

D.V. Coornhert

Synod on the Freedom of Conscience

*A Thorough Examination during the Gathering
Held in the Year 1582 in the City of Freetown*

Translated, edited, annotated by Gerrit Voogt

Amsterdam University Press

Contents

Introduction · 7

D.V. COORNHERT

SYNOD ON THE FREEDOM OF CONSCIENCE.
FIRST BOOK

Preface · 25

First Session. Whether or Not the True Visible Church of Christ
May Err · 33

Second Session. Proofs based on Antiquity, Customs, and
Traditions · 45

Third Session. Rules and Ceremonies not Based on Scripture · 51

Fourth Session. The Credibility of the Patristic Writings · 57

Fifth Session. Proofs based on Councils and Consensus · 65

Sixth Session. Proofs Based on Examples from Ecclesiastical
Histories · 73

Seventh Session. Proofs from Pagans · 81

Eighth Session. Passing Judgment on Everyone, Yet Not Wanting to
Suffer Anyone's Judgment · 87

Ninth Session. Who is to Judge on Doctrine · 97

SYNOD ON THE FREEDOM OF CONSCIENCE.
SECOND BOOK

Tenth Session. Whether Judgment of Heresy Belongs to the Civil or the
Ecclesiastical Authority · 111

Eleventh Session. Freedom of Conscience in Faith as Well as in
its Exercise and Whether Only the Exercise of What the Civil
Magistrate Judges to be the True Religion Shall Be Allowed, and
None Else · 125

Twelfth Session. Those Who Criticize Doctrine or Disturb the External Peace of the Church, and how They Ought to Be Punished ·	137
Thirteenth Session. Those Whose Teachings Differ from Those of the Church, and Whether They Ought to be Punished by Death ·	151
Fourteenth Session. Whether or not We Should Dispute with Those Who Teach Differently ·	163
Fifteenth Session. The Writing, Publishing, Printing, Selling, Having and Reading of Tracts and Books ·	171
Sixteenth Session. Condemning Others without Hearing Them ·	181
Seventeenth Session. Whether it is in Accord with Scripture That Religious Leaders Appeal to the Magistrate for Support of their Doctrine ·	191
Eighteenth Session. Denouncing Mercifulness, Praising Severity, and Counseling Bloodshed in Matters of Faith ·	209
Nineteenth Session. Whether it is Right for Religious Leaders to Tell the Civil Magistrate that They Have a Duty towards God to Kill Some People for Matters of Religion ·	219
The Balance ·	231
Glossary ·	233

Introduction

The era of the wars of religion in Europe saw, as a counterpoint to the bloodshed and fanaticism, the formulation of several major pleas for tolerance, starting with Sebastian Castellio's *Concerning Heretics and Whether They Ought to be Persecuted* (1554), written in response to the execution of the heterodox Servetus in Geneva at the behest of John Calvin. In France the culmination of the wars of religion that had torn the nation apart for decades coincided with the creation of the *Colloquium Heptaplomeres* by Jean Bodin, a clandestine work that brings together seven imaginary friends of diverse religious plumage for six wide ranging, erudite, at times intense but mostly courteous, discussions on theological and speculative matters. In England the Italian humanist Jacob Acontius described the religious divisions and persecutions as *Satan's Stratagems* intended to promote the devil's work. In the nascent Dutch Republic, locked in a seemingly endless struggle to ensure its independence from Spain, the early 1580s were a grim and desperate time for the Dutch, during which the Spanish under Parma made advances and the leader of the Revolt, William of Orange, was assassinated (1584). The *Synod on the Freedom of Conscience* was created under these circumstances and presented, under the guise of an exchange between representatives of the main religious factions of the day, a strong plea for the deferment of judgment in matters of conscience.

Its author, Dirck Volckertszoon Coornhert (1522–1590), was actively involved in the Dutch Revolt, as secretary of the mayors of Haarlem and important supporter of William of Orange. He was an etcher and engraver, and besides translating many classical texts into Dutch, he was also a prolific author of plays, poetry, and religious tracts. He wrote the first major work on ethics in a vernacular (*Zedekunst*, 1586). He sketched the outline of a non-denominational church where each could speak without restraints, an idea taken up in the 1630s by the Dutch Collegiants, and he was inspired by his own incarceration in The Hague at the time of Alva to write a sort of modest proposal for reform of the penal sys-

tem and the treatment of criminals.¹ But the largest work in his oeuvre concerned a theological topic, predestination, and was written in the last year of his life in order to, as he writes, “eradicate the most harmful root causes of human invention” that the Reformed use to anathematize others and drive people to despair regarding the feasibility of following God’s commandments in this life.² This reflects his lifelong concern with religion and freedom, for his writing career started with his refutation of the doctrine of original sin and the reliance on rituals and outward practices. Positively, Coornhert embraced an optimistic theology influenced by the spiritualism of Sebastian Franck and Sebastian Acontius. In stages, built around the pivotal moment of one’s regeneration, humans can attain to a perfect obedience of Christ in this life. Freedom of the will, a disdain for external rituals, and the perfectibility of man are important ingredients of this spiritualist faith, and this implies at the same time a strong rejection of such doctrines as original sin and predestination.

The case against constraint

The *Synod*, appearing in 1582, was not Coornhert’s first defense of the freedom of conscience. Several years earlier, in 1579, he published a letter written to his friend Nicolaes van der Laen, mayor of Haarlem, wherein he denounces the restrictions and constraints imposed by the increasingly dominant Reformed ministers in the fledgling Dutch Republic.³ In the previous year the States of Holland had forbidden Coornhert to write against the Reformed ministers, or else he would be prosecuted as a “perturber of the public peace”. Coornhert regarded freedom of religion as a birthright of the Dutch Republic, which had enshrined the “freedom

1 For information on Coornhert and his life, see Henk Bongers, *The Life and Work of Dirck Volckertszoon Coornhert*. Trans. and ed. Gerrit Voogt (Amsterdam, New York: Rodopi, 2004). For his plays see Anneke Fleurkens, *Stichtelijke lust: de toneelspelen van D. V. Coornhert (1522–1590) als middel tot het geven van morele instructie* (Hilversum: Verloren, 1994). An annotated edition of the *Zedekunst* appeared as *Zedekunst, dat is Wellevenskunste*, ed. B. Becker (Leiden: Brill, 1942), and Coornhert’s proposal for prison reform was republished, together with a translation into modern Dutch, as: *Boeventucht*, ed. Arie-Jan Gelderblom (Muiderberg: Dick Coutinho, 1985).

2 Coornhert, *Vande Predestinatie*, in Coornhert, *Wercken* (Amsterdam: Colom, 1630, 3 vols.), vol. 3, fols. 171^R–291^D. The quoted words are on fol. 172^R.

3 Coornhert, *Vanden aengheheven dwangh inder consciencien binnen Hollandt* [*On the Beginning of the Constraint of Conscience in Holland*], in Coornhert, *Wercken*, vol. 1, fol. 469^A–472^B. Part of this dialogue is available in English Translation in E.H. Kossman and A.F. Mellink (eds.), *Texts Concerning the Revolt of the Netherlands*, no. 43, 191–196.

of conscience” in the 1579 Union of Utrecht yet was increasingly walking in step with the Reformed ministers and imposing conformity with Reformed teachings by, for example, introducing the Heidelberg Catechism and the Belgic Confession as credal instruments. In 1581 he again provoked the ire of the Reformed ministers by vainly pleading on behalf of the Roman Catholics of Haarlem for their freedom of worship in the city, as had been promised them in the *Satisfactie* of 1577. The past four years had demonstrated, Coornhert asserted in the request, “that two religions can indeed live peacefully in one town.” Yet by this time William of Orange’s effort at “religious peace” (*religievrede*) between Reformed and Catholics had already come to an end.

The *Synod* has to be seen against this background of the failure in Haarlem of reconciliation or coexistence and the forcible imposition of a new state church. As an interfaith gathering aimed at reconciliation of differences, this imaginary synod fits in the tradition of the humanist religious colloquies that had been held periodically, such as the colloquy of Poissy (1561) to which reference is made several times in this work. The aim is ostensibly to achieve concord, if only on an agreement to disagree and to apply the Golden Rule in inter-religious relations.

The *Synod* should, in form and content, also be seen as a response to and critique of the Reformed “national synod” held in Middelburg the previous year.⁴ In the *Remonstrance*, a separate tract written in the same year as the *Synod* on behalf of the municipal government of Leiden, Coornhert had specifically denounced that synod, which started the procedure that would lead to the excommunication of the liberal minister of Leiden, Caspar Coolhaes.⁵ It was the sequel to the conflict between the magistrate of Leiden and the Reformed church over the appointment of ministers, for which Coornhert had earlier written an apologia defending the Erastian position of the city fathers.⁶ The *Remonstrance* warned against a repetition of the errors of the Roman Catholic church, reminding the reader that the Revolt started because of the anti-heretical placards. In the third session of the *Synod on the Freedom of Conscience*

4 Indeed, the name of the fictitious town of “Vrijburgh” – “Freetown” – where the *Synod on the Freedom of Conscience* is held could well be an allusion to Middelburg.

5 Coornhert, *Remonstrance of vertooch by die van Leyden*, in *Wercken*, vol. 2, fol. 184^R–188^B.

6 Coornhert, *Iustificatie des magistrates tot Leyden in Holland* [*Justification of the Magistrate of Leiden in Holland*] (Leiden, 1579), in *Wercken*, vol. 2, fol. 189^R–204^P. The magistrate awarded Coornhert with a medal for his efforts. On the Coolhaes-affair, see e.g. Jean Lecler, *Toleration and the Reformation*, 2 vols. trans. T.L. Westow (New York: Association Press; London: Longmans, 1960), vol. 2, 263–269.

the Catholic delegate uses the acts of the Middelburg synod to demonstrate that the Reformed are also introducing rules that are not based on the Bible, and in the fifteenth session the censorship measures taken at the 1581 synod are cited.

In his writing Coornhert often made use of the dialogue form (and in a way his many plays, which were used for moral instruction, were only another form of dialogue). It is a literary form that lends itself to the discussion of controversial matters and to the obfuscation of the author's own true stance. Coornhert's best-known writings and many of his shorter polemics were cast as dialogues, a medium that was ideally suited to his polemical intent. In the early Dutch Republic he was also renowned as a fierce controversialist who sought out his Reformed opponents and engaged them in debate. The debates were public affairs, carefully prepared by the States.⁷ The topic of these disputations seemed mainly theological, but Coornhert's aim in these debates was to undermine the claims of the Reformed church. His expressed wish to include discussion of the persecution of heretics at the debate in Leiden (1578) was denied by the Reformed ministers because they deemed this a political rather than a theological matter. Concern and frustration over this reluctance to discuss what Coornhert saw as an urgent and grave issue were yet another impetus behind the writing of the *Synod*. He often described it as a matter of conscience which obliged him to caution against and to try to ward off what he feared was a new theocracy. In these debates and polemical writings he never manifested the quietism or disdain for involvement in affairs regarding the established churches that seems more typical of spiritualists. Instead, in his writings and public debates, he combatted with gusto and perseverance what he regarded as the new popery of Calvinist constraints. As Koppenol formulates it paradoxically, "Coornhert's position was absolutely intolerant against anyone who thwarted his striving for tolerance."⁸ In the Preface to the *Synod*, addressing the Reformed ministers – for the *Synod* is dedicated to "all God-fearing, impartial and wise ministers of the Reformed religion in the Netherlands" – Coornhert asserts that "[i]t is only the urgency of the situation that causes me to speak out, for we are all obliged to combat...

7 For an extensive study of Coornhert's debates, see Marianne Roobol, "Landszaken. De godsdienstgesprekken tussen gereformeerde predikanten en D.V. Coornhert onder leiding van de Staten van Holland (1577–1583)" (dissertation, Universiteit van Amsterdam, 2005).

8 Johan Koppenol, *Leids heelal: Het Loterijspel (1596) van Jan van Hout* (Hilversum: Verloren, 1998), 372.

constraint by all legal means. Only in order to forestall a new, but equally pernicious, constraint of conscience I gladly suffer the many hardships befalling me in this cause, out of love for you, for the common folk, and our dear fatherland.” And at least in this fictitious *Synod*, by the final, nineteenth, session, the Reformed delegate is entirely won over to the side of toleration, now saying that “[h]e who is killed is a follower of Christ, but he who kills follows the Antichrist. Each person therefore should examine and heed his conscience: people who persecute others are children of the flesh, but those who suffer persecution are children of the spirit.” A case, undoubtedly, of wishful thinking on Coornhert’s part.

The *Synod* as the scales of justice

Coornhert introduces the *Synod* as the “scales on which will be weighed the sins of either side of divided Christendom.” These sins are found to be essentially the same and of equal weight. The original edition of *Synod* shows a rebus on the title page, whose solution reads: “Synod or Balance between the Old and the New Reformed Church on the Freedom of Conscience,” and the original edition ended with a “balance” juxtaposing sixteen Catholic errors with an equal number of analogous Protestant ones.

The dialogue in nineteen sessions takes place in the imaginary town of “Vrijburgh” and brings together – albeit posthumously for all but two – real Reformers and Catholics, ranging from moderate to intransigent, who in fact personify and defend their own writings. These writings are listed at the beginning of the dialogue, and cited faithfully throughout. The Catholics are often called “the Old” and because of their precedence always speak first after the opening words by Jezonias, the chair *pro tempore* who conducts the meetings in lieu of the real Chair, “master Daniel”. Jezonias introduces the topics and ends each session with a summary, and makes sure a record is kept of the proceedings, which will be submitted to master Daniel. The latter, whom no reader will have any trouble recognizing as Jesus, will give his judgment on the issues when he returns.

In most sessions we encounter an anonymous “Catholic” and “Reformed” delegate besides various well-known figures. The “Old” are assisted by the Spanish Dominican, Melchior Cano; by the Polish bishop Stanislas Hosius, a fierce opponent of Protestantism; and by the theologian and Inquisitor-General for the Netherlands, Ruardus Tapper. The case for censorship also finds support in a “Doctor Placard”, who appears

in the fifteenth session. The “Young” or Protestant side finds support, in the Genevan Reformers John Calvin and Theodore Beza. Lutherans are represented by Johannes Brenz, Zwinglians by Heinrich Bullinger, Zwingli’s successor in Zürich, and finally the Huguenots of France are present in the person of the moderate Philippe du Plessis-Mornay.⁹

The argument in each session unfolds in the same manner: first, the Catholics defend the intolerant position on the issue at hand, for which they are then criticized or lambasted by the Reformed. Invariably the Catholics counter by demonstrating from Reformed writings and actions that the latter have no right to be critical, since they act and profess the same. Each session then concludes (before Jezonias’s summary at the very end) with a critique of both the Catholic and Protestant positions and a defense or eulogy of the tolerant alternative. The person presenting this alternative is Gamaliel, who is Coornhert’s alter ego.¹⁰ In Acts we read that, when his fellow council members wanted to have Christ’s apostles killed, Gamaliel urged restraint, cautioning that “if this plan or this work is of men, it will come to nothing; but if it is of God, you cannot overthrow it – lest you even be found to fight against God.”¹¹ Taken by themselves, Gamaliel’s often eloquent syntheses that end these nineteen sessions constitute a sustained and persuasive rejection of persecution and an often passionate apologia for tolerance, open discussion, and peaceful co-existence. “Oh,” Gamaliel laments at the end of session eight, “so often do we, damnable ones, condemn those whom God does not wish to condemn, thus speeding up our own damnation! When will we realize that God’s judgment and ways are as different from ours as heaven is different from earth?”

The *Synod* consists of two parts, Jezonias explaining that “the foregoing nine topics [the nine sessions of Book 1] mostly applied to the common people as well as the magistrate, but all the following sessions seem to concern only the civil magistrate.” His reservation (“seem to”) may be due to the contention, made at various times in the second half of the book, that religious choice can never be a matter of magistrate and

9 For all these discussants, see the Glossary.

10 In the fifteenth session Coornhert also appears in one other guise, as the “Remonstrant of Leiden”, where he cites the 1582 *Remonstrance*. Also, once, in the eleventh session, in the list of *dramatis personae* that starts each session, he proudly describes Gamaliel as the “Dutch delegate” (*Magister consistorium Batavorum*).

11 Acts 5: 38–39. This is a regular motif in tolerationist works, as can be seen for example in a later work by John Goodwin titled *Theomachia: or the Grand Imprudence of Men Running the Hazard of Fighting against God* (1644).

ecclesiastical authorities alone. “The magistrate,” says Gamaliel in the sixteenth session, “exists for the sake of the people, but the people do not exist for the sake of the magistrate. Therefore the people, whose salvation is at stake, also have a voice in the matter. If they dare take this away from them, it will greatly displease them. Or do you think that the people do not understand that all the warnings against false prophets and Pharisees that abound throughout Scripture were also addressed to them?”

The structural symmetry – nineteen sessions, split down the middle – seems to bespeak the chief message of the *Synod*, that constraint is practiced on both sides of the religious divide and is for both equally condemnable.

The *Synod*: The case of the Absent Judge

The first book of the *Synod* undermines the epistemological basis and the proofs that support the absolutist claims and the grounds for intolerance of the church. The opening session is fundamental in trying to establish that the church is not infallible and that it has been shown to err. The Catholic position is that the church cannot err, as the body whose Head, Christ, is unable to err. The logic of the Reformation dictates that the Protestants have to disagree, since it was the errors of the Catholic church that necessitated the Reformation. The analogy they use is with the Jewish church which was the true church at the time that it committed the worst error of all, when it had Jesus crucified. Ostensibly on this point the Catholic and Protestant sides persist in diametrically opposed positions, but it soon becomes clear in the sequel that the Protestants in reality also refuse to acknowledge any blemish or flaw in their church or the right of anyone to question it. The Protestant position in this first session will later be used against them, when Gamaliel remarks in the twelfth session that the offense of the Reformed, in forbidding any criticism of their doctrine, is the greater one, since the Catholics claim “that their church cannot err in any way. If this were indeed true then the Catholics would have no reason to listen to someone’s criticism for their own improvement, considering that one cannot justly nor successfully reproach the irreproachable, to wit those who do not err nor are able to err.” The Protestants have no such excuse.

The following six sessions hammer away at all possible extra-Biblical proofs that the churches use in support of their absolutist claims and as grounds for constraint. In matters of religion, the Reformed attack the

Catholics' reliance on the crutches of custom and age-old traditions to prove their points. They denounce the Catholics' use of ceremonies and imposition of rules that have no basis in Scripture. Neither the writings of the Church Fathers, say the Protestants, nor church counsels and consensus, or pagan authors constitute reliable or valid sources of proofs, unless their statements and exhortations are the same as those found in Scripture – and if that is the case, they are unnecessary and Scripture is still to be preferred. The Reformed – and Gamaliel – also have a field day denouncing the fables and fabrications with which the church histories abound that Catholics use as proofs. In all these cases we seem to hear the Protestant adage of the *Sola Scriptura*. “Why the faint glow of stars,” asks Gamaliel, “if we possess and can produce the testimony of Holy Scripture, that is the bright light of the sun itself?” But in all these cases, the Protestants are in turn shown to be guilty of resorting to the same or similar non-Biblical crutches.

On the face of it the relevance of these sessions on the different kinds of proof for Coornhert's tolerationist agenda may at times seem remote. It is significant, however, that when the tables are turned on the Reformed, the example used often concerns the persecution of heretics. “[I]n his effort to provide plausible proof that it is the magistrate's task to kill heretics,” says Gamaliel in the second session on the use of proofs from antiquity and age-old customs, “[Beza] realized that he was utterly unable to prove this from the testimony of Divine Scripture... so he has recourse to proof based on antiquity and customs, saying at the conclusion of his intended but as yet utterly unproven argument the following: “Therefore, in conclusion of this proof, we say that those who do not want the magistrate to be involved in religious matters, and particularly in the punishment of heretics... reject the authority of all antiquity, that is of the custom that has existed from ancient times on.” And again, in the fourth session, when the authority of proofs based on patristic writings is at stake, the Catholic delegate tells Beza that the shoe is on the other foot, for “in your books on the killing of heretics, you try to prove based on the authority of St. Augustine that it is permissible to force people to follow the truth against their will.” It is the same in session five: the Reformed do not make use of councils, but the Catholic delegate once again makes thankful use of Beza's *De haereticis a civili magistratu puniendis* (*On the Punishment of Heretics by the Civil Magistrate*) to show that, in this case, consensus does play a role in the conviction of heretics. And even when it comes to the much ridiculed and maligned church histories, the Catholic gladly puts the ball in his opponent's court and asks if Beza has forgotten that (in that

same book), “wanting to prove that it is the magistrate’s duty to punish heretics, you brought up from the aforementioned [church] histories the fact that emperor Constantine banished Arius? And that emperor Theodosius banished Nestorius? Thus you further relate from the ecclesiastical histories – since here they seem to testify in your favor – that Constantine ordered Arius’ books to be burned, on pain of death. However, Arius himself was spared, which displeases you. Further, you relate that idolaters (whom you call heretics) were to be beheaded, together with the office holders who had saved them. And further that Valentinian, Gratian, and Theodosius decreed the same or practically the same punishment for idolaters (all of whom you equate with heretics). Similarly, that Marcian decreed the death penalty for those who tried to teach inappropriate [doctrine]. And also that Justinian instituted the death penalty for those who kept the books of a heretic named Severus.” When the issue is the use of proofs from pagan authors, the Catholic delegate in his counter brings up the death at the stake of Servetus, at Calvin’s behest, defended by the latter with references to what was customary among “philosophers”, “heathens” and “unbelievers”. And Beza, once again, resorts to testimony from such men as Numa Pompilius in defense of the killing of heretics.

After examining the testimony that may be used as a basis for judgment, the final two sessions of the first book turn to the right to judge others. First the Golden Rule of reciprocity is at stake, as both sides accuse each other of wanting to sit in judgement but refusing to accept that anyone else judge them: this is true of the pope, whose judgement has to be accepted unquestioningly by the civil magistrate. “[I]f the bishop of Rome were subject to error in deciding on religious controversies,” worries the Dominican Melchior Cano, “then we would immediately have to question the condemnation of many heretics.” This is, of course, Coornhert’s point exactly. The Catholic side lets the Protestants fulminate at the misdeeds of the papacy for awhile, then counters that Calvin, in the case of the maligned Servetus, did not tolerate criticism either. And the Catholic delegate forestalls an anticipated argument that the Protestants – especially Beza – will indeed make, that the essential different between the two sides is that one represents truth and the other falsehood:¹² “It does

12 See the eleventh session about allowing worship other than that of the established church: when the Catholic points at anti-Catholic measures taken in John Knox’s Scotland, the reformed delegate retorts indignantly: “This gentleman speaks of the case of Scotland as if there were no difference whatsoever between the true religion and his false one! His conclusion is nothing less than that, supposedly, it is appropriate to do for the false religion what one is obliged to do for the true one. This would lead to the

not work,” he avers, “to say that our teachings are false and theirs [the Protestants’] are right, and that they therefore are right in punishing us, but we are wrong in punishing them. For the two parties have not yet been heard, much less judged, by a lawful judge.” This theme of the authority to judge doctrine concludes the first book and is essential. The Catholic interlocutor predictably claims that doctrinal matters should be left to priests and councils, not to the flock, for if everyone is allowed to put forth his own interpretation, sects will abound and chaos ensue. Gamaliel, however, in his definitive rejoinder,¹³ asserts the impossibility of a fair trial. Normal judicial procedure involves four distinct persons: the judge, the prosecutor, the defendant, and the witnesses. “What other conclusion may be drawn...”, asks Gamaliel, “than that, just as Israel used to be without a king, the Christians now lack a judge, and that all do as they see fit?” Like the Catholic delegate said earlier about the Protestant, each acts as judge in their own cause. Each should judge for themselves: “Is there any valid reason,” he asks, “to deprive laymen – the common people as well as the magistrate – of the right to judge doctrine, against the countless multitude of clear scriptural testimonies, a number of which have already been cited by some of you, gentlemen, warning against false prophets and the like?”

The *Synod*: Church, State, and Individual

The opening session of the second book continues the theme of judgment, but this time attention is focused on the role of the civil magistrate. The Catholic view is simple: the church judges, the prince executes and does not double-guess. This, the Reformed interlocutor charges, makes of the princes no more than “blind executioners of your false verdicts”. Gamaliel gets involved early on in this session in order to refute Beza’s distinction between the thing itself – to wit doctrine and heresy, to be judged by the church – and the person who has embraced this heresy, to be punished by the magistrate. That “distinction” was also made by the Pharisees who told Pilate that they would not have delivered Jesus to him if he had not been guilty, whereupon Pilate crucified him even though he realized that Jesus

conclusion that because the authorities are obliged to protect the true faith they are also obliged to protect the false one. That makes no sense.”

13 It seems significant that, compared with the other eighteen sessions, this is Gamaliel’s longest concluding statement (c. 2190 words).

was in fact innocent. This policy is too risky – it were better, concludes Gamaliel, to “kill the heresy by means of the truth, thus saving the heretic, rather than to abuse the magistrate’s sword in order to kill some dearly bought members of Christ”.

The six sessions that follow (11–16) address different aspects of freedom of conscience in practice, starting with the question of whether a state should allow the freedom to practice a faith other than what the magistrate espouses as the true one (as well as the implied freedom to refrain from practicing a faith one does not believe)? The Catholic proclaims in word and his church shows in deed that it should not, whereas in practice the Reformed is shown to agree in deed (as, e.g., in the anti-Catholic measures taken in Scotland), albeit not in word. The Catholic delegate quotes at length from earlier Reformed requests addressed to Catholic authorities for toleration, which assured the magistrate that such coexistence would cause no problems. “[N]ow, less than four years later, you have changed your mind, your judgment and your conscience,” scoffs the Catholic, “in such wise that now you claim to be utterly unable to suffer in good conscience our form of worship – which you term idolatry – which at the time caused you no problem.”

Thus, although throughout the *Synod* regarding the uses of religious constraint on both sides, sin is consistently matched for sin, the Protestant side seems the guiltier of the two because of the added charge of hypocrisy and inconsistency, for saying one thing when it suits them and doing another when they can. The Reformed side – especially Beza – is also presented as the most fanatical, the most prone to outbursts and invective, a bias that may reflect Coornhert’s own agenda and animus. After all, the main target of his struggle for toleration were the Reformed who were establishing their control over the religious life of the new state, a state the vast majority of whose inhabitants were Catholics, many of whom had supported the Revolt against Spain. “Wise politicians,” warns Gamaliel at the end of the eleventh session, “call inequality among the inhabitants or citizens of a country a pestilence to the commonwealth, as by the same token equality is the strongest bond of concord and solidarity.” The Dutch Revolt was fought, in Coornhert’s view, “*religionis ergo*”, but that “religion” did not just apply to the Reformed religion and the non-Reformed would resent it if now their freedom of religion were to be taken away.

Freedom of conscience in religious matters was enshrined in the Union of Utrecht (1579), which forms the basis of the Dutch Republic, for it states in article 13 that religion was to be free and that no one was to be persecuted or harrassed because of his beliefs. Defenders of the of-

ficial religious monopoly of the Reformed church in the Dutch Republic would regularly justify the prohibition on non-Reformed worship by distinguishing between freedom of conscience and the freedom of (public) worship. The former was guaranteed (in the privacy of one's home), the latter was not. Some fifty years after the *Synod*, the Delft minister Henricus Arnoldi still used this argument in his refutation of the Arminian leader Episcopius's defense of the freedom of religion.¹⁴ The *Synod* clearly rejects such a distinction as disingenuous and sees freedom of conscience without the freedom to practice one's faith as meaningless.

In spite of Coornhert's advocacy of a religiously pluralistic state (in the eleventh session), the reality was that the fledgling Republic had espoused the Reformed as the public church. In the next five sessions, however, he systematically undercuts any reliance by that church on the magistrate to give physical support in defense of spiritual matters. The twelfth and thirteenth sessions discuss what the church should do with its critics and deviants, those who "disturb its external peace" or who do not adhere to doctrine. A few years earlier Coornhert himself had been muzzled – though not very effectively – by the authorities and forbidden to criticize the Reformed ministers in writing, on pain of being treated as a "disturber of the public peace". Now the Catholics can point at the ill effects of their failure to silence their critics – the Reformers – even though they honestly tried. Again, the Reformers' position, when they denounce the Catholic church's actions against them, seems to be weakened by the fact that, whereas their *raison d'être* is based on being critics of the Catholic church, yet they now, as evident in the Servetus affair, also refuse to condone criticism or to combat it with only spiritual means. The Catholic side professes gladness that experience has brought the Reformed to the same conviction as they, viz. "that we should hold on to all those who were born and raised in our religion and that we should punish as disturbers of the external peace of the church, as schismatics, and as folks who sin knowingly and deliberately those who speak against the aforesaid religion and strive to destroy it..." Coornhert – alias Gamaliel – concludes that both sides are wrong, and that shutting the door to criticism prevents the church from improving. They should combat criticism with spiritual means, chief among which is the Bible.

14 Henricus Arnoldi, *Vande Conscientie-dwangh, dat is: Klaer ende Grondich Vertoogh, dat de Hoogh-Mogh. Heeren Staten Generael in haer Placcaet den 3 Julii 1619, Tegen de Conventiculen der Remonstranten ghe-emaneert/ gheen Conscientie-dwangh invoeren* (Delft, 1629); Simon Episcopius, *Vrye godesdienst* (1627).

For Coornhert free debate and disputation were the lifeblood of a healthy republic, but the Catholic delegate claims, in the fourteenth session, that they should not engage in disputations at all since that already implies the possibility of doubt. The Protestants are shown to show the same aversion to engage their critics. Their position also implies that they are willing to condemn others without giving them a hearing (the sixteenth session). Gamaliel, however, asks if religious teachers can be any good "...when, while an embattled church is in the field against the heretics, they fear the labor and effort of disputations?" The field for such an open discussion can only be cleared by allowing people to publish their views, and Coornhert devotes a whole session (15) to freedom of the press and freedom from censorship, an exception being made for seditious works.

The final three sessions specifically target the relation between church and state, all in the sense that the latter ought not function as an enforcement mechanism for the former. The magistrate should not be used to punish doctrinal deviance or incited to merciless repression and bloodshed in matters of faith, for this is not their task. Instead, "let he who wants to be a protector of the church take up the sword of Paul and the other apostles and martyrs, not the sword of an Augustus or Nero. For the emperors protect cities and villages with their physical swords, but the apostles protect the church with a spiritual sword, that is to say with the word of the Gospel and with their blood that is their testimony of the word." These words, spoken in the seventeenth session by the Reformed delegate rather than Gamaliel (who agrees with them), indicate that by now this delegate has started to be won over to the side of toleration, a conversion that is complete by the final session. Not so, however, Beza, who maintains that it is the magistrate's duty to punish religious dissidence, for "who fails to see that if the ministers take upon themselves or assume the task of the magistrate, like the Roman Antichrist did before, this is wrong because it confuses the powers that God has separated from each other and it will lead to an utter confusion in all things?"

The sole task of the magistrate with regard to religion, so concludes Gamaliel the final session, is "to protect the pious against the violence of others." Two worlds are mixed that should not be. "Theological doctrine cannot be discussed with the sword. Otherwise, should the theologians succeed in getting you to promote their teachings by the sword, the physician will later dare to request similarly that you protect his opinion against the opinion of other physicians, and the dialectician, the rhetorician and other practicians of the liberal arts will do the same." These words clearly

indicate the pluralistic society that Coornhert has in mind. And he continues: “Now if you are unable to settle these matters with the sword, then how much more is this true in theology, since it concerns the spirit and understanding of what is in the mind of man. And if a physician can adequately prove his doctrine by his science, without the magistrate’s support, then why should a theologian not be able to do the same? Christ can do this, the apostles can do it, and their followers will likewise be able to do it. Protect the bodies of the pious with your physical sword. That sword cannot touch the soul.” With words reminiscent of Castello, he adjures that “evil was never vanquished by evil, and there is no other remedy against killing than to stop the killing.”

We have to be careful not to interpret Coornhert’s defense of toleration Whiggishly, and the contention that Coornhert in the *Synod* and elsewhere defended the separation of church and state has been contested.¹⁵ However, the views espoused in the *Synod*, and certainly in Coornhert’s later *Trial on the Killing of Heretics*, show that by 1582 his stance toward the magistrate had moved away from the Erastian position he had still defended in 1579. Perhaps as a result of what befell him around the same time, as the States of Holland in an injunction forbade him to publish anything on religion without their prior approval, his eyes were opened to the risks of such a position at a time that the authorities were increasingly on the side of the self-same Church that sought to silence him. As stated above, in the *Synod* the only role assigned to the magistrate in the area of religion appears to be the protection of the “pious” against oppression and violence, in a state that is an equal playing field where doctrine is defended by spiritual means and none will be coerced into actions and beliefs that violate their conscience.

The translation

The *Synod* offers one of the most elaborate, consistent and sustained pleas for toleration produced in early modern Europe, yet it has not received the attention that it merits. This is partially due to Coornhert’s choice to write in the vernacular, which limited his readership to a small area in

15 See Mirjam G.K. van Veen, “‘De aert van Spaensche inquisitie’: Coornherts opvattingen over de verhouding tussen kerk en staat”. In: *Nederlands theologisch tijdschrift*, 58/1 (2004), 61–76. She calls Coornhert’s position “Erastian through and through”, against e.g. Zagorin and the author of this Introduction.

north western Europe.¹⁶ He wanted his work to be accessible to the laity, especially when it discussed a topic that greatly concerned them. After the original publication in 1582, the *Synod* saw only one second edition in 1630, when it was incorporated in the collected works.¹⁷ It was only translated once, into French, by Joseph Lecler and Marius-François Valkhoff.¹⁸

This translation is based on the 1630 edition. I have opted for a translation into modern English, which attempts to convey some of the dynamic nature of Coornhert's Dutch prose. I aimed for optimal accuracy, but when warranted I broke up overly long sentences, and at times substitute English idiomatic phrases for Dutch ones (e.g. "every Tom, Dick and Harry" for "Jan alleman"). I have mostly translated the many passages that Coornhert cites from other works directly from his Dutch, instead of quoting the (translated) source verbatim. This was done to maintain the liveliness and naturalness of the text. The references enable the reader to check how faithful *Coornhert* was to the original.

I have tried faithfully to render Coornhert's own marginal textual references in bracketed footnotes. His bibliography, with the abbreviations the author employs for his references, is reproduced, as in the original, at the start, right after his Preface. Coornhert's biblical references are also placed between brackets, followed by the corrected or complemented reference – using the New King James Version of the Bible – where necessary. I have also included Coornhert's own marginal summaries of main points. In cases when I use references directly from the translation by Valkhoff and Lecler, I have indicated this by placing them between accolades.

The folio pages in the margin – indicated by page number and column, A, B, C, or D – refer to the Colom edition of the *Synod* (1630).

I owe a debt of gratitude to Valkhoff and Lecler and their translation, as well as to Jaap Gruppelaar, Jan Bedaux and Gerlof Verwey and their

16 His responses in Dutch to Lipsius's Latin added fuel to the fire of the latter's displeasure during his famed clash with Coornhert over the use of religious constraint in a state. See Voogt, "Primacy of Individual Consciousness or Primacy of the State? The Clash between Dirck Volckertsz. Coornhert and Justus Lipsius", *Sixteenth Century Journal*, vol. xxviii/4 (1997), pp. 1231–1249. In his work one even finds at times an anti-intellectualist streak (also found in e.g. Sebastian Franck), expressed for example in the slogan *hoe geleerder hoe verkeerder* ("the more learning, the more wrong"): see e.g. Coornhert, *Hemel-werck*, in *Wercken*, vol. 2, fol. 345.

17 The original 1582 edition as well as the *Wercken* are in their entirety available digitally at <http://saraswati.ic.uva.nl:8510/c/cool/>.

18 Thierry Coornhert, *A laurore des libertés modernes: Synode sur la Liberté de Conscience (1582)*. Ed., trans. and introd. Joseph Lecler and Marius-François Valkhoff, pref. Pierre Brachin (Paris: Les Editions du Cerf, 1979).

rendering of the *Synod* into modern Dutch. These works have been of great use to me. I also thank Tom Keene for his useful comments on the translation.

A Glossary is appended for easy reference regarding historic persons and concepts mentioned in the text.