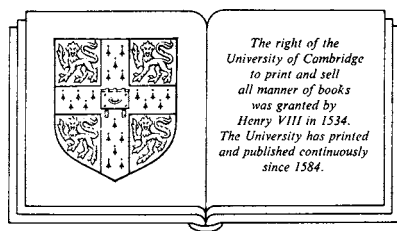


Religious Toleration and Social Change in Hamburg 1529–1819

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Introduction

In his *Dichtung und Wahrheit* Goethe recalled how as an aspiring young writer he had practised his literary skills by drafting a pamphlet in the form of a letter from a rural parson to a newly ordained colleague: 'The main theme of this letter was the watchword of that time, namely, "Tolerance", which prevailed among the better minds and spirits.'¹ His immediate inspiration was the work of his uncle Johann Michael von Loen, one of the most prominent German polemicists of religious toleration; but his youthful exercise reflected one of the major preoccupations of the age.² For, as contemporaries constantly pointed out, the eighteenth century was the century of toleration. United in their rejection of persecution and discrimination on grounds of faith, the *Aufklärer* saw the propagation of mutual recognition and respect as their prime vocation.³

Even the most cursory survey of enlightened literature reveals just how fundamental the idea of toleration was to the *Aufklärung*. Sermons, travel reports, historical works, topographies, encyclopedias, studies of population growth and the economy, plays, poems and novels, all are littered with references to the evils of religious persecution and the beneficial results of an irenic pacificism. The writings of Bayle, Locke and Voltaire became the devotional literature of a new cult of humanity which condemned the brutality of the Old Testament. Both the Orthodox guardians of the Lutheran Church and the intolerant Jesuits became the object of passionate

Bibliographical references have been abbreviated throughout; full citations may be found in the bibliography.

¹ Goethe, *Werke*, 9, p. 512.

² On Loen, see *ADB*, 19, pp. 86–8 and Goethe, *Werke*, 9, pp. 75–6. There is no good study of his work. The most important essays, dealing with relations between Lutherans and Calvinists in Frankfurt am Main, are collected in von Loen, *Kleine Schriften*, esp. pp. 1–22, 295–314, 375–86.

³ The term *Aufklärung* is the German equivalent of 'the Enlightenment'. The best surveys of the eighteenth-century debate in Germany and its European context are: Schultze, *Lessings Toleranzbegriff*, pp. 11–23 and Kiesel, 'Toleranz', *passim*. See also: Kopitzsch, 'Sozialgeschichte der Aufklärung', pp. 89–95; Gay, *Enlightenment*, 2, pp. 398–407; Kantzenbach, *Protestantisches Christentum*, pp. 81–4; Grossmann, 'Religious toleration'; François, 'De l'uniformité à la tolérance'.

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criticism. The histories of Spain and Portugal provided salutary warnings of what evils would ensue from a rigid adherence to a single truth; those of Britain, Holland, Prussia and later Joseph II's Austria, provided both confirmation of the wisdom of toleration and hope for its spread in the future.⁴

The vision of an end to the religious controversies which had marred the history of Christianity (which Voltaire characterised as the most intolerant of all religions) was, of course, neither new nor confined to Germany.⁵ As Hans Guggisberg has shown, the later debate had its roots in the writings of Nicholas of Cusa, Ficino and Pico della Mirandola. Their ideas were synthesised in the work of Erasmus as he reacted to the brutal reality of the division of Christendom during the Reformation.⁶ Like later apologists, Erasmus propagated a return to the fundamental texts of Christianity (the first texts of the Gospels and the works of the Church Fathers), an end to elaborate theological speculation, and the reduction of faith to a limited set of basic teachings.⁷ These themes were taken up by later writers such as Castellio, Bodin, Bayle, Locke, Leibniz and Thomasius, and they provided the broad framework for the theological and philosophical discussion of the eighteenth century. Throughout, the debate transcended national frontiers and preoccupied the whole Republic of Letters. Just as bitter confessional strife embraced the whole of Europe, so the desires first for the reunion of Christendom and then for toleration were the most prominent international causes in the early modern era.⁸

The history of the idea is well known and the debate about it has been traced and analysed in great detail. Indeed, in many ways too much attention has been devoted to theology and philosophy, and this has obscured the nature of the real progress of toleration before the French Revolution. A comparison of the radical demands often made by intellectuals with the actual implementation of measures designed to establish a religious equilibrium should warn against adopting a whiggish view of the forceful march of ideas.⁹ Understandably, modern scholars have been concerned to trace the provenance of principles which are fundamental to the society in which they live. They point to toleration edicts, especially in the eighteenth century, as evidence of the gradual acceptance of the concept of individual freedom of conscience first explicitly proclaimed in the Virginia Bill of Rights and the French Declaration of the Rights of Man.¹⁰ But in doing so they confuse two fundamental issues: on the one hand the

⁴ Kiesel, 'Toleranz', pp. 372–82. ⁵ Voltaire, *Dictionnaire philosophique*, p. 365.

⁶ Guggisberg, 'Wandel der Argumente', pp. 460–1. ⁷ *Ibid.*, pp. 461–2.

⁸ *Ibid.*, pp. 455–60, 465–81.

⁹ The point is stressed by Butterfield, 'Toleration', pp. 573–4.

¹⁰ Dickmann, 'Problem der Gleichberechtigung', p. 247.

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modern development of social attitudes which accept the right of the individual to believe anything or indeed nothing at all, and on the other hand the much older establishment of the legal principle that the state has a duty to guarantee if not the equality of all Churches then at least freedom from persecution of all groups which do not subscribe to the faith of an established Church.¹¹

Both principles can be traced back to the sixteenth century. But the Enlightenment was particularly significant because its debates elucidated the difference between the two more explicitly than ever before. For despite the polemical exuberance of the Enlightenment, it soon became clear that the pursuit of the claims of reason over those of revelation led into murky and potentially dangerous waters. It is true that the uncompromising stance of Voltaire was universally admired in enlightened circles.¹² Lessing became a hero in Nicolai's Berlin circle because of his outright confrontation with the Orthodox Lutheran pastor Johann Melchior Goeze.¹³ The *Aufklärer* applauded Frederick the Great's robust statements on the rights of his subjects to believe whatever they liked (though many of them preferred to do so from a vantage-point outside Prussia itself).¹⁴ But the chorus of praise for great thoughts and deeds belied a deep sense of unease about many of the principles which underpinned them. Few shared Voltaire's scepticism about any form of organised religion.¹⁵ Nicolai and his circle did not concur in Lessing's demand for the acceptance of heretics, atheists and Jews.¹⁶ Nor did they approve of Frederick the Great's declaration that he would build mosques and temples for Turks and heathens if they were honest in the profession of their beliefs.¹⁷

Such sentiments were praiseworthy enough in an intolerant world in need of provocative education. But they smacked of an indifference which many regarded as harmful both to religion and to man. It might be true that there were many paths to salvation; but most *Aufklärer* believed that it was more certainly to be found in Lutheranism, Calvinism or Catholicism. For the established Christian Churches represented more than just organised faith: they were durable pillars of state and society whose worth had been proved by history and whose indispensability remained a *sine qua non* for the future.¹⁸ Indeed, as Locke had pointed out, heretics and atheists who

¹¹ *Ibid.*, pp. 247–51.

¹² Schultze, *Lessings Toleranzbegriff*, pp. 11–12.

¹³ Schultze, 'Toleranz und Orthodoxie', *passim*; Kantzenbach, *Protestantisches Christentum*, pp. 161–5.

¹⁴ Kiesel, 'Toleranz', p. 380; Conrad, 'Religionsbann', p. 189; Kantzenbach, *Protestantisches Christentum*, pp. 142–8.

¹⁵ Schultze, *Lessings Toleranzbegriff*, pp. 11, 19.

¹⁶ *Ibid.*, pp. 39–48.

¹⁷ Quoted by Kiesel, 'Toleranz', p. 380.

¹⁸ Wild, 'Freidenker', *passim*; Scholder, 'Grundzüge der theologischen Aufklärung', *passim*; Whaley, 'Protestant Enlightenment', pp. 107–8, 111–13.

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rejected God could not be relied upon to contribute to his kingdom on earth; nor could the Jews, whose religion knew nothing of the obligations expressed in the oaths of Christians to their fellow men.¹⁹

Doubt and uncertainty about the degree of religious freedom permissible according to the will of God and the needs of government and society were not new. But the prominence of their discussion in Germany in the eighteenth century not only delineated the contours of the modern debate, but, more importantly, pointed to the specifically German framework which the *Aufklärer* inherited. For the prominent few, men like Thomasius and Lessing, did not themselves create the demand for a change in religious attitudes. It was rather the context, the social and political realities of German society, which generated the need for reform which they articulated.

Toleration was an international idea, but nowhere was the debate as clearly circumscribed in practical, legal and administrative terms as in the Holy Roman Empire. The *Aufklärer* eagerly debated the theological and philosophical implications of the literature they read. But on the level of action they were concerned primarily with the implementation of legal and constitutional principles – principles gradually evolved during the century after the Reformation and enshrined in the Peace of Westphalia in 1648.

In Germany the confessional conflicts of the sixteenth century posed legal and constitutional problems which demanded a political solution earlier and more acutely than anywhere else. The Reformation was preceded by and became part of a constitutional struggle between the Emperor and the princes. For many, Protestantism was a vehicle of resistance to the Emperor's claims to sovereignty over them, and its establishment during the 1530s and 1540s marked the first stage in the long and difficult process of defining his position in the amorphous *Reich*.²⁰ Far from resolving the situation, the first truce at Augsburg in 1555 exacerbated the dispute. It did not recognise Calvinism, while the principle of *cuius regio eius religio* gave both Catholics and Lutherans hopes of extending their powers by converting or reconverting individual rulers. The peace effectively created a machinery of conflict which ultimately precipitated the outbreak of the Thirty Years War. It did, however, embody principles which later provided the foundations of a more lasting peace. The *jus reformandi* was placed firmly in the hands of the princes and magistrates, while subjects who did not share the faith of their ruler were granted the right of emigration on the payment of compensation.²¹

The problems resulting from the ambiguities of the Augsburg settlement

¹⁹ Guggisberg, 'Wandel der Argumente', pp. 475–8.

²⁰ Dickmann, 'Problem der Gleichberechtigung', pp. 203–35.

²¹ Conrad, 'Religionsbann', pp. 169–75. Cf. Scheuner, 'Auswanderungsfreiheit', pp. 208–11.

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were only resolved by the Treaty of Osnabrück in 1648. The Treaty placed the seal on the truce between the Emperor, the *Reichsstände* and Sweden. More than just a declaration of peace, it became the foundation of the Imperial constitution until 1806; and its most significant achievement was the construction of a complex legal code governing the relationship of the Christian Churches in Germany.²²

Catholicism, Lutheranism and Calvinism were recognised as established religions with equal constitutional rights. The *jus reformandi* was ceded unambiguously to the sovereign princes. In all states, the privileges of those confessions which owned property or which enjoyed public worship in 1624 were guaranteed. While the right of dissenting subjects to emigrate and the *jus reformandi* of the rulers were both reinforced, the Treaty also imposed a kind of limited toleration on all rulers. They had the right to determine the dominant religion in their lands, but could neither persecute nor force into emigration members of other Churches established before 1624. Those who had no such rights could emigrate, but if they did so, they were not to be deprived of their property.²³

Three types of religious worship emerged from this complex legislation. The dominant religion alone enjoyed the *exercitium religionis publicum*; the other recognised Churches were granted *exercitium religionis privatum*. Members of recognised religions without rights before 1624 were only allowed an *exercitium religionis domesticum*. Public worship meant churches with spires and bells; private worship meant chapels without either; domestic worship meant prayers in the family home and the right to visit churches in a neighbouring state.²⁴

The Treaty's clauses were all-embracing. But it was only unambiguous and fully effective in establishing the constitutional parity between Protestants and Catholics in the Imperial Courts. At this level it served its purpose in putting an end to the kind of inter-state quarrels which had led to the Thirty Years War. But within the states themselves it soon became clear that it had merely provided a rather ambiguous set of guidelines. In practice it was difficult to maintain the distinction between *publicum* and *privatum*. The sects excluded from the Treaty did not disappear as some had hoped.²⁵ Above all it was never clear whether the Treaty represented a final statement of limitations or whether it merely guaranteed minimal rights which might be extended at will by the princes and magistrates.²⁶

²² Feine, 'Verfassungsentwicklung des Heil. Röm. Reiches', pp. 65-74; Vierhaus, *Deutschland*, pp. 83-4.

²³ Conrad, 'Religionsbann', pp. 175-81; Dickmann, 'Problem der Gleichberechtigung', pp. 235-43; Fürstenau, *Grundrecht der Religionsfreiheit*, pp. 49-73. See also Dietrich, 'Landeskirchenrecht und Gewissensfreiheit'.²⁴ Sägmüller, 'Begriff des *exercitium religionis*'.

²⁵ Fürstenau, *Grundrecht der Religionsfreiheit*, p. 54.

²⁶ Grossmann, 'Toleration', pp. 133-4.

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Disputes over the Treaty's implications punctuated the history of the *Reich* to its dissolution. It provided the legal framework for the debate about religious toleration in Germany. Those who espoused moderation claimed that the *jus reformandi* of the rulers logically implied that they might extend the liberties guaranteed by the Treaty – both with regard to members of the recognised religions and, more controversially, to the unrecognised sects. Their opponents clung to the letter of the law which apparently sanctioned discrimination and restrained official tolerance.²⁷ But in the last resort even those *Aufklärer* who applauded the toleration edicts of the eighteenth century were able to rationalise their distrust of sectarians and their rejection of the Jews by reference to the religious constitution of the *Reich*. A law which fostered religious peace at the level of the state simultaneously excused and justified the refusal to grant anything more than freedom from persecution to anyone who was not either a Catholic, Lutheran or Calvinist member of a community established before 1624.

Even at the time, the Treaty was subject to two interpretations. The Catholic powers took a rigorous view: for them *Gewissensfreiheit* merely implied the right not to be forced into conversion, though individuals might be pressurised to emigrate. Protestant *Gewissensfreiheit* implied a much clearer freedom of individual choice; the Protestant Estates declared the right of all to family devotions, and understood the *jus reformandi* to include the right to extend privileges to groups outside the established Church.²⁸ On any interpretation, the toleration defined in 1648 was limited, and it was increasingly seen to be unsatisfactory, on grounds which ranged from the purely religious to the political, social and economic. It was this rising sense of dissatisfaction which stimulated attempts to extend the rights guaranteed in 1648, to extend laws produced by fear of strife and conflict into liberties based on confidence in harmony and human progress.

Little attention has, however, been devoted to the study of the policies which resulted from these fundamental attitudes.²⁹ In practice the situation of religious minorities varied enormously. Only in Prussia has official policy been studied in detail.³⁰ Here the Electors continued traditions laid down in the sixteenth and early seventeenth centuries by welcoming all manner of religious minorities expelled from various parts of Europe. While religious conviction was undoubtedly important, political and above all economic motives were crucial. Huguenots and Jews, for example, played

²⁷ Fürstenau, *Grundrecht der Religionsfreiheit*, pp. 70–3; Conrad, 'Religionsbann', pp. 179–80.

²⁸ Fürstenau, *Grundrecht der Religionsfreiheit*, p. 73. For a contemporary interpretation, see: Klefeker, *Verfassungen*, 8, pp. 692–704, 741–8.

²⁹ See the comment in Kopitzsch, 'Sozialgeschichte der Aufklärung', p. 160 (note 662).

³⁰ Fürstenau, *Grundrecht der Religionsfreiheit*, pp. 75–80.

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a central role in the development of the Prussian economy after 1700 and Frederick II's tolerance was essentially a recognition of this fact.³¹

Similar policies appear to have been adopted in other territories like Hessen, Schleswig-Holstein and Braunschweig-Wolfenbüttel.³² Religion rarely became an issue in these cases. The implementation of concessions by princely fiat seldom aroused significant opposition: the clergy were subject to princely authority in the *Landeskirchen*, while popular opposition, where it existed, often lacked an effective vehicle of expression due to the weakness of the territorial Estates.³³

More surprisingly, even less attention has been devoted to the free cities. Often governed by mixed constitutions, the formulation of a coherent policy was far more difficult here than in the principalities. Toleration at any level aroused fears that religious constitutions might be subverted, while the clergy often played a more active and powerful role in the decision-making process.³⁴ At the same time, the need to accommodate minorities was generally more pressing in an independent city. The history of Cologne in the eighteenth century showed that the price paid for intolerance was economic stagnation and decline. The history of Frankfurt in the same period demonstrated the dangers inherent in pursuing the opposite course – decades of bitter constitutional conflict between Lutherans and Calvinists resolved only by decisive Imperial intervention.³⁵

This book will examine the problems which ensued from the acceptance of religious minorities in the most important independent commercial centre in Germany, the Lutheran city of Hamburg. Its Jewish, Catholic and Calvinist minorities made a substantial contribution to the economy. But Hamburg avoided the constitutional conflicts which disrupted the history of Frankfurt over this issue; although at the same time the opposition of both citizenry and clergy prevented a satisfactory resolution of the issue of religious worship until 1785 in the case of the Christian groups and until 1849 in the case of the Jews.³⁶

³¹ Jersch-Wenzel, *Juden und 'Franzosen'*, pp. 25–42.

³² Klefeker, *Verfassungen*, 8, pp. 695–7; Albrecht, *Förderung des Landesausbaues*, pp. 573–7; Kopitzsch, 'Sozialgeschichte der Aufklärung', pp. 90–1.

³³ The point is stressed by the Hamburg Syndic Johann Klefeker in Klefeker, *Verfassungen*, 8, pp. 695–7.

³⁴ *Ibid.* See also: François, 'De l'uniformité à la tolérance', *passim*.

³⁵ On Cologne, see Schwering, 'Entwicklung des Protestantismus'; *idem*, 'Lage des Protestantismus'; Heinen, 'Kölner Toleranzstreit'. On Frankfurt, see Soliday, *Community in conflict*, esp. pp. 208–30.

³⁶ On the Catholics, see Dreves, *Geschichte* and Linckemeyer, *Das katholische Hamburg*; on the Calvinists, see Hermes, *Reformierte Gemeinde* and Boué, 'Abriss'; on the Jews, see Grunwald, *Hamburgs deutsche Juden*. These works all deal primarily with the internal history of the respective communities; this book is the first general analysis which deals with all three groups and their relationship with the Lutheran authorities.