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Zurich 1658**

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DOI: <https://doi.org/10.1111/j.1467-9809.2008.00722.x>

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ZORA URL: <https://doi.org/10.5167/uzh-24214>

Journal Article

Originally published at:

Loetz, F (2008). How far could free religious thinking go?: the case of Johann Rudolf Werdmüller, Zurich 1658. *Journal of Religious History*, 32(4):409-421.

DOI: <https://doi.org/10.1111/j.1467-9809.2008.00722.x>

FRANCISCA LOETZ

How Far Could Free Religious Thinking Go? The
Case of Johann Rudolf Werdmüller, Zurich 1658

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At the beginning of the twentieth century servants were asked to move into a freshly restored house on the peninsula of Au near Zurich. At first they refused to do so since they explained it was well known in the locality that the house was haunted. A long time ago, the owner of the place had had meetings with the devil in these rooms. Red flashes of light had been seen.¹

The light effects may well have been real. Johann Rudolf Werdmüller who had owned the peninsula in the seventeenth century had installed a smithy in the house which the servants were to call their new home. So prolific were the rumours around this extravagant man that 250 years later the memory of his extravagance was still alive. Who was Hans (Johannes) Rudolf Werdmüller? What had made him so well known? Part of the answer lies in the conflict between Werdmüller and a cousin of his involving accusations of the serious crime of blasphemy. The accusations had a considerable public impact, bringing important religious matters into the spotlight and providing evidence of wider battles over the desirability and nature of religious tolerance. These issues have much to say to the history of religion and its attempts to illuminate the attitudes of past societies to religious crimes.

1. Cf. *Neue Zürcher Zeitung*, no. 1216, 15 September 1918.

2

Francisca Loetz is

1 **The Antagonists: Thomas Werdmüller vs. Hans Werdmüller**

2 In his own time, Hans Werdmüller was a Zurich VIP. Descended from a
3 family of councillors, heir to an extremely wealthy merchant grandfather,
4 himself an elegant diplomat and renowned general, Werdmüller had often
5 been at the centre of gossip. Not only had he bought a small peninsula off the
6 lake of Zurich, rumour also had it that Werdmüller indulged in a luxurious
7 life style and was a morally dubious man. Two African servants belonged to
8 the household proclaimed Werdmüller's extravagance through their exotic
9 appearance. Furthermore, Werdmüller was said to have supernatural powers
10 and to conjure the devil.² It seems Werdmüller was conspicuous for his
11 unorthodox life style, and evidently there were many who envied him his
12 career, wealth, and extravagance.

13 His cousin Thomas Werdmüller took his opportunity when he saw this. We
14 do not precisely know why Thomas accused Hans Werdmüller of blasphemy
15 for the first time in 1652. We can only speculate that he felt jealous of Hans's
16 successful military career and subsequent public reputation. But Thomas was
17 to fail in this intrigue. For the time being, the secular authority (the council or
18 court) did not pursue the case further.³ Thomas, however, was not a man to
19 give up. He must have realised that General Werdmüller's social and political
20 standing was severely weakened after he had lost a crucial battle against the
21 Catholic cantons in the war of Villmergen in 1656 and, as a result, had preferred
22 entering the French services to returning to Zurich. For the following two
23 years of General Werdmüller's absence Thomas Werdmüller insistently
24 reaccused his cousin of blasphemy and denounced him once more to the court.

25 This time, in the case which opened in 1658, the council could not brush
26 the accusations aside so easily. Hans Werdmüller had repeatedly been denounced
27 by his cousin *als ein Atheist, ja Gots lesterer, der einweders seine religion*
28 *nicht verstande oder gar wol gar kein religion hab . . .* as his wife explained
29 in her petition to the council.⁴ The church, the court and the accused had no
30 option but to address and resolve the case. Hans Werdmüller at first remained
31 abroad to avoid prosecution but finally returned to Zurich in 1658 to stand
32 before the court. The court files offer us a welcome chance to ask what a
33 publicly prominent person was allowed to think and say in religious matters
34 during this period. Was Hans Werdmüller a victim of intrigue? Was he an
35 unorthodox free thinker or a provocative blasphemer? To answer these
36 questions means to characterise how far one could go in public religious
37 debates in a society which had seen decades of bloody conflicts over the one
38 and only true Reformed faith.

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42 2. Cf. L Weisz, *Die Werdmüller. Schicksale eines alten Zürcher Geschlechts*, vol. 2 (Zurich:
43 Schultheß, 1949), 226–46.

44 3. For a narrative of the case cf. O. A. Werdmüller, *Der Glaubenszwang der zürcherischen*
45 *Kirche im 17. Jahrhundert. Eine kirchenhistorische Skizze* (Zurich: Schultheß, 1845), 13–36.

46 4. Translation: "As an atheist, a blasphemer of God, who either did not understand his religion
or perhaps did not have any religion at all." Zentralbibliothek Zurich (ZBZ), MsB.159, fol. 20r,
petition Anna Werdmüller, 8 December 1657, 20r.

1 **The Authorities: Council and Church**

2 Religious matters like blasphemy were as much a hybrid public and private affair
3 in early modern Zurich as elsewhere in Europe.⁵ It is significant that the con-
4 versations Thomas Werdmüller used to accuse Hans Werdmüller had happened
5 during important social events. In his first denunciation Thomas claimed his
6 cousin had made indelicate religious remarks at a dinner given for the induction
7 of the new bailiff Escher. In his second attack in 1657 Thomas claimed his cousin
8 had used blasphemous arguments in a conversation with a minister at a wedding
9 dinner in the famous Zurich inn *Zum Rüden*. The concept of public scandal was
10 obviously important to both accuser and defendant alike in Zurich at this time.

11 But what exactly did Thomas accuse Hans Werdmüller of? We are in the
12 dark as to the incident of 1652. None of the documents that would otherwise
13 illuminate this intriguing incident have survived. By the end of 1658 however
14 the case had become so contentious that the council requested the representatives
15 of the Zurich clergy to write a report (dated 1659). Compared to other known
16 cases this was quite exceptional and underlines the prominence of this
17 particular case. Given the situation and Werdmüller's high social profile, the
18 clergy obviously tried to tread carefully. The theologians (whose identity we
19 do not know) took great care to comment on the points one by one.⁶ In other
20 cases, the church representatives merely stated and then categorised the
21 points listed in the charge (generally they were dealing with just a few critical
22 utterances). In Werdmüller's case the charge turned around the precise theological
23 evaluation of the utterances, and the discussion of his own arguments in self-
24 defence. With this exceptional report a document has come down to us which
25 enables us to explore three perspectives. The summary account of the charges
26 reflects what witnesses deposed against Werdmüller, i.e., what effect his
27 controversial words had on his listeners and what they considered of lasting
28 importance. Werdmüller's own responses to the charges show how the educated
29 General sought to justify his words to the authorities. Finally, the report reveals
30 the classification and thinking used by the spiritual authorities, as well as the
31 nature of the space they granted the laity for theological discussions. We can
32 thus approach daring religious thinking without being "reduced" to a history
33 of ideas and religious doctrines. The sources are not taken as documents expressing
34 a discursive system of philosophical points of view and their appearance in religious
35 polemics of the time. The court files rather document the practice of what you
36 could say in early modern Zurich society. They stand for specific speech acts.⁷

37
38 5. Historical studies on the practice of blasphemy are still lacking. Most historians approach
39 blasphemy as an intellectual phenomenon. For a detailed discussion of this problem cf. F. Loetz,
40 *Mit Gott handeln. Von den Zürcher Gotteslästerern der Frühen Neuzeit zu einer Kulturgeschichte*
41 *des Religiösen* (Göttingen: Vandenhoeck and Ruprecht, 2002). A revised and abridged version of
42 the book is planned to appear in English during 2009.

43 6. All the following passages referring to the report are from the version as it has come down
44 to us under Staatsarchiv Zurich (StaAZH), E. II, 97, 1247–1269. Further documents identical in
45 contents but slightly different in form can be found in Zentralbibliothek Zürich (ZBZ) under:
46 A.124b, fol. 472–478v; MsB.215, fol. 5v–10r; MsJ.304, fol. 346–362v; MsP.2077, no. 7, 1–22.

47 7. The concept of speech act is taken from pragmatic linguistics as it was developed by J. L.
48 Austin, *How to Do Things with Words* (Oxford: Oxford University Press, 1969). For a full discussion
49 of the application of this concept to historical sources cf. F. Loetz, "Sprache in der Geschichte.
50 Linguistic Turn vs. Pragmatische Wende," *Rechtsgeschichte*, 2 (2003): 87–103.

1 **The Accusation of Blasphemy: Points of Contention**

2 Religious discussion was not simply a popular subject for a strident yet good-
 3 natured row over a drink in a tavern. “*Religionsdiscurse*” were also conducted
 4 in polite society, as evidenced by Anna Werdmüller’s petition of 1657.⁸ Her
 5 husband General Werdmüller, well known beyond the borders of the region,
 6 had repeatedly been challenged in high society by educated, quibbling people
 7 to discuss delicate theological questions. He had all too frequently risen to the
 8 challenge, Anna Werdmüller stated. This had been unavoidable for him on
 9 such social occasions since he was a high-ranking representative of Zurich.
 10 Rather than repeating common and simple opinions, he had gathered expert
 11 information from far and wide in order to offer a sturdy defence of the Reformed
 12 faith. We do not need to discuss whether this is an accurate picture of Hans
 13 Werdmüller’s behaviour. It is sufficient here to note that in polite society
 14 religious controversies were a traditional element of the art of conversation. A
 15 refined response to more or less open religious sneers was expected. So let us
 16 see what the conversation at the inn was about.

17 It was not petty matters Thomas Werdmüller and the witnesses who supported
 18 his denunciation had brought before the court. The clergy report enumerates
 19 essential dogmatic issues, set out in thirteen points. Instead of following the
 20 linear structure of the document it pays to consider the arguments on the basis
 21 of the categories the report implicitly makes use of: namely what was to be
 22 seen as godless but not blasphemous, what was blasphemous but unproven,
 23 what was merely irritating conversation and finally what was to be declared
 24 blasphemous and therefore unacceptable.

25 What was godless but not blasphemous? In only one point did Werdmüller
 26 confirm important aspects of the accusation against him. He was of the opinion
 27 that the Helvetic confession was incomplete and needed amendments. As a
 28 soldier who had been in French service, he will have had concrete reasons for
 29 his criticism. Should he pray on his knees together with his French co-
 30 religionists or not? Werdmüller had found no answer to this in the text of the
 31 confession and had drawn attention to this absence. In his defence, however,
 32 Werdmüller did not refer to the charge that he had questioned the binding
 33 character of the Helvetic confession. He had commented on the text, but not
 34 as an intellectual stating his position in matters of religious politics or
 35 confessional formation. Rather, Werdmüller spoke as a Zwinglian encountering a
 36 concrete problem in his confessional life. This line of argument seems to have
 37 convinced the reporting clergy. They stated Werdmüller had used *ungeschickt*,
 38 *ja gottlose red* but could not find any blasphemy in his remarks.⁹

39 What was blasphemous but unproven? Here the clergy steered a very careful
 40 course, and decided to leave several points open. The witnesses had claimed
 41 that Hans Werdmüller had insulted Moses and Paul. He had said Moses and
 42 Paul were drunkards who had been self-indulgent, whilst Moses had also
 43 cheated his people. In principle, the clergy agreed, this was blasphemy. But
 44

45 8. Cf. MsB.159, fol. 20r, petition Anna Werdmüller, 8 December 1657.

46 9. Translation: had used “awkward, indeed godless language.”

1 Hans Werdmüller explained he had only presented a heretical point of view in
 2 order to discuss it fully. He thereby referred to the traditional formal genre of
 3 public religious *disputationes* which ran through church history. The clergy
 4 decided he should be believed on this occasion. But what about the accusation
 5 Hans Werdmüller had carelessly thrown a Bible on the floor when someone
 6 had tried to quote biblical counterarguments? The clergy implicitly accepted
 7 Werdmüller's denial when they concluded that the witnesses' statements were
 8 too imprecise to be taken into account. However, the question of the resurrection
 9 raised by Werdmüller was far too serious to be brushed aside by the clergy.
 10 Hans Werdmüller was supposed to have claimed that only the soul would be
 11 resurrected. Werdmüller was repeating earlier arguments that were heretical,
 12 supposedly to confront their logic. He defended himself by saying he had only
 13 referred to heretical views he had read about in order to urge his opponents on
 14 and thus to make the value of the orthodox views clear through debate. The
 15 clergy agreed that such views were heretical, stating that this concept of
 16 resurrection was a "Saducean heresy." However, since the accusation was
 17 based on the witness testimony of *einfaleten Persohnen* ("simple individuals")
 18 it was not to be trusted and was therefore considered unproven. We can conclude
 19 from this line of argument that the clergy accepted informal "disputations"
 20 between laity and theologians provided the laity were sufficiently theologically
 21 informed.

22 What was regarded as merely irritating conversation? The clergy were
 23 critical of Werdmüller's taste for joking about religious matters. He claimed
 24 for example to have said in jest, in the presence of a marshal and his wife,
 25 that women would not be saved. The marshal had enjoyed this remark, but his
 26 wife had not. Werdmüller had then asked the wife whether she believed that
 27 women would go to heaven with the characteristics they had on earth. On
 28 hearing that she did indeed believe this, he had answered that women would
 29 certainly have to change on their way to heaven. She too was guilty of the
 30 female sin of trying to control her husband, instead of being obedient to him
 31 as the Bible required. He had repeated this kind of joke several times,
 32 Werdmüller admitted.¹⁰ He claimed that bigamy and adultery were not sins
 33 and must have had his fun teasing the couple in a style corresponding to the
 34 tastes of high society. He affirmed before the court he had simply been
 35 joking, yet the authors of the report declared they were not amused. Still, they
 36 put the point aside and let Werdmüller's by now standard and familiar defence
 37 stand on its own.

38 What was blasphemous and unacceptable? Theological judgement of
 39 Werdmüller was more outspoken when it came to issues that had been
 40 traditionally labelled throughout history as heresies.¹¹ It was unacceptable to
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42
 43 10. This passage is not written out in the report but is to be found in Werdmüller's statement of
 44 3 February 1659 under (ZBZ) Msc. B215, 6.

45 11. Theologically, heresy was defined as "wrong" belief, blasphemy as "bad" belief. Cf. W.
 46 Trusen, "Rechtliche Grundlagen des Häresiebegriffs und des Ketzerverfahrens," in *Ketzerverfolgung im 16. und 17. Jahrhundert*, ed. S. Seidel Menchi (Wiesbaden: O. Harrassowitz, 1992), 1–20. In practice however the boundary between them was fluent.

1 suggest that the trinity consisted of a single *persona*, that Christ incorporated
2 the love of God the Father and that the Holy Ghost incited men to do good, a
3 view contrary to the Bible and the Helvetic confession. The accused ought
4 not to have aired this dormant heretical doctrine, the report outlined. The
5 same applied to the use of the term *hypostasis* for *persona* which had
6 provoked unnecessary conflicts in the history of the church. Werdmüller, it
7 was argued, should not have repeated these heretical ideas. This was also true
8 of the infidel argument that the Bible was not the true and authentic holy
9 scriptures. Instead of presenting the unbeliever's doubts about the truth of the
10 prophets, the apostles and the epistles of John, Werdmüller should have
11 upheld that the Bible was indeed holy scripture. Evidently the theologians
12 were concerned to avoid scandal for Werdmüller and let him off with a stark
13 warning. They accepted his defence that in heretically denying the trinity he
14 had intended to set his listeners thinking. In doing this the church showed
15 some understanding of the apparent "pleasure of disputation" on the part of
16 an erudite, sometimes playful, intellectual believer. The clergy were adamant
17 that such theological debates were to be restricted to educated people,
18 however. *Einfalten Persohnen* ("simple individuals") could not be relied on,
19 as their imprecise and unreliable witness statements demonstrated. Other
20 witnesses too had only been able to remember that issues around some
21 difficult theological questions had been discussed. Who, after all, could dis-
22 tinguish between a Latin *persona* and a Greek *hypostasis* and meaningfully
23 differentiate various heretical positions? The report's conclusions thus left no
24 doubt that discussions of such matters were reserved for specialists, namely
25 the educated and theologians alike.

26 What was true of numerous past heresies was also valid for contemporaneous
27 positions which the clergy report found to not be in conformity with the
28 Helvetic confession. The accused should not have discussed whether prayers
29 were not to be addressed to Christ nor to the Holy Ghost but to God alone.
30 Werdmüller's excuse was that he had adopted a point widely defended by
31 French protestantism as his own. The clergy had clarified the theological
32 points and instructed Werdmüller on his error, as a result of which he now
33 professed to know better. Yet again, the theologians found a way out of convicting
34 the General of blasphemy. They severely criticised him as someone who had
35 been theologically too adventurous, entering into religious controversies and
36 making conversational jokes about life in heaven. He had presented heretical
37 views and shown dubious taste, but he was not yet a blasphemer.

38 There were, however, limits to religious tolerance. The clergy's diplomatic
39 attitude did not go so far as to blur the line between what might be tolerated
40 and what was absolutely intolerable. It was perfectly clear that the Reformed
41 religion was the only true faith. Nobody could enter the kingdom of heaven
42 who did not believe nor trust in Christ according to the Reformed confession.
43 Evidently Werdmüller did not share this point of view. In his defence he
44 presented the unorthodox tolerationist and proto-freethinking argument that
45 true Christians should not condemn anyone. For him the crucifixion narrative
46 demonstrated that even criminals could be saved, and he had concluded from

1 this that there must be different paths to heaven. Hans Werdmüller had
2 obviously allowed himself free rein to think about theological issues on his
3 own initiative. But he proved to be unaware of the limits he strained against
4 as he finally admitted he must have misunderstood the biblical message. In
5 the end the report stated that Werdmüller had “talked in a dangerous,
6 unreflected and irritating way” but that he now fully realised his error. Once
7 more the dangerous accusation of blasphemy was evaded. The report thus
8 argued that whilst Werdmüller might be free to ask theological questions, he
9 had gone further than on previous occasions and was not at liberty to answer
10 on his own with opinions contrary to the official confession.

11 The mention of the so-called “Sadducean heresy” raised an issue the clergy
12 were unwilling to assess in their report. When Hans Werdmüller had claimed
13 that “only Christ counts” for resurrection he had reiterated the heresy. Again
14 Werdmüller explained he had only wanted to discuss a heretical view in order
15 to reject it. Tellingly, the theologians were prepared to follow his line of
16 argument. Werdmüller had committed a blasphemy, they concluded, but
17 unintentionally. Here too the clergy managed to state firmly what was to be
18 believed and what was heretical or blasphemous, but stopped short of finding
19 Werdmüller guilty of intentional, provocative blasphemy. They thus made
20 daring discussion of theological issues possible without throwing the doors
21 open to an era of tolerance.

22

23 **The Urge to Debate: Hans Werdmüller between Entertainment and** 24 **Interrogation**

25 As we have seen, Hans Werdmüller did not refrain from making social con-
26 versation around religious matters. He assumed his witticism about women
27 not entering heaven would be taken as an entertaining joke. His assumption
28 cannot have been totally wrong. The sources do not mention anything about
29 witnesses shocked by Werdmüller’s sense of humour. Religion was a serious
30 matter indeed, but discussion of it did not exclude the possibility of laughter.
31 Intellectual discussions could be attractive too. Hans Werdmüller, the
32 educated Reformed diplomat, knew his Church history well, as his thorough
33 detailed knowledge of the debates running through church history shows.
34 Among the many “disputants” who can be traced in taverns of his time,¹² one
35 can characterise Hans Werdmüller as an educated man who typically enjoyed
36 a deep intellectual discussion. He was also keen to know who had the best
37 arguments and whose was the sharpest mind. To risk bold theological dis-
38 cussion meant to demonstrate one’s rhetorical and intellectual capacities
39 amongst a small group of knowledgeable people. It is telling that, according
40 to minister Felix Wyß, with whom Werdmüller had “disputed” at the inn and
41 who had been interrogated as a witness in the case, Werdmüller had made his
42 points “in a quiet place,” away from the wedding guests, so as not to annoy
43

44

45 12. Cf. Loetz, *Mit Gott handeln*, 374–407. Comparable results are to be expected in a Ph.D.
46 thesis in progress: R. Schifferle, “Gotteslästerung in der Stadt Basel 1674–1798. Ein Werkstatt-
bericht”, *Basler Zeitschrift für Geschichte und Altertumskunde* 105 (2005): 131–55.

1 anyone. Contrary to what we might expect of free-thinkers, Werdmüller had
2 not tried to attract any public attention nor to provoke any scandal.

3 Hans Werdmüller was not only a man of entertaining conversation and
4 intellectual debate. He also struggled with his faith. To kneel or not to kneel,
5 this was a question which must have been a crucial one to him. The *confessio*
6 *helvetica*¹³ did not give any indications, but he had served in the French army
7 and thought he knew differently. What should he do? Was he not to be
8 mistaken for a Catholic if he joined his French co-religionists? Similar questions
9 of practicing faith were not uncommon in premodern Zurich. As far as we can
10 tell from judicial documents, points of social contact were privileged places
11 of religious controversies. Convinced Reformed Christians met convinced
12 Catholics, questioning believers asked for another believer's opinion, while
13 churchgoers readily and openly discussed the theological content of sermons.
14 Religious doctrines like the trinity, the phenomenon of Christology and life
15 after death were issues that were publicly talked about often, for example,
16 around a table at an inn. To express one's views on such issues was obviously
17 delicate but was nonetheless possible without being immediately charged
18 with religious heresy or blasphemy.¹⁴

19 Werdmüller argued before the court that he had tried to clarify the orthodox
20 Reformed creed by discussing heretical views, intending to prove these views
21 wrong. It must be admitted that Werdmüller's line of argument was the only
22 strategy he could choose to convince the court of his innocence. He could not
23 simply deny speaking the words, since it seems too many people were prepared
24 to offer witness testimony against him. Still, it is quite likely Werdmüller was
25 really convinced of the value of what he was doing: trying to approach and
26 confirm Zwinglian faith through sustained and convincing debate. He admitted
27 he had misunderstood some passages of the Bible and presented himself as
28 someone open to the clergy's exposition and elaboration of doctrine. There
29 are good reasons to believe Werdmüller since he must have been a fervent if
30 questioning Christian. His wife at least underlined in her petition that he had
31 convinced his Muslim servants to convert to Protestantism. Being a faithful
32 Christian couple, neither her husband nor she had ever had to present
33 themselves before the consistory.¹⁵ Minister Wyß confirmed that Werdmüller
34 was a committed Christian who cared about his church. Nothing dubious had
35 been discussed during their conversation. On the contrary, Werdmüller had
36 remarked that psalm singing should be encouraged during the services.
37 Otherwise people would sing them in taverns and profane them. Similarly he
38 thought organs should be reintroduced in the Reformed service to underline
39 the sacred character of psalm singing. Werdmüller had also made some

40 13. In terms of doctrine, the confessionalisation of the Reformed cantons in Switzerland was
41 based largely on the *confessio helvetica posterior* of 1566. In these articles of faith, Zwinglians
42 and Calvinists converged on the question of the Lord's Supper, distancing themselves from the
43 Lutherans. For theological detail cf. E. Zsindely, "Confessio Helvetica Posterior," in *Theologische*
44 *Realenzyklopädie*, vol. 8 (Berlin and New York, NY: W. de Gruyter, 1981), 169–73.

44 14. For a summary discussion in English cf. F. Loetz, "How to Do Things with God.
45 Blasphemy in Early Modern Switzerland," in *Ways of Knowing*, ed. M. Lindemann (Boston, MA:
46 Brill Academic Publishing, 2004), 137–51.

15. Cf. MsB.159, fol. 20r, petition Anna Werdmüller, 8 December 1657, 20v.

1 suggestions about how sermons could be made more attractive and easier to
 2 follow.¹⁶ Was Werdmüller less than honest when he claimed he had not dis-
 3 respected the Bible nor thrown it away in anger, nor had he insulted Moses
 4 and Saint Paul? We certainly cannot prove it, but it seems quite unlikely that such
 5 a convinced believer would so readily have taken the actions ascribed to him.

7 **Werdmüller Finally Condemned: How and What For?**

8 Werdmüller evaded punishment at first by going abroad for some time,
 9 hoping the matter would be laid to rest in his absence. His hope was not
 10 fulfilled. The council decided in the end, on the basis of the clergy report, that
 11 Werdmüller's talk had happened *inn keiner bößen intention und zu keinem bößen*
 12 *ennde . . . , daß er doch darmit zu vil gethan*.¹⁷ The report had condemned his
 13 controversial standpoints as *gefährlich, ärgerlich und verführerisch*, as *unbesinnt,*
 14 *unerbaulich, leichtfertig und türkisch*, even as *atheistisch und gotloß*.¹⁸ The
 15 judgement of his character, however, was more restrained. The clergy did not
 16 accuse him outright of heresy and/or blasphemy but, more cautiously, stated
 17 that the defendant's views were inexcusable, that his habit of theological dis-
 18 pute was unacceptable and finally that his *gefährliche[r] Religionsdiscurs*
 19 ("dangerous religious discourse") could not be tolerated.

20 This was sufficient for the court to find him guilty: not of blasphemy but of
 21 intolerable *Religionsdiscourse*. It did not pronounce the biblically prescribed
 22 death penalty for cases of blasphemy but imposed on the wealthy General a
 23 heavy fine of 1,200 pounds, to be paid in cash and without delay. The respected
 24 General was also spared having to give a public recantation. In place of this
 25 usual shame punishment in one of Zurich's city churches, he was privileged
 26 by begging pardon "alone" in front of the secular and ecclesiastical authorities.
 27 The sentence demonstrates the ambivalence of the court towards Werdmüller.
 28 He received a harsh punishment for his daring and theologically subtle views
 29 but, thanks to his social standing and his political connections, he was shown
 30 a degree of leniency in the sentence and was protected from public humiliation
 31 and other shame punishments the councillors could have chosen. In the end
 32 Hans Werdmüller, whose behaviour had gone quite far by early modern stand-
 33 ards, was never actually found guilty of blasphemy.

35 **Thinking Freely in Religious Matters: Hans Werdmüller and** 36 **Confessionalisation in Switzerland**

37 Werdmüller's case has to be placed in a specific situation of tense confessional
 38 rivalry within Swiss political and religious history. What is it that Werdmüller's
 39 contemporaries related to when they heard theological arguments like his?
 40 They would make the link with politics: the Swiss Confederation was

41
 42 16. Cf. (ZBZ) Msc P, 2077, no. 7, 1–2r.

43 17. The talk had happened "with no bad intention or ill purpose, but had gone too far."
 44 B.II.504, fol. 63–65, Hans Rudolf Werdmüller, 27 April 1659 (the reference to B II.505 and B
 45 II.507 in O. A. Werdmüller, 61 is wrong).

46 18. "dangerous, annoying, misleading, not thought through, based on superficial and heathen
 premises — atheistic and without belief in God."

1 characterised by an alliance system of 13 cantons¹⁹ but the relations between
 2 the members were marked by fundamental political and religious tensions.
 3 Bern and Zurich in particular sought to exert political influence on neighbouring
 4 Catholic cantons, provoking opposition and hostility.²⁰ Following several
 5 armed conflicts, the second Peace of Kappeln in 1531 brought agreement on
 6 a number of principles, with some local variants permitted. Thus, with very
 7 few exceptions, the Peace of Kappeln in 1531 drew the confessional map of
 8 Switzerland.²¹ In West Switzerland, where the second Peace did not apply,
 9 Bern and Geneva fought fiercely against the Duke of Savoyen in the 1530s.
 10 Following his defeat in 1536, and under the influence of the Reformers
 11 Guillaume Farel and Jean Calvin, much of West Switzerland converted to the
 12 Reformed faith. In the seventeenth century, there was open conflict in Glarus
 13 between the Reformed majority and the Catholic minority. In the end, neither
 14 confession triumphed. Instead, the Treaty of Baden in 1632 laid down that a
 15 court with equal Catholic and Reformed membership should decide in con-
 16 fessional matters. The third peace of 1656 confirmed the arrangement of
 17 1531, as did the fourth peace of 1712. Political pragmatism was to dominate,
 18 the primary concern being the security of the Confederation. This pragmatism
 19 finally dominated in Zurich too when the magistrates found a way to deal
 20 with Werdmüller without having to banish him or to sentence him to death.

21 Confessionalisation was not only driven by ecclesiastical and political
 22 developments. The subjects or believers played their part by provoking each
 23 other confessionally, thus breaking the ban on defamation laid down by the
 24 authorities in the Peace.²² Current research, as yet thin on the ground, reveals
 25 that these provocations took various forms. The large number of conflicts of

26 19. These comprised, in chronological order of membership: Uri, Schwyz, Unterwalden,
 27 Lucerne, Zurich, Glarus, Zug, Bern, Freiburg, Solothurn, Basle, Schaffhausen, and Appenzell.

28 20. On these characteristics of the Swiss Reformation and confessionalisation, cf. B. Gordon,
 29 *The Swiss Reformation* (Manchester: Manchester University Press, 2002); U. Gäbler, *Schweiz*,
 30 *Theologische Realenzyklopädie*, vol. 30 (Berlin and New York, NY, 1999), 690–703; K. v.
 31 Greyerz, *Switzerland: in The Reformation in National Context*, ed. B. Scribner, R. Porter, and N.
 32 Teich (Cambridge: Cambridge University Press, 1994), 30–46; P. Stadler, “Eidgenossenschaft
 33 und Reformation”: in *Säkulare Aspekte der Reformationszeit*, ed. H. Angermeier (München-
 34 Wien: Oldenburg 1983), 91–99; R. Pfister, *Kirchengeschichte der Schweiz. Von der Reformation
 35 bis zum 2. Villmerger Krieg* (Zurich: Theologischer Verlag, 1974); A. Würzler, *Eidgenossenschaft,
 36 Konfessionalisierung und Ende (151–1798)*. [Cited 11 February 2005.] Available from URL:
 37 <http://www.hls-dhs-dss.ch/textes/d/D26413.php>.

38 21. Every canton was free to decide its own confession. Subjects adhering to the other con-
 39 fession were forced either to convert or to leave. Zurich, Bern, Basle, and Schaffhausen became
 40 Reformed, while Lucerne, Uri, Schwyz, Unterwalden, Zug, Solothurn, and Freiburg remained
 41 Catholic. Appenzell divided itself in 1597 into the Catholic “Inner Rhoden” and the Reformed
 42 “Outer Rhoden.” Glarus developed a system based on equality. The Mandated Members mostly
 43 retained both confessions, though the Reformed side suffered disadvantages. Some places
 44 however broke with this principle in the course of adjusting their boundaries. Cf. on Schaffhausen
 45 R. E. Hofer: “Nun leben wir in der gefährlichsten Zyt,” *Prolegomena zu einer Geschichte Schaff-
 46 hausens im konfessionellen Zeitalter*, *Schaffhäuser Beiträge zur Geschichte*, 72 (1995): 66f.

47 22. What is known as religious defamation has been focused on as the object of political con-
 48 flict. There is as yet limited understanding, however, of confessional provocation as a form of
 49 social action. Cf. D. Hacke, “Zwischen Konflikt und Konsens. Zur politisch-konfessionellen
 50 Kultur in der Alten Eidgenossenschaft des 16. und 17. Jahrhunderts,” *Zeitschrift für Historische
 51 Forschung* 32 (2005): 575–604; Hofer, “Prolegomena,” 36–45. On the issue of confessional
 52 conflict in everyday life as a desideratum of research, cf. Hofer, *Uepiggess, unzüchtiges Lebewesen,
 53 Schaffhauser Ehegerichtsbarkeit von der Reformation bis zum Ende des Ancien Régime (1529–1798)*
 54 (Bern et al.: Peter Lang, 1993), 27.

1 honour between private individuals that have found their way into court
 2 records show that in answer to confessional reproaches it was wise to present
 3 oneself as a respectable individual. There is also evidence that confessional
 4 disputes could turn into small-scale religious disputations. In such cases,
 5 opponents were anxious to use the articles of faith as doctrinal evidence of
 6 the superiority of their own confession. The intellectual level of such theolog-
 7 ical disputes varies, but it is striking that the opponents argued over doctrinal
 8 issues with great seriousness, even if they were not as educated as Hans
 9 Werdmüller.²³

10 Officially Catholics and Protestants alike could not tolerate anything within
 11 their states which was incompatible with their creed.²⁴ The prevalence and
 12 impression of the hard line required to produce confessionalisation has
 13 induced us to consider the early modern period to be an era of absolute
 14 intolerance, and in particular an age extremely hostile to free thinking. The
 15 persecution of Servetus or Besozzi readily come to mind.²⁵ However, the evidence
 16 provided here gives an alternative perspective. Hans Werdmüller's spectacular
 17 case as well as the many other cases of quarrels over the right to engage in
 18 minor "disputations" show that church and secular authorities allowed the
 19 disputants at least some space for thought and verbal action. Provided they
 20 were knowledgeable, the Church did not object to people contemplating var-
 21 ious heretical or blasphemous positions. The purpose of such practice was
 22 restricted however to ultimately confirming Reformed doctrine. Someone like
 23 the respected Hans Werdmüller who expressed unorthodox ideas might evade
 24 corporal or other shame punishments because of his social standing, but
 25 would still have to expect severe sanctions for stepping beyond the boundaries of
 26 the acceptable.

27 It is difficult to tell from the sources what attitude the secular authorities
 28 generally took to the problem of blasphemous "disputations." In most cases
 29 the sentences are not given, suggesting that the judiciary may have waived
 30 punishment. The secular authorities could be quite lenient, as evidenced by
 31 the cases in which the punishments for blasphemy and verbal insult are the
 32 same. When religious utterances went beyond the bounds of "common"
 33 usage, on the other hand, extremely severe punishments were meted out.
 34 Judicial policy in the Zurich council apparently sought to deal quite tolerantly
 35 with the frequent "regular" infringements, and to treat sensational cases
 36 according to the social prestige of the defendants. Hans Werdmüller's case
 37

38 23. On the issue of confessional slant in such provocations, exemplified in cases of blasphemy,
 39 cf. Loetz., *Mit Gott handeln*, 272–340.

40 24. The political problems which confessionalisation caused to the cantons in their mutual
 41 relations have been recently analysed by D. Hacke, "Zwischen Konflikt und Konsens. Zur
 42 politisch-konfessionellen Kultur in der alten Eidgenossenschaft des 16. und 17. Jahrhunderts,"
 43 *Zeitschrift für Historische Forschung* 32 (2005): 575–604. The practice of confessionalisation in
 44 Switzerland and the Netherlands is discussed in: A. Holenstein, T. Maissen, and M. Praak, eds.,
 45 *The Republican Alternative. The Netherlands and Switzerland Compared* (Amsterdam:
 46 Amsterdam University Press, 2008).

47 25. Cf. J. Friedman and Michael Servetus, *The Oxford Encyclopedia of the Reformation*, vol. 4
 48 (New York, NY and Oxford: Oxford University Press, 1996), 48f.; Besozzi, *Dizionario*
 49 *biografico degli Italiani*, vol. 9 (Rome: Istituto della Enciclopedia Italiana, 1967), 672–75.

1 shows, as in many other less high-profile cases, that religiously daring
2 utterances by no means automatically entailed death sentences or severe
3 corporal punishment.²⁶

4 It was witnesses who made cases known and accused speakers of blasphemy.
5 It is obvious in Werdmüller's case that some did so for other than religious
6 motives. Nonetheless the authorities were careful to distinguish such motives
7 from genuinely religious issues. This is probably the reason why the council
8 did not find Hans Werdmüller guilty of blasphemy but of pushing his disputations
9 too far. It is likely this would have been different had he been a less influential
10 man and had he done what others would do in other countries in later
11 centuries. Hans Werdmüller never presented his questions in public speeches:²⁷
12 He was an intellectual who talked freely of his religious convictions as a
13 private interlocutor but not as a public speaker who tried to convince a crowd
14 of heretical doctrines or the need to change the existing Helvetic confession.
15 He provoked people and expected a certain sense of humour of them, but he
16 did not intend to question the religious or social system. As long as this was
17 the case, court and church were willing to let people discuss religious matters
18 for the sake of the true faith. A Reformed Christian of Zurich was not impris-
19 oned in a narrow world of single, uniform religious thinking, he — we hardly
20 hear anything of women in the court archives — could go a certain distance
21 in asking questions. But witnesses and authorities defined precisely how far
22 he could go in doing so.

24 **Going Further: For a Broadened History of Blasphemy**

25 The history of blasphemy tends to oscillate between a history of intellectual
26 discourses and a history of facile use of expressions of anger. Historians like
27 Georges Minois take blasphemous discourses as sets of intellectual systems
28 and try to trace networks of thinking and processes of intellectual reception.²⁸
29 This approach to the history of blasphemy reduces blasphemy to philosophical
30 thinking. Others like Lucien Febvre have tried to find out about past experience
31 (mentalities) and tackled the question of whether the denial of God was an
32 option in early modern Europe. It has turned out, however, that mentalities
33 are something blurred and extremely difficult to analyse satisfactorily.²⁹
34 Instead historians interested in the practice of blasphemy have turned their
35 attention to swearing and cursing, especially focussing upon the relationship
36 of both to gambling. While some take cursing and swearing to be a trivial but

37
38 26. This is an idea often based on the mistaken assumption that the sentences practised by the
39 authorities corresponded to the legal norms as they were described in legislation and devotional
40 manuals or handbooks.

41 27. In contrast to Reformation history or the history of some unorthodox groups, historical
42 research on the Swiss history of free religious or blasphemous speaking is very poor so that no
43 additional bibliography can be offered.

44 28. Cf. G. Minois, *Histoire de l'athéisme. Les incroyants dans le monde occidental des origi-
45 nes à nos jours* (Paris: Fayard, 1998). For examples in English: M. Hunter and D. Wootton,
46 eds., *Atheism from the Reformation to the Enlightenment* (Oxford: Clarendon, 1992).

47 29. Cf. L. Febvre, *Le problème de l'incroyance au XVI^e siècle. La religion de Rabelais* (Paris:
48 A. Michel, 1942). For a thorough criticism of the concept of "histoire des mentalités" cf.: Y.
49 Conry, "Combat pour l'histoire des sciences. Lettre ouverte aux historiens des mentalités," *Revue
50 de synthèse* 111/112 (1983): 363–406.

1 effective outlet for anger,³⁰ others suggest far-reaching psychological inter-
2 pretations. By cursing and swearing players not only expressed uncontrolled
3 anger but referred to a “dissident” religious system rooted in “popular culture”
4 which was somehow related to the religion of the “elites.”³¹ Other historians
5 like Maureen Flynn or Eva Labouvie take this argument further and draw a
6 direct line from verbal formulas of magic to blasphemy.³² Sometimes psycho-
7 analysis is involved when the verbal assaults are interpreted as transcendental
8 challenges to a parental authority figure.³³

9 The question here is not whether L. Febvre was right or not to claim that
10 early modern Europe lacked the conceptual framework to support atheism.
11 My point is that approaches to blasphemy have been too narrow and too
12 speculative so far. Blasphemy is neither simply an intellectual product, nor is
13 it just a verbal triviality nor a psychological side effect of gambling. In
14 Zurich, for example, we have hardly any indications about swearing and
15 cursing related to game players or gamblers. Blasphemous words were
16 obviously not restricted to gambling. The analysis of Hans Werdmüller’s case
17 has demonstrated clear and viable alternative explanations. Those considered
18 as blasphemers in their time did not simply express religious scepticism in the
19 form of pamphlets or “discourses,” nor did they “simply” rebel against
20 authority figures or resort to forms of magic. Rather, they provoked their
21 society, discussed religious matters, entertained their audience, and competed
22 intellectually — i.e., they gave a verbal performance. So we should not only
23 debate whether and why we prefer Saussure’s, Habermas’s or Foucault’s con-
24 cepts of discourse and how they apply to our sources. We should also dismiss
25 the idea that blasphemous utterances are just a trivial phenomenon. We
26 should refrain, too, from risking psychoanalytical interpretations that may
27 seem speculative. What we should do is to take our sources as products of
28 speech acts in the linguistic sense. We will then discover more Werdmüllers
29 and take a different view of the history of (verbal) blasphemy. In short,
30 through such considerations we could crucially enrich our approaches to the
31 history of religion.

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38 30. G. Hughes, “Schismatic Vituperation. The Reformation,” in *Swearing. A Social History of*
39 *Foul Language, Oaths and Profanity in English*, ed. G. Hughes (Oxford and Cambridge, MA:
40 Blackwell, 1993), 91–100; A. Montagu, *The Anatomy of Swearing* (London: Macmillan, 1967).

41 31. J. Edwards, “Religious Faith and Doubt in Late Medieval Spain. Soria circa 1450–1500,”
42 *Past and Present*, 120 (1988): 18–25.

43 32. M. Flynn, “Blasphemy and the Play of Anger in Sixteenth-Century Spain,” *Past and*
44 *Present* 149 (1995): 39f; E. Labouvie, “Verwünschen und Verfluchen. Formen der verbalen Kon-
45 fliktregelung in der ländlichen Gesellschaft der Frühen Neuzeit,” in *Der Fluch und der Eid. Die*
46 *metaphysische Begründung gesellschaftlichen Zusammenlebens und politischer Ordnung in der*
ständischen Gesellschaft, ed. P. Blickle and A. Holenstein (Berlin: Duncker & Humblot, 1993),
121–45.

33. Flynn, “Blasphemy,” 51; J. Favret-Saada, “Rushdie et compagnie. Préalables à une anthropologie
du blasphème,” *Ethnologie française*, 22 (1992): 251–60.

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