize how much notions of toleration or religious liberty depend on local context. It was easy to say the religion was "free" in the Republic, at least to adherents of the two magisterial faiths, yet saying so meant nothing until that liberty was put into practice. It could mean the freedom to believe in one creed as long as one publicly followed the rules of the other, as in the case of Christlj Buol. It could mean the right to visit another village for religious services, or it could mean the right to use the same church for services of two different religions, and to divide the endowment that a village had built up over generations to support its church. Each of these alternatives also involved consequences for material resources, collective identity, and political procedure.

Consequently, defining the inhabitants of the Vier Dörfer as "tolerant" or "intolerant" appears to depend more on the viewer's

perspective than on the course of events in the early seventeenth century. It appears equally plausible to say that the villages became more tolerant through allowing Protestants the right to use the village churches and giving them a share of the public funds that were used to support the clergy; or to say that by appealing to a sympathetic majority at a higher level, the Reformed party was intolerantly depriving a Catholic majority of its property and the sanctity of its churches, (given that the Catholics had at first been perfectly willing to allow the Protestants in Undervaz to worship and to support a minister at their own expense). One can agree that one result of the conflict was to make each party less willing to coexist with the other, although sentiments of communal unity and the fear of negative consequences led both parties to live with the uncomfortable compromises they had accepted.⁵⁶ Moreover, the fact that the physical church and its endowment were perceived as collective, public property meant that there could be no "neutral" or secular position about their disposition: the very decision whether to divide the church's resources, or to leave them to the majority--each a potentially legitimate solution in the political culture of the region--meant taking the side of the Catholics or the Protestants, as we have seen. In other words, the very conviction that the church was a public resource carried confessional overtones, and prevented any neutral separation of "church" from "state."

Second, working out the details of religious coexistence inevitably raised questions about which practices were both traditionally legitimate and also appropriate for managing the consequences of religious liberty. Rarely did either side in these conflicts appeal to

novel or rational principles to bolster their position. Quite the contrary: each party sought to show that it was merely following well-established practices to reach the conclusions it desired. The result of this tendency was that conflicts over religion brought to the forefront the otherwise hidden conflicts among the practices by which the Bündner governed themselves. Was majority decision, or proportional division the right response to two confessions in one village? Did a village, or a League, or the Three Leagues in common possess final jurisdiction over intractable local conflicts? Religious polarization put into stress the understandings that had held the Republic together for nearly a century.

Finally, we should note that the entire debate between Catholics and Protestants in the Vier Dörfer was carried out and resolved with scarcely any explicit references to toleration at all. In the few instances where dulden was discussed, as in Bergün in 1601, it was explicitly rejected as contrary to the will of God. Yet despite their lack of a positive theory of toleration, the population of the Vier Dörfer in fact moved from one version of what modern analysts might call toleration to another. Certainly, religious practice was in fact considerably freer there, and throughout the Three Leagues, than in many other parts of Europe at this time. The shift in the terms of coexistence that took place between 1610 and 1620 was just that: a move from one version of religious coexistence to another. The regulation of what we would call toleration--the institutional framework for living with incommensurate convictions--was for the Bündner of this era above all a matter of conflict management. The people involved certainly argued from their values and principles

(foremost among which was custom), but they did not need a theory of toleration to be tolerant, or to be intolerant.

¹ John Locke, ed. John Horton and Susan Mendus, A Letter Concerning Toleration, in focus, (London and New York: Routledge, 1991), e.g. p. 17. In Locke's earlier writings on toleration, argues Robert Kraynak, he had used the same premise of a civil magistrate whose primary duty was to preserve public peace in order to argue for the coercive imposition of religious unity: "John Locke: From Absolutism to Toleration," American Political Science Review, 74, 1 (1980): 53-69.

² Among the extensive literature note in particular: Paul Warmbrunn, Zwei Konfessionen in Einer Stadt: Das Zusammenleben von Katholiken und Protestanten in den paritätischen Reichsstädten Augsburg, Biberbach, Ravensburg, und Dinkelsbühl von 1548 bis 1648, (Veröffentlichungen des Instituts für Europäische Geschichte Mainz, Abteilung für abendländische Religionsgeschichte, 111), (Wiesbaden: Franz Steiner Verlag, 1983); and Joachim Whaley, Religious Toleration and Social Change in Hamburg, 1529-1819, (Cambridge: Cambridge University Press, 1985).

³ On Poland, see Johannes Tazbir, Geschichte der polnischen Toleranz (Warsaw: Verlag Interpress, 1977). On Switzerland, Paul Steiner, Die religiöse Freiheit und die Gründung des Schweizerischen Bundesstaates (Bern and Stuttgart: Verlag Paul Haupt, 1976).

⁴ The most recent study of the political history of this region in the early modern period is my Early Modern Democracy in the Grisons (Cambridge: Cambridge University Press, 1995). The older standard histories with extensive narrative material are Friedrich Pieth, Bündnergeschichte (Chur: F. Schuler, 1945), and Conradin von Moor, Geschichte von Currätien und der Republik "gemeiner drei Bünde" (Graubünden), 3 Vols. (Chur: Verlag der Aniquariatsbuchhandlung, 1871).

⁵ On the secular commune in Graubünden, see Head, Early Modern Democracy, 73-89, and the literature cited there.

⁶ Oskar Vasella, "Zur Entstehungsgeschichte des 1. Ilanzer Artikelbriefes vom 4. April 1524 und des Eigenössischen Glaubenskonkordates von 1525," Zeitschrift für Schweizerische Kirchengeschichte 34, 3-4 (1940), pp. 185-86.

⁷ Peasant actions and strategies after 1524 described systematically in Oskar Vasella, "Der bäuerliche Wirtschaftskampf und die Reformation in Graubünden, 1526 bis etwa 1540," Jahresbericht der Historisch-antiquarische Gesellschaft von Graubünden 73 (1943), pp. 1-183.

⁸ Oskar Vasella, "Die Entstehung der bündnerischen Bauernartikel vom 25. Juni 1526," Zeitschrift für Schweizerische Geschichte 21, 1 (1941), pp. 58-78 and idem, "Bauernkrieg und Reformation in Graubünden," Zeitschrift für Schweizerische Geschichte 20, 1 (1940), pp. 1-65, here 25-32.

⁹ Original text in Constanz Jecklin. Urkunden zur Verfassungsgeschichte Graubündens. (Als Fortsetzung von Mohr's Codex Diplomaticus). Chur: Sprecher und Plattner, 1883, pp. 89-95.

¹⁰ The article on the election of ministers did not take a particularly prominent place in the Second Ilanz Articles, appearing in the thirteenth place between provisions governing hunting, and one establishing uniform weights and measures. The provision of reasonable support for pastors is the primary point, with the establishment of communal power to appoint or dismiss appearing almost as an afterthought. Jecklin, Urkunden, pp. 92-93.

¹¹ See Head, Early Modern Democracy, 73-89, for an overview.

¹² This text first appears in Ulrich Campell's Historia Raetica written in the 1570s, published as Ulrici Campelli Historia Raetica, ed. Placidus Plattner (Quellen zur Schweizer Geschichte, 8-9) (Basel: Felix Schneider, 1887-1890), 2: 161, dated to an assembly of March 15, 1526.

¹³ Cited from Petro Dominico Rosius à Porta, Historia Reformationis Ecclesiarum Raeticarum (Chur: Societatis Typographicae, 1771), 1: 146. The authenticity of this document is questionable, according to Oskar Vasella, Abt Theodul Schlegel von Chur und seine Zeit, 1515-1529. Kritische Studien über Religion und Politik in der Zeit der Reformation, (Zeitschrift für Schweizerische Kirchengeschichte, Beihefte, 13), (Freiburg im. Ü: Universitätsverlag, 1954), p. 67, note 1.

¹⁴ Cited in Fritz Jecklin, ed., "Beitrag zur Churer Reformationsgeschichte," Anzeiger für schweizerische Geschichte (1895), no. 3: 225-228.

¹⁵ Ibid.

¹⁶ There is almost no evidence, and very little debate about the religious rights of minorities at all from this period. The only clear statement about minority religious views has to do with Anabaptists and other non-magisterial sects, which were banned in Graubünden as they were in the rest of Switzerland. Only the "two religions" enjoyed the privilege of communal choice.

¹⁷ The statute is cited in Fritz Jecklin, Materialien zur Standes- und Landesgeschichte Gem. III Bünde (Graubünden), 1464-1803, 2 vols. (Basel: Basler Buch- und Antiquariatshandlung, 1907), 2: 272, (No. 278, January 18, 1557).

¹⁸ Ibid.

¹⁹ In "De officio magistratus erga subiectos suos charissimos in religionis causa, in ipsorum salutem," Archiv der Evangelische Rhätischen Synode, Msc. B 3, pp. 27-35, here pp. 27-28. This tract was inserted into the protocoll of the Rhaetian Synod during its meeting in 1577.

²⁰ Campell did acknowledge that member communes of the Three Leagues should still be allowed to practice Catholicism, unlike the subjects. But he described this concession as a matter of "grace" in the interest of public peace. Ibid., p. 29.

²¹ Head, Early Modern Democracy, 75-82.

²² The conduct of Buol is described in a deposition in a lawsuit of 1645 concerning his heirs. Pfarrarchiv Mulegns, Urkunden, No. 12.

²³ On the periodization and theoretical framework for understanding this tension, which appeared all over the German lands at this time, see esp. Heinrich Richard Schmidt, Konfessionalisierung im 16. Jahrhundert, Enzyklopädie der Deutschen Geschichte, V. 12 (Munich: Oldenbourg, 1992).

²⁴ The 1567 date is suspect because no original document survives. It is reported in Catholic sources from the 1640s, especially the sharply confessional "Historia Religionis" (Bischöfliches Archiv Chur, Historia Religionis B, p. 11).

²⁵ See Berger, Einführung, 35, and below.

²⁶ Gemeindecarchiv Bergün, Urkunden, No. 46, July 5, 1601.

²⁷ Ibid.

²⁸ See Emil Camenisch, Bündnerische Reformationsgeschichte, (Chur: Bischofsberger & Hotzenköcherle, 1920), pp. 471-78.

²⁹ Jecklin, Materialien, 2: 438, (No. 426, Aug. 17, 1573).

³⁰ Each of the four main villages (Igis, Zizers, Trimmis, Untervaz) had its own parish church; Zizers also had a second, smaller chapel. The parish of Felsberg included the hamlet of Sais above Trimmis for some time, while the Valzeina was divided among the parishes of Zizers, Felsberg and Trimmis, and politically among the communes of the Vier Dörfer, Jenaz and Seewis. See Helvetia Sacra, ed. Albert Bruckner (Bern: Francke Verlag, 1972-), I.i: 600-01, and Nicolin Sererhard, Einfalte Delineation aller Gemeinden gemeiner dreien Bünden, ed. Oskar Vasella (Chur: Verein Bündner Kulturforschung, 1994), 201-02.

³¹ This is generally true across Graubünden, with the exception of times when individual communes experienced a Protestant movement to join the Reformed camp. Then, considerable violence could break out, until the final vote was taken. As a rule, however, once the (secular) commune had chosen its religious adherence, conflict waned immediately.

³² A general overview in Camenisch, Bündnerische Reformationsgeschichte, pp. 514-16. Aside from the documents cited above, a document of 1539 (Gemeindecarchiv Zizers, Urkunden, No. 54), regulated the appointment of criminal judges in rotation among the individual villages, since the bishop no longer had that right; one of 1554 from Zizers (Gemeindecarchiv Zizers, Urkunden, No. 81), ordered the seizure of the widdum, because of the "decline" of the clergy, who refused to maintain their church's property; several from 1576 record the transfer of various pieces of land from the Bishop or chapter in hereditary tenure (Gemeindecarchiv Zizers, Urkunden, Nos. 93-98). Not until 1649 were the last episcopal property rights commuted.

³³ Jecklin, Materialien, 2: 286-88, (No. 296).

³⁴ Gemeindecarchiv Zizers, Urkunden, No. 54.

³⁵ The documents leave no doubt that this was the case, and in fact, the Catholic party in the Vier Dörfer complained loud and often that they were not receiving a fair hearing. See e.g. STAGr AB IV 5/12, p. 375

³⁶ The narrative in this and the following paragraphs on Trimmis and Zizers relies primarily on Berger, Einführung, 3-52, although many of my conclusions differ sharply from his. See also J. F. Fetz, Geschichte der kirchen-politische Wirren im Freistaate der III Bünde (Chur: by the author, 1875).

³⁷ Berger, Einführung, 4.

³⁸ Saluz wrote a report for the Chur magistrates: Zivilstandsamt Chur, Kirchenbuch No. 2, cited by Berger, Einführung, 5.

³⁹ The court of the Gotteshausbund used this incident to load more fines onto the commune and several individuals. Berger, Einführung, 10-11.

⁴⁰ A copy of the accord in STAGr B 1538/15, pp. 90-93.

⁴¹ STAGr B 1538/15, p. 92.

⁴² This first request is documented only in Bartholomäus Anhorn's Palingenesia Rhaetica: Heilige Wiedergeburt der Evangelischen Kirchen / in den gemeinen dreyen Pündten... (Brugg, 1680), without a specific date. Cited in Berger, Einführung, 32.

⁴³ The word "übermehren," (outvoting) starts appearing only in the late sixteenth century in Graubünden, in order to describe the illegitimate use of majority power.

⁴⁴ Bartholomäus Anhorn, "Chronick der statt Maienfeld," Msc. in Stadtarchiv Maienfeld, cited in Berger, Einführung, 35.

⁴⁵ Berger, Einführung, 36.

⁴⁶ The documents from this court provide the most coherent set of images about Trimmis in this period. STAGr AB IV 5/12, pp. 373-411. The Catholic judges boycotted the court, with one exception, and the Trimmis Catholics disputed its jurisdiction.

⁴⁷ STAGr AB IV 5/12, p. 407, testimony of Matheu Harttman.

⁴⁸ Ibid., testimony of Crista Schienne (the last name is poorly legible).

⁴⁹ Ibid., p. 408.

⁵⁰ Ibid., p. 408, Testimony of Caspar Gadiant, Eva Wincklerin, and Barbla Willi from Ems.

⁵¹ Cited in Berger, Einführung, 19. Nevertheless, it is worth noting that Saluz went to Zizers in the company of the Mayor of Chur and an armed guard.

⁵² STAGrB 1538/15, p. 95 (a copy from 1644).

⁵³ Ibid.

⁵⁴ Ibid., p. 96.

⁵⁵ B 1538/15, p. 94 at the end of the preamble. For more discussion of this issue, see Randolph Head, "Rhaetian ministers, from shepherds to citizens: Calvinism and democracy in the Republic of the Three Leagues, 1550-1620," in W. Fred Graham, ed., Later Calvinism: international perspectives, (Sixteenth Century Essays and Studies, Vol. 22), (Kirksville, Mo.: Sixteenth Century Journal Publishers, 1994), pp. 55-69.

⁵⁶ As the resumption of religious conflict in the Republic after 1639, and specifically in the Vier Dörfer in 1644, reveals, such acceptance did not come easily. See STAGr B 714/8 (letter from Zizers to the Swiss Catholics, 1644), and the arbitrational documents of that year in STAGr B 1538/15. For detailed analyses in a confessional vein, Felici Maissen, Die Drei Bünde in der zweiten Hälfte des 17. Jahrhundert in politischer, kirchengeschichtlicher, und volkskündlicher Schau. Vol 1:1647- (Aarau: Sauerländer, 1966).