

Tolerance, Society, and Sovereignty: The Retreat from Pluralism in the Polish-Lithuanian Commonwealth

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The Polish Brethren were fervent advocates of religious tolerance. Johann Crell's "Vindiciae pro Religionis Libertate" (1637) is prominent among their works, because of its far-reaching and progressive arguments for freedom of religion. This article outlines the historical and intellectual context of this pamphlet, and its reception in seventeenth-century Europe. Despite being familiar with a historical situation in the Polish-Lithuanian Commonwealth where toleration was practiced on a societal level, Crell strongly argued that freedom of religion had to be enacted through a public law. Only in this way could freedom of religion be truly effective and guarantee safety for all citizens.

INTRODUCTION

WITHIN THE CLASSICAL teleological history of religious toleration and tolerance, which postulates a progress from an intolerant past (especially the years between the Reformation and the Peace of Westphalia) to a more tolerant and secularized attitude toward religious pluralism in the late seventeenth century and Enlightenment, the case of the Polish-Lithuanian Commonwealth is certainly a puzzling one.¹ Contrary to this supposedly progressive trend, the Commonwealth began restraining religious toleration in the mid-seventeenth century under the pressure of the Catholic restoration, while it had been a

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¹ Following Benjamin Kaplan's distinction, in the following I will use the term *toleration* to refer to tolerant forms of behavior and peaceful practices of coexistence with others belonging to different religions, and *tolerance* to refer to the concept of toleration. Kaplan, 2007, 8.

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much more tolerant country in preceding decades, when religious pluralism was guaranteed in practice, if not legally. Jews, for instance, enjoyed a higher degree of toleration than in other countries, as Lithuanian and Polish magnates favored Jewish immigration in their underpopulated and underdeveloped estates.² Even native Muslim communities of Tatars enjoyed forms of toleration in the sixteenth-century Polish-Lithuanian Commonwealth.³ As for the many Christian groups, the three mainstream confessions—Catholics, Lutherans, and Reformed—were allowed to exercise their religion more or less freely. Even Anabaptist communities and the infamous anti-Trinitarian Minor Church flourished in the territories of the Commonwealth.

Thus, Poland-Lithuania was a haven for religious nonconformists in the sixteenth and early seventeenth century.⁴ The Commonwealth was also a perfect example of pre-Enlightenment toleration from below, rather than toleration imposed from above by the sovereign, which emerged organically from daily practices among citizens as a societal solution to the problems arising from the existence of different Christian groups or even different faiths in the same territory. Indeed, recent research in social, religious, and intellectual histories has revealed many instances of such societal toleration throughout Europe in the sixteenth and seventeenth centuries, and has incorporated these findings into a wider revision of the liberal teleological view of the history of toleration and tolerance.⁵ Late Reformation Europe was characterized by a concurrence of practices of toleration and acts of violence, pleas for tolerance and ideas of intolerance—and the Polish-Lithuanian Commonwealth was no exception. Between the sixteenth and seventeenth centuries, many Catholic intellectuals—especially the Jesuits—urged Polish sovereigns to withdraw concessions to religious pluralism, while also attacking what was regarded as the legal guarantee of this pluralism: the so-called Confederation of Warsaw (1573). This agreement was not free from ambiguities and was in some respects limited. As a result, even in the tolerant Polish-Lithuanian Commonwealth a debate on religious tolerance emerged in the late sixteenth century. If one accepts that pleas for religious toleration are always the result of social disputes and that they are tied to particular social and historical contexts,⁶ only the existence of such disputes about religious tolerance, as well as acts of violence and persecution against Protestant churches, can explain why members of a religious minority

² Kaplan, 2007, 314. See also Weintraub, 29–30.

³ Kaplan, 2007, 307–08; Weintraub, 32.

⁴ Weintraub, 41–42. For instance, many Italian religious refugees settled in Poland and Lithuania in the sixteenth century. See Caccamo, 65–173.

⁵ See Kaplan, 2007; Walsham; Marshall; Shagan.

⁶ Forst, 2013, 2.

in the Commonwealth such as the Polish Brethren became the most fervent advocates of tolerance and religious freedom. Indeed, almost all the spokespersons of the Minor Church, such as Krzysztof Ostorodt (ca. 1560–1611), Andrzej Wojdowski (1565–1622), Valentin Schmalz (1572–1622), Johann Crell (1590–1633), Jonas Szlichtyng (1592–1662), and Samuel Przyppkowski (1592–1670), made pleas for freedom of religion in their writings.⁷

This article will focus on the debates on religious freedom in Poland-Lithuania from the 1590s to the 1630s. As these were critical decades when other European states were also debating and experimenting with forms of religious coexistence or toleration, such as the Edict of Nantes (1598), the debates in Poland-Lithuania drew on and influenced those taking place elsewhere. Poland-Lithuania was famous in some circles and notorious in others for its exceptional degree of toleration, yet the debates took place in a context where the Commonwealth was moving closer to the more restrictive norms found in neighboring states. These Polish-Lithuanian debates gave Jesuits and various Protestants an opportunity to refine their arguments and prompted Johann Crell to write his influential *Vindiciae pro Religionis Libertate* (A vindication for freedom of religion), posthumously published in 1637.⁸ In the foreword to the *Vindication*,⁹ Crell wrote that he intended to put an end to the controversy concerning whether it was possible to establish and preserve civil peace between Catholics and heretics, meaning all those who dissented from the Roman Church.¹⁰ This article will outline the historical and intellectual background leading to the writing and publication of the *Vindication*, revealing that Crell had in mind a precise controversy when he wrote his pamphlet: the discussions that revolved around the so-called *Pax Dissidentium* (Peace among Dissenters), a pact among Polish nobles included in the 1573 Confederation of Warsaw that more or less guaranteed religious freedom in the Commonwealth. Crell, however, was not satisfied by a mere defense of this pact. Despite being familiar with a historical situation where toleration was practiced on a societal level, Crell did not regard this agreement on mutual toleration as sufficient, and stated that only freedom of religion established by the sovereign through a public law could be truly effective and guarantee safety for all citizens within a commonwealth. Moreover,

⁷ Hillar, 1993, 460–66.

⁸ Crell, 1637. There is no doubt that this title echoes the famous *Vindiciae contra Tyrannos*, but in Crell's pamphlet there is no reference to any kind of resistance theory. It must also be emphasized that there is no evidence to prove whether it was Crell who chose the pseudonym Iunius Brutus or whether the anonymous editor made this choice. Further research on the Brethren's approach toward ideas of resistance to the sovereign might cast new light on the relationship between the two pamphlets.

⁹ English titles will be used in reference to Latin texts after their first mention.

¹⁰ Crell, 1637, foreword.

while placing Crell's pamphlet in its historical and intellectual context, this article also aims to suggest why the *Vindication* soon became famous throughout Europe. It was translated into many different languages and reissued many times, particularly in England and the Dutch Republic.

Crell's arguments were decidedly ahead of his time, such that this pamphlet interacted with debates in religious and political contexts quite different from those in the Polish-Lithuanian Commonwealth of the early seventeenth century. We will see that it had particular traction in the debates on heresy and the role of the magistrate in matters of religion that were occurring in England and the Dutch Republic in the mid- and late seventeenth century.

THE POLITICS OF DISSENT AND OPPOSITION TO RELIGIOUS PLURALISM

Before examining the nature of the Peace among Dissenters, it is useful to describe briefly the different Christian churches existing in the Polish-Lithuanian Commonwealth and their mutual relations around the time when this pact was drawn up. In Poland-Lithuania the nobility was divided between magnates, the wealthy and more powerful elite among the nobles, and the *szlachta*, lesser or ordinary nobles.¹¹ Supported by the nobility, which soon began regarding freedom of religion as one of their inalienable noble liberties, the Reformation began its livelier phase in Poland-Lithuania in the early 1550s.¹² There were three main Protestant groups: the Lutherans, who had introduced the Reformation movement but were losing members and power to Calvinism; Calvinists, who attracted both magnates and *szlachta*; and the Bohemian Brethren, a group of Evangelicals who had been banished from Bohemia and settled in Greater Poland, making an impression on the residents for reason of their morality and positions on doctrine.¹³ Moreover, groups of Anabaptists had been wandering through the territories of the Commonwealth (especially Greater Poland and Prussia) since the 1530s, but they always found it difficult to establish a settlement, because of the opposition of the Crown and the edicts enacted against Anabaptism. Some of these groups, however, especially the Moravian Brethren, found refuge in Greater Poland thanks to the protection provided by members of the *szlachta*.¹⁴ The Moravian Brethren deserve special attention, as their sociopolitical ideas

¹¹ Frost, 1993, xvi.

¹² Frost, 1993, 19–21. See also Karin, 2010, 55–56. For more information on the Polish nobility, see Frost, 2007.

¹³ Kriegseisen, 20.

¹⁴ Kot, 9–15.

exerted a major influence on the fourth major Protestant church in Poland-Lithuania: the Minor Church, or Polish Brethren, later known as Socinians. The Minor Church formed roughly around 1563, originating from the Polish Reformed Church, which split into two antagonistic groups when some of its adherents embraced anti-Trinitarian views and adopted an anti-state attitude according to which all that was inherent to politics was unworthy of a true Christian life.¹⁵

Despite this schism, the Polish Reformed Church grew stronger during the 1560s.¹⁶ By 1569, the Senate, consisting of both the upper chamber of the *Sejm* (the Diet) and the royal council, counted seventy Catholics, fifty-eight Reformed, and two Eastern Orthodox Christians, while the Chamber of Envoys, the lower house of the *Sejm*, consisting of envoys from *sejmiki* (local dietines), included considerable numbers of Protestants from all the four churches.¹⁷ However, as an anti-Trinitarian group, the Minor Church was attacked by all the remaining churches and was often regarded as worse than Jews and Muslims.¹⁸ They were thus excluded from the Synod of Sandomierz (1570) that resulted in a general agreement between the Reformed, the Lutherans, and the Bohemian Brethren. The Sandomierz Covenant (or Consensus of Sandomierz) was not a dogmatic union, but rather a political agreement between these three churches, a *fraterna coniunctio* (brotherly union) declaring that the dogmas of each confession were expressions of the same faith and allowing members to receive sacraments in one another's churches. They further promised each other mutual help in the fight against the Catholics and the anti-Trinitarians, and they agreed upon the composition of a common confession of faith, which, in the end, was never written.¹⁹

At the time of King Sigismund August's death on 7 July 1572, the Protestant numbers in the Senate had grown even more: there were now fifty-eight Catholics and fifty-nine Protestants. Relying on their increased political weight, the non-Catholics sought to establish a legal guarantee for religious equality among Christian confessions during the interregnum—the period when the primate, the archbishop of Gniezno, acted as interrex while the *Sejm* was

¹⁵ Kot, 1–8, 16–30. For more information on the birth of the Minor Church, see Wilbur, 282–407; Kot, ix–xxi, 1–8, 31–49; Caccamo, 65–107; Williams, 25–65; Cantimori, 205–46, 312–418. Piotr Wilczek has recently stated that there has been no breakthrough in knowledge of the Brethren in Poland since the 1970s, and new research based on both primary and secondary sources is much needed. Wilczek, 2016, 36–44.

¹⁶ Kriegseisen, 24.

¹⁷ Kriegseisen, 24; Frost, 1993, xv–xvi.

¹⁸ Kostyło, 192–93.

¹⁹ Kaplan, 2007, 139; Kriegseisen, 24–25. See also Berga, 1916a, 175, 210–11.

electing the new king.²⁰ In January 1573, the nobility gathered at the *Sejm* in Warsaw agreed on the date of the next royal election, and swore to keep peace among themselves despite differences of religion and to refrain from persecuting and punishing others for religious reasons. This mutual agreement was known as the Peace among Dissenters and was included in the Confederation of Warsaw—a confederation being an agreement between nobles for specific political purposes, usually drawn during the interregna as an attempt to limit the powers of the monarchy.²¹ The text of the Confederation, including the article on the peace agreement, was signed by the majority of the nobility, including forty-one Catholics, but not by the Catholic bishops who were seating in the Senate, except for Francis Krasieński, bishop of Kraków.²² A shorter version of the Confederation was then included in the *Pacta Conventa* (Settled agreements), the electoral agreement to which each king had to swear at the time of their coronation. The *Pacta Conventa* thus represented a growing body of constitutional laws that limited royal power and defined those liberties so highly esteemed by the nobility.²³

Being included in this body of constitutional laws, the peace agreement has been highly praised by many scholars who have regarded it as the legal guarantee for full religious toleration in the Commonwealth between the late sixteenth and the early seventeenth century.²⁴ However, the peace agreement had clear limits and ambiguities that delimited both the actual equality among Christians and the toleration practiced in the Commonwealth between the two centuries. For instance, it is well established that it did not grant freedom of religion to all Polish subjects, but rather only to magnates and the *szlachta*. As Benjamin Kaplan writes, “the Confederation was merely a pact between nobles not to molest or hinder one another in the practice of their religion, or to allow others (namely, the crown) to do the same.”²⁵ Since all members of the nobility exercised full jurisdiction over their serfs in their estates, the actual freedom of religion that ordinary people could enjoy depended on how nobles exercised their right of patronage (*ius patronatus*)—that is, on whether they decided to impose their religious faith on their subjects or not.²⁶ This also meant that burghers, peasants, and serfs could witness the confession of their village or

²⁰ Frost, 1993, 11; Kriegseisen, 25.

²¹ Keenan, 37–38. For an English translation of the text of the peace agreement, see Keenan, 38. See also Frost, 1993, xv. In this article I will refer to it as the peace agreement.

²² Keenan, 38–39; Wilbur, 364.

²³ Frost, 1993, 11–12; Kriegseisen, 26–27.

²⁴ Frost, 1993, 9; Kriegseisen, 26; Hillar, 1993, 447, 448–51; Kostylo, 200.

²⁵ Kaplan, 2007, 154. See also Keenan, 38; Opaliński, 45; Tazbir, 1972, 89.

²⁶ Frost, 2007, 266–67.

town change over the years, if their lord converted to another church, or if their village or town was sold to a lord of another confession.²⁷ This is the reason why Auguste Berga wrote that the Confederation denied freedom of religion to the majority of the Polish population, rather than ensuring such a freedom.²⁸

Moreover, the peace agreement cannot be regarded as legally binding Polish authorities to enforce it among Polish subjects. On the contrary, it lacked substantial means of enforcement. Polish kings swore to respect and protect the peace among dissidents, but they never intervened to punish episodes of religious violence and unrest, despite repeated pleas to do so.²⁹ Since Catholic bishops refused to sign the Confederation of Warsaw in the Senate and new laws could not be enacted without the agreement of both chambers in the *Sejm*, the peace agreement did not receive the force of a law, and this was clear to both Protestants and Catholics.³⁰ The lack of its legal status explains why some *sejmiki* requested the implementation of the Confederation and of the peace agreement, especially after episodes of violence against Protestant churches. A request to have procedures to punish participants in religious unrest, for instance, was made during the interregnum by the nobility of Belz in 1587, a request that soon gained support by other magnates and members of the *szlachta*.³¹ However, Protestants never managed to obtain a legal implementation of the Confederation due to the resistance of the clergy and the unwillingness of the king.³² The lack of such a legal status explains also why episodes of religious violence and intolerance occurred more easily in the royal towns, where the influence of magnates and *szlachta* was not always strong enough to protect their coreligionists. Indeed, burghers living in royal cities lacked both legal and political instruments to safeguard religious peace among different confessions.³³

Lastly, there is some ambiguity in the historiography about whether all Christian groups should be included within the peace agreement. Many historians agree that the term *dissenters* (*dissidentes*) subsumed all Christians,

²⁷ For examples of such confessional changes, see Kaplan, 2007, 154.

²⁸ Berga, 1916a, 181.

²⁹ Keenan, 48.

³⁰ Roşu, 36–37, 45; Frost, 2000, 9; Frost, 2007, 267; Keenan, 39, 41–42.

³¹ Opaliński, 52–53.

³² Opaliński, 53.

³³ Müller, 265. For this reason, Müller has more broadly argued that the history of constitutional toleration in the Commonwealth must be distinguished from the development of religious culture and popular religiosity, which can explain the success of the Catholic restoration. See Müller, 262–70. On the legal and political status of royal cities, see also Frost, 2000, 8–9; Karin, 2000. For examples of religious violence in royal cities, see Berga, 1916a, 215, 230; Wilbur, 402–04, 438–39; Caccamo, 168–69; Cantimori, 405; Kaplan, 2007, 209–10.

including the anti-Trinitarian Polish Brethren, who were thus protected by the peace agreement.³⁴ Others, however, do not agree with this interpretation and argue that only the Protestant churches that signed the Sandomierz Covenant were to be included.³⁵ The term *dissenters* as used in the Confederation appears to not explicitly state who should be regarded as a religious dissenter, and as a result different churches could claim that they were protected by the peace agreement or that other churches should be excluded from the same article.³⁶ An eighteenth-century source, for instance, wrote: “The Arians [the Polish Brethren] believed that they belonged to the dissenters and they were partakers of the peace and security established for those [dissenters], but neither the Catholics nor the dissenters wanted them among their group, even though there were no quarrels against the Arians when the Confederation among dissenters was established or in the following years.”³⁷ According to Opaliński, the meaning of the term *dissenters* changed over the years. All Christians were to be included in the original formulation of the peace agreement, but soon after, at least from the 1590s onward, the term *dissenters* acquired a double meaning, some dietines using it to refer to both Catholics and non-Catholics, others to Protestants only.³⁸ Once Catholicism began gaining ground, members of the nobility increasingly took an intolerant stand toward the Protestant side, and the Polish Brethren became the first target.³⁹ A local diet called for their formal exclusion from the peace agreement in 1598, and a similar unsuccessful attempt was repeated in 1648.⁴⁰

Despite these limitations and ambiguities, the Confederation was largely perceived as an act ensuring peace, and all Christian churches were de facto tolerated in Poland-Lithuania, being allowed to exercise their faith more or less freely.⁴¹ It is thus unsurprising that leading Catholics began to attack the peace agreement publicly, alleging that chaos would follow from granting

³⁴ For instance, see Weintraub, 38; Salmonowicz; Hillar, 1993, 450; Wilczek, 1999, 622, 625; Kaplan, 2007, 153–54; Kostylo, 200.

³⁵ See, for instance, Berga, 1916a, 181; Luszczynska, 4, 6–7, 11–12.

³⁶ Wilbur, 365–66; Müller, 268.

³⁷ “Credebant ariani, se ad dissidentes pertinere, et sancitae pro eis pacis et securitatis participes esse, verum neque catholici, neque dissidentes illos in eorum numero esse voluerunt, quamvis eo tempore, quo confoederatio inter dissidentes constituta, tum annis sequentibus, arianis mota controversia non esset”: Legnich, 2:567–68. All translations are the author’s except where otherwise noted.

³⁸ Opaliński, 46–47.

³⁹ Opaliński, 55–57.

⁴⁰ Opaliński, 47–48, 57.

⁴¹ Opaliński, 49; Müller, 264; Keenan, 38.

religious freedom to all Christian groups.⁴² Its fiercest enemy at the end of the sixteenth century was Piotr Skarga (1536–1612), the leading Jesuit in the Commonwealth from the mid-1570s onward and the court preacher of Sigismund III.⁴³

Between 1595 and 1596, Skarga published two anonymous pamphlets directly opposing the Confederation and the peace agreement, reiterating many arguments that he had already put forward in a previous pamphlet published in 1592 to warn both Protestant and Catholic nobility of the perils of religious freedom.⁴⁴ However, the most complete attack on both the peace agreement and, more broadly, on religious freedom can be found in his *Kazania Sejmowe* (Sermons to the diet), eight sermons that Skarga allegedly preached in front of the *Sejm* and where he put forward his views on the relationship between church and state.⁴⁵ For the purpose of this paper, I will highlight four main ideas recurring in several of Skarga's sermons: freedom of religion is a danger for true Christianity; far from promoting peace within a commonwealth, freedom of religion threatens the unity of a state; dissenters demand freedom of religion only while they are a minority within a commonwealth; and, finally, it is legitimate to coerce people to a religion, and this is the duty of the sovereign. These four ideas were the core of the polemics over religious freedom that occurred in the 1610s and to which Crell would reply some years later by writing his *Vindication*.

According to Skarga, it was clear that freedom of religion endangered true Christianity. As stated in the fourth sermon, religious freedom opened the door to all sorts of heresies, which often masked themselves as the true Catholic faith. Skarga openly mentioned the example of the Warsaw

⁴² Keenan, 39–40.

⁴³ For a complete account of Skarga's life and role as a Jesuit in Poland-Lithuania, see Tazbir, 1983. To my knowledge, the most comprehensive non-Polish study of Piotr Skarga is still Berga, 1916a. For recent accounts of the Jesuits in Poland, see Obirek, 1996 and 2017; Łukaszewska-Heberkowa. See also "Jesuit Culture in Poland and Lithuania." The essay by Krzysztof Fordoński and Piotr Urbański deserves a special mention, as they make a survey of Polish literature on the Jesuits in the Polish-Lithuanian Commonwealth, highlighting the language barriers faced by non-Polish readers and the need for further accessible research into the culture of Polish Jesuits: see Fordoński and Urbański.

⁴⁴ For an analysis of these pamphlets, see Berga, 1916a, 231–34, 237–40; Keenan, 47–48.

⁴⁵ In the following, I will refer to the Polish version of the eight sermons edited by Stanisław Kot. For non-Polish readers, I will refer to the French translation of the same passages made by August Berga. See Berga, 1916b. For an account of the different editions of Skarga's sermons and of the reasons why it should be assumed that these sermons were never preached in front of the *Sejm*, see Skarga, lvii–lxi; Berga, 1916b, 5–31. For a thorough account of Skarga's political thinking, see Obirek, 1994.

Confederation, which would eventually ban the Christian faith from the kingdom.⁴⁶ The anti-Trinitarian Polish Brethren were of course the worst heretical group that was allowed to exist. When listing the worst sins committed by the Polish-Lithuanian Commonwealth, Skarga stated that the biggest iniquity against the Christian God was blasphemy against the Trinity, which the Commonwealth permitted and allowed to spread without opposing it. Indeed, according to Skarga, “the Anabaptist or rather Pagan sect is spreading everywhere,” and thus the whole Commonwealth was polluted with their heresies and blasphemies.⁴⁷ *Anabaptist* is the term that Skarga used to name the Polish Brethren.⁴⁸ It is clear that Skarga did not regard the Brethren as Christians at all, but rather as pagans, so even if one were to allow religious freedom to the several Christian churches, the Brethren were not to be included. Skarga did not spare the other Protestant churches either. The second mortal sin committed by the Commonwealth was allowing all kinds of heresies in its territories without punishment.⁴⁹

Conscious that these arguments might or might not have won over the Polish king and nobility, Skarga put much more emphasis on proving that allowing the existence of different confessions would eventually result in the ruin of a commonwealth. Passages suggesting this idea recur in all sermons, but the fourth and the fifth are particularly important in this regard, titled, respectively, “Concerning the third illness of the Commonwealth, which is a violation of the Catholic religion by a heretic pestilence,” and “How the Catholic faith well keeps public order and kingdoms, while heresy overturns them.”⁵⁰ Skarga used a number of arguments to prove his thesis, including the fact that heresies prompted dissensions among citizens of the same commonwealth and that heretics either promoted theories of resistance against sovereigns or refused to obey their ruler, opposing the very concept of civil authority and the participation in warfare. Once again, Skarga mentioned the

⁴⁶ Skarga, 91–92; Berga, 1916b, 115–16. See also the beginning of the third sermon: Skarga, 56–57; Berga, 1916b, 85–86.

⁴⁷ Skarga, 174–75; Berga, 1916b, 176. For a similar passage, see also Skarga, 108; Berga, 1916b, 129–30.

⁴⁸ Skarga referred to the Brethren as “sekte Nowochrzeńska” (“Anabaptist sect”).

⁴⁹ Skarga, 175–76; Berga, 1916b, 177–78.

⁵⁰ “O trzeciej chorobie rzeczypospolitej, która jest naruszenie religiej katolickiej przez zarazę heretycką”: Skarga, 78–97; “Jako katolicka wiara policjij i królestw szczęśliwie dochowywa, a heretyctwo je obala”: Skarga, 98–118. Berga provides a variant for the title of the fourth sermon—namely, “That the Catholic religion guarantees the right harmony and unity of kingdoms.” See Berga, 1916b, 104–20. For the French translation of the fifth sermon, see Berga, 1916b, 121–36. See also passages from sermons 1, 2, and 3, especially Skarga, 8–13, 20, 33–35, 38–40, 57–66; Berga, 1916b, 46–48, 54, 64–66, 69–70, 86–94.

Nowochrześceny (Anabaptists or Polish Brethren) as a fitting example of the truth of his assertions.⁵¹ Skarga added another argument: since differences in religion ruined true friendship among people, it was impossible to fully trust a heretic.⁵² This argument was closely linked to Skarga's view that heretics demanded religious toleration only for so long as they were a minority within a commonwealth, while they would not grant such a freedom to Catholics, if they had the authority to do so.⁵³ The whole sixth sermon can be read in the light of this view, where Skarga defended absolute monarchy as the best form of political system and attacked the Polish *Sejm* and the *szlachta*, as they had used the *sejmiki* for personal interest only, often defending their heretical reasons through the local dietines.⁵⁴

Given that heresies promoted dissension and distrust among citizens, it was a duty of the sovereign to enforce true faith—namely, the Catholic faith—and, thus, unity in religion. Therefore, in the fourth sermon Skarga provided many historical examples of sovereigns who had enacted laws to oppose and punish heretics, such as Charlemagne and former Polish kings, while exhorting Sigismund III and the *Sejm* to make use of the law and the local dietines against the Protestants, especially against those who blasphemed the divinity of Christ.⁵⁵ Moreover, when discussing civil laws that could be regarded as legitimate and just, Skarga included laws that promoted true religion and did not allow blasphemies against God's honor and glory, attacking again the Confederation of Warsaw, which, by contrast, permitted all sorts of heresies within the Commonwealth.⁵⁶

THE SHARPENING DEBATE IN POLISH-LITHUANIA AFTER THE EDICT OF NANTES

After the writing and publishing of the three editions of his *Sermons*, Skarga did not cease to attack the Confederation of Warsaw and the kind of religious pluralism existing in Poland-Lithuania at the time. In 1610, for instance, he published a new pamphlet listing ten injustices following from the Confederation

⁵¹ Skarga, 99–101, 110–13; Berga, 1916b, 122–24, 131–33. See also Skarga, 109–10; Berga, 1916b, 130–31. For an account of the Brethren's ideas on magistracy and warfare, see Quatrini, 2021b.

⁵² Skarga, 101–02; Berga, 1916b, 124.

⁵³ Skarga, 114–16; Berga, 1916b, 134–35.

⁵⁴ Skarga, 119–49; Berga, 1916b, 137–56.

⁵⁵ Skarga, 89–91, 93–96; Berga, 1916b, 115–16, 118–19.

⁵⁶ Skarga, 156–59, 166–68; Berga, 1916b, 163–64, 169–70. See also passages in sermons 2, 6, and 8, especially Skarga, 45–49, 119–20, 175–76; Berga, 1916b, 74–78, 136–37, 177–78.

and particularly from the peace agreement.⁵⁷ This pamphlet, as well as the last edition of the *Sermons*, published also in 1610, was part of a new peak of the anti-Protestant propaganda that escalated after the Zebrzydowski rebellion (1606–09), a brief civil war prompted by members of the *szlachta* who saw their political liberties threatened by Sigismund III. Both Catholics and Protestants rebelled against the king, but the majority of the coalition was Protestant, and so anti-Protestant propaganda found a fertile soil.⁵⁸ Skarga resigned from his position as royal preacher in 1611 and retired to Sandomierz, where he died in September 1612. His successor was Mateusz Bembus (1567–1645), a Jesuit who would soon follow Skarga's steps in opposing the peace agreement and, more broadly, freedom of religion.

Bembus remains a quite neglected figure in the intellectual history of his time.⁵⁹ He was born in Poznań in 1567 and attended the Jesuit college in his hometown, where he studied philosophy under the direction of the Italian Jesuit Fabrizio Pallavicini. He joined the Society of Jesus on 21 June 1587, beginning his novitiate in Kraków and then studying theology at the Academy in Vilnius between 1592 and 1596. In 1596 he was ordained a priest. Over the years, Bembus taught philosophy in several Jesuit colleges, particularly in his hometown, and later printed a collection of dissertations in logic; his lectures in logic and a commentary on Aristotle have been preserved in manuscript form. From 1602 to 1605, Bembus also lectured in scholastic theology at the Vilnius Academy, where he obtained a doctorate in philosophy and theology in 1610. After Skarga's retirement, in November 1611 Bembus became the new royal preacher, a position that he held until 1618, when, for unclear reasons, he did not join the court again after a trip to Rome. In his remaining years, Bembus actively participated in the life of the Society of Jesus in Poland-Lithuania, holding different positions in Jesuit colleges, such as rector of the college in Poznań, lecturer in theology and philosophy, and active preacher. He died in Kraków on 30 July 1645.⁶⁰

In 1615, while he was royal preacher of Sigismund III, Bembus anonymously published a pamphlet fiercely attacking the Confederation, titled

⁵⁷ Berga, 1916a, 240.

⁵⁸ Frost, 2000, 89–90.

⁵⁹ To my knowledge, there are no significant studies on Bembus in non-Polish languages. Even in Polish literature, there are many encyclopedia entries and shorter or longer mentions in studies concerning the Jesuits and the Catholic restoration in Poland-Lithuania, but a comprehensive study of Bembus's life and works is still lacking. The most exhaustive study has been published by Roman Darowski, who will be my main source for biographical information on Bembus.

⁶⁰ For more biographical information, see Darowski, 214–17.

Pax Non Pax (Peace no peace).⁶¹ In this pamphlet, Bembus put forward the same ideas that Skarga had produced in his *Sermons*. The first reason advanced by Bembus against the peace agreement as included in the Confederation was that there could be no true peace between God and the devil, as Paul said in 2 Corinthians 6:14–16. The Confederation, however, included a peace with the devil, because only “true faith belongs to Christ as its author,” while “falsehood and heresy belong to the devil as its author.”⁶² Besides this, the peace agreement was “deceitful and treacherous” (“insidiosa”), because it hid the true aims of the Protestants, such as building their own churches, profaning Catholic churches, and seizing their goods: “Deceit, deceit, showing peace with one hand and war with the other, offering bread with one hand and a stone with the other.”⁶³ Bembus also emphasized that the Confederation was not even a law, because it had not been approved unanimously by the *Sejm*, so Protestants should be content that they were not prosecuted by civil magistrates, rather than striving to obtain more privileges.⁶⁴ The idea of the deceitfulness of the peace agreement was in turn closely linked to the opinion that Protestants would not advocate such a peace and grant it to Catholics if they were the ones with authority in a commonwealth. Besides mentioning examples from countries abroad, such as England and the Dutch Republic, Bembus pointed at the royal cities in Poland-Lithuania where Protestants were the majority, such as Elbląg (Elbing) and Gdańsk, and territories within the Commonwealth ruled by Protestant magnates and *szlachta*. In these cities and territories, according to Bembus, Catholics were not allowed to have public services, and when they did they were harassed by Protestants. This had happened frequently during Catholic funerals and processions.⁶⁵ Bembus avoided mentioning Catholic aggressions against Protestants. Nevertheless, according to Bembus, those examples were clear proof that Protestants would not be satisfied by having equal rights with Catholics: “Heresy, as it is arrogant and haughty, is not content with a right equal to the Catholic faith, but strives to become superior to the Catholic faith and eradicate it from the foundation.”⁶⁶

⁶¹ Bembus, 1615. For the attribution of this pamphlet to Bembus, see Ogonowski, 1:459–72.

⁶² “Sed pax confoederationis, est pax Dei cum diabolo . . . quia fides vera spectat ad Christum ut auctorem, perfidia et haeresis spectat ad diabolum ut auctorem”: Bembus, 1615, fol. A2^r.

⁶³ “Insidiae, insidiae. Hoc est, una manu pacem, altera bellum ostendere; una manu panem, altera lapidem porrigere”: Bembus, 1615, fol. B1^v.

⁶⁴ Bembus, 1615, fol. B1^v.

⁶⁵ Bembus, 1615, fol. B2^r.

⁶⁶ “Nam haeresis, ut superba et elata est, non est aequali iure cum Catholica fide contenta, sed ea superior evadere, eamque funditus extirpare molitur”: Bembus, 1615, fol. B2^v.

The peace agreement was not only dangerous for Christianity, Bembus continued, being contrary to true faith and deceitful, but it was also the greatest danger for the Commonwealth, because this peace was then “mother of all disputes” (“mater et nutrix dissensionum”). Differences in religious beliefs produced divisions among citizens, so there could be no true peace among dissenters.⁶⁷ Quoting Plato’s *Republic*, Bembus argued that religion was the first foundation of the peace of a commonwealth and that agreement in a common faith was the bond holding people together in a society, but that heresies weakened and destroyed religion and introduced disagreement between citizens.⁶⁸ In *Peace No Peace*, Bembus did not make any explicit reference to the contemporary situation in other European countries, but he would add these in a second treatise in 1616, written in reply to an anonymous Protestant. More details on this second treatise can be found below, but here it is important to mention that Bembus made explicit reference to France, where the Edict of Nantes had been enacted eighteen years before, as proof that political peace cannot be achieved even when agreement on freedom of religion is reached and established by the state. Indeed, Bembus emphasized that civil strife between Protestants and Catholics in France never ceased, despite the concessions to the Huguenots by Henry III and then the promulgation of the Edict of Nantes. On the contrary, according to Bembus, the Huguenots achieved those concessions through violence and kept threatening to resort to arms to obtain new privileges from the French sovereign.⁶⁹ In *Peace No Peace*, Bembus thus concluded that a commonwealth allowing heresies in its territory could not “ever hope for peace and concord.”⁷⁰ Accordingly, Bembus examined possible objections from the Protestant side centered on the idea that people should be free to choose their own faith and that it was not legitimate to impose a religion through force and punishment. He argued that, on the contrary, this was the duty of sovereigns and magistrates. Relying on Saint Augustine (especially his epistle 185) and Beza, Bembus wrote, “Magistrates’ duty is to defend the church through laws, to compel its adversaries and enemies who disturb its peace and divide its unity.”⁷¹ Bembus then dismissed the parable of the wheat and the tares (Matthew 13:24–30), a *locus classicus* for all those advocating religious tolerance and freedom, arguing that it was exactly the

⁶⁷ Bembus, 1615, fols. A2^v and A4^r.

⁶⁸ Bembus, 1615, fols. B2^v–B3^r.

⁶⁹ Bembus, 1616, 52–56.

⁷⁰ “Et proinde pacem et concordiam illa respublica speret nunquam”: Bembus, 1615, fol. B3^r.

⁷¹ “Eorum videlicet est muneri, legibus ecclesiam tueri, inimicos et hostes ecclesiae, qui pacem eius perturbant, et dividunt unitatem, coercere”: Bembus, 1615, fol. C1^r.

duty of the lord to extirpate the tares from his field and to burn them. He concluded, “But although many things must be tolerated now and then that cannot be totally forbidden, nevertheless they must not be approved and established by law. This would indeed mean to throw into disorder all reason of peace and to sow the seed of discord through the tares.”⁷² By stating this, Bembus was speaking to all those who regarded the Confederation as a provisional agreement that could be put aside once Catholicism could be established as the state religion without endangering the Commonwealth itself. Moreover, Bembus wrote this pamphlet in 1615, in a period when local dietines were pleading for the implementation and strengthening of the Confederation and its peace agreement. By defending the status quo—namely, tolerating the Protestants without any legal change in the Confederation—Bembus was expressing the view held by the majority of the magnates and *szlachta* at the time.⁷³ As I will emphasize in the following section, Crell wrote the *Vindication* mainly to oppose this view.

After the publication of *Peace No Peace*, Protestant polemicists did not remain silent. In the same year, they published an anonymous pamphlet titled *Vindiciae Pacis* (A vindication of peace). This pamphlet was published in 1615 by the renowned Racovian Press, owned by the Polish Brethren in Raków, which was directed by Sebastien Sternacki.⁷⁴ Indeed, even though the Racovian press was under the jurisdiction of the Brethren’s synod in Raków and was intended for publishing the Brethren’s pamphlets and treatises only, Sternacki managed over the years to publish books that were not commissioned or examined by the synod, usually issuing them either with a false place of printing or without any publication information at all.⁷⁵ Moreover, from 1611 to 17, there were some attempts at unification between the Polish Reformed Church and the Brethren’s Minor Church.⁷⁶ To prove their good will in these efforts, the Brethren decided to let the Polish Calvinists use their press, since the Reformed Church did not own a press at the time. As a result, a number of works from renowned Polish Calvinists were issued by Sternacki, especially those directed against their common enemy: Catholics, particularly Jesuits.⁷⁷ There is no doubt that the publication of the *Vindication of Peace*

⁷² “Sed quamvis multa aliquando tollerari debent, quae omnino prohiberi non possunt; tamen approbari et confirmari lege non debent: hoc enim esset omnem rationem pacis perturbare, et semen dissidiorum zizania seminare”: Bembus, 1615, fol. C1^v.

⁷³ Opaliński, 52–53.

⁷⁴ Kawecka-Gryczowa, 98.

⁷⁵ Kawecka-Gryczowa, 99–102, 112, 115.

⁷⁶ Kawecka-Gryczowa, 105.

⁷⁷ Kawecka-Gryczowa, 110–11.

was part of this common strategy between Calvinists and Brethren to defend both themselves and the peace agreement within the Confederation.

Zbigniew Ogonowski supposes that Jan Tyniecki, identified as a member of the Czech Brethren, was the author of the *Vindication of Peace*, since Tyniecki made use of the Racovian press three times between the years 1613 and 18.⁷⁸ Indeed, Tyniecki published three pamphlets to defend the *zgody* (peace, agreement, harmony) among the Protestants against the attacks from the Jesuits. Yet Alodia Kawecka-Gryczowa does not ascribe the *Vindication of Peace* to Tyniecki, stating only that the author was a Protestant who defended the Confederation and its peace agreement against the attack put forward by Bembus in *Peace No Peace*.⁷⁹ It should also be emphasized that Kawecka-Gryczowa identifies Tyniecki as a member of the Reformed Church, not of the Czech Brethren.⁸⁰ Without trying to resolve this historical issue, for the purpose of this article it is sufficient to bear in mind that the *Vindication of Peace* was written by a Protestant and published by the Racovian press, so it was certainly well known among the Brethren.⁸¹ In the *Vindication of Peace*, the author developed several arguments to oppose Bembus's reasons. I will focus in particular on the following main ideas: first, that freedom of religion does not endanger the true Christian faith; second, that freedom of religion does not put a commonwealth in danger; and, third, that sovereigns and magistrates may not use force to compel or punish religious dissenters.

Answering Bembus's argument based on 2 Corinthians 6:14–16, the author of the *Vindication of Peace* wrote that the apostle Paul did not forbid any relationship between infidels and Christians, supposing that dissenters could be equated to infidels. On the contrary, it was possible to have relations with them, such as economic collaborations or civil associations, as long as these did not lead Christians to act badly or to lose their faith.⁸² Moreover, the peace agreement allowed dissenters to practice their faith freely and to securely follow their own consciences.⁸³ Without denying that there was only one true religion, the author argued that even if the dissenters' beliefs were false, they embraced them sincerely as true—whether because of weakness, lack of

⁷⁸ Ogonowski, 1:473. See also Hillar, 2009, 62.

⁷⁹ Kawecka-Gryczowa, 332–33, 336.

⁸⁰ Kawecka-Gryczowa, 111.

⁸¹ A close examination of the theological doctrines put forward in the *Vindication of Peace* might provide evidence to establish the confessional church of its author.

⁸² *Vindiciae Pacis*, 4–5.

⁸³ *Vindiciae Pacis*, 5–6.

knowledge, or error.⁸⁴ Given the state of Christianity, it was even more important to defend freedom of religion, because not only did it allow everyone to worship God sincerely according to their own beliefs, but it could also push people to embrace true faith through reason and argument rather than force. In other words, far from endangering true religion, religious freedom promoted it.⁸⁵ Besides this, dissenters should not even be regarded as heretics. According to the author, “a heresy is a dogma perverse and contrary to the Catholic faith [namely, the true Christian faith] through which someone resolutely denies either God or his attributes and deeds.”⁸⁶ Roman Catholics and dissenters, however, agreed on the fundamentals of Christianity, so dissenters could not be regarded as heretics.⁸⁷

Since dissenters did not endanger true religion, it could not be argued that “the Confederation removes the bond of human society” either.⁸⁸ The author of the *Vindication of Peace* made a clear distinction between the religious inner sphere of each believer and the external political sphere pertaining to citizens, between “God’s reign and peace” (“Dei regnum et pacem”) and “the government and its peace” (“politia ejusque pace”).⁸⁹ The Confederation only promoted peace among citizens of the same commonwealth, so it had nothing to do with their inner religious beliefs.⁹⁰ Civil disputes and disagreements were, rather, the consequence of those who abused the Confederation and did not tolerate its peace agreement, those who preferred to excite seditions and strife among citizens. The anonymous author here made reference to recent history, linking explicitly the Schmalkaldic War and the French Wars of Religion to papal meddling in secular affairs.⁹¹ The author mentioned many examples of kingdoms allowing the coexistence of different faiths without being torn apart by civil strife or wars, among them France, where the Edict of Nantes had been enacted less than two decades before.

⁸⁴ *Vindiciae Pacis*, 6.

⁸⁵ *Vindiciae Pacis*, 30.

⁸⁶ “Quia haeresis est dogma perversum et contrarium fidei Catholicae, quo quis praefracte aut Deum negat, vel attributa ejus ac opera”: *Vindiciae Pacis*, 16.

⁸⁷ *Vindiciae Pacis*, 16.

⁸⁸ “Quia confoederatio nec humanae societatis vinculum, nec verae fidei consensum tollit”: *Vindiciae Pacis*, 30.

⁸⁹ *Vindiciae Pacis*, 5. The author goes as far as to say that the peace agreement also favored peace with non-Christians, such as Jews and Muslims, even though they cannot be included in the term *dissenters*: *Vindiciae Pacis*, 30.

⁹⁰ *Vindiciae Pacis*, 5.

⁹¹ *Vindiciae Pacis*, 8, 13.

There were also many historical examples of commonwealths having only one faith that had been destroyed by civil unrest.⁹² If citizens were moved by “love for the country” (“*patriae amore*”)—if Christians loved their neighbors and persuaded dissenters, rather than using force and constraint—then it would not be the case that the coexistence of different religions would result in the mother of all disputes, as Bembus wrote.⁹³ It should be emphasized that the anonymous Protestant speaks broadly of religions in this passage, not of Christians only. This is restated when discussing Bembus’s second reason against the peace agreement: “Therefore, I conclude with this answer: dissensions of minds are not always and necessarily produced from diversity of opinions about religion. . . . People who disagree among themselves due to religion can be united through a solid and true peace, and since they can and God’s command requires this from Christians, those who want to be called Christians must live in peace with everyone, insofar as this can be done.”⁹⁴ If all people should be free to worship God according to their faith and if the presence of different churches, and even of different religions, did not endanger the peace of a commonwealth, it then followed that sovereigns had no right to compel citizens to a certain faith and to punish those who refused to follow the ruler’s religion. To strengthen this idea, the author introduced a new distinction among dissenters—namely, the *turbones*, who caused public turmoil to defend their beliefs, and the *errones*, who only practiced their faith privately and did not cause any kind of public trouble. The magistrate could punish the former kind of dissenters as offenders of public peace, but could only use peaceful means with the latter kind of dissenters, striving to gently persuade them to leave aside their errors.⁹⁵ Moreover, even if one conceded that dissenters were obstinate heretics who refused to abandon their false beliefs, they should still not be punished by civil authorities. Replying to Bembus’s interpretation of the parable of the wheat and the tares, the author put forward the classical argument defended by the advocates of religious tolerance: since heretics were the tares of God’s field, it was God’s duty to extirpate them at Judgment Day, not that of the civil magistrates, who received no authority over people’s conscience from God.⁹⁶

⁹² *Vindiciae Pacis*, 8, 10–11.

⁹³ *Vindiciae Pacis*, 9.

⁹⁴ “Concludo itaque hanc responsionem: ex varietate opinionum de religione, non necessario nec semper gignuntur dissensiones animorum . . . possunt homines, religionibus inter se dissidentes, firma et vera pace conjungi: et quia possunt, Deique mandatum id a christianis exigit, quantum fieri potest, cum omnibus in pace, qui christiani dici volunt, degere debent”: *Vindiciae Pacis*, 16.

⁹⁵ *Vindiciae Pacis*, 9–10, 32–33.

⁹⁶ *Vindiciae Pacis*, 37.

Johann Crell would resume and expand some of the ideas put forward in the *Vindication of Peace* when writing his *Vindication for Freedom of Religion*. Before examining Crell's pamphlet, however, it is useful to mention briefly Bembus's reply to the *Vindication of Peace*. In 1616, Bembus published a longer treatise titled *Pacatus Impacatus ad Examen Vocatus* (The pacified unpacified called to an examination), under the pseudonym of "Lucius, a truly pacified citizen of the world" ("Lucio vero pacato cosmopolitano"), to answer his anonymous opponents.⁹⁷ A detailed examination of this treatise is not necessary, as Bembus put forward mostly the same ideas as developed in *Peace No Peace*. Dissenters in the Polish-Lithuanian Commonwealth defended and requested freedom of religion only because they were the minority, and thus had no power to defeat the Catholics; otherwise, they would not defend religious freedom and would not grant it to the Catholics.⁹⁸ Freedom of religion endangered both the Christian religion, because it undermined the true faith, and the Commonwealth, because it produced disagreements among citizens.⁹⁹ It was legitimate for magistrates to punish heretics and to compel them to conform, in order to promote the unity of religion and of the church.¹⁰⁰

Bembus put much more emphasis in this treatise on an idea that was only hinted at in *Peace No Peace*. He agreed with the anonymous Protestant, who emphasized that it was legitimate for Christians to establish relationships with non-Christians. Indeed, Bembus now argued that, even though Christians should have no relations with heretics and infidels, it was nevertheless possible to make pacts with them and establish friendships and societies with them, as long as there were just and important reasons to do so and these pacts and societies were not detrimental to Christianity.¹⁰¹ Referring to the situation in France, Bembus even conceded that heresies could be endured and tolerated when it was impossible to forbid them without causing public turmoil and wars.¹⁰² However, extreme necessity did not make a pact legitimate: "It must not be thought that what can be permitted sometimes because of people's wickedness and to avoid a more destructive evil is allowed absolutely as something good and worthy."¹⁰³ On the contrary, it was not legitimate for

⁹⁷ Bembus, 1616.

⁹⁸ See, for instance, Bembus, 1616, 8–9, 35–42, 56–80, 85–86, 203, 211–12, and 246.

⁹⁹ Among other passages, see Bembus, 1616, 6, 18, 23–24, 26, 47–56, 86–87, 89, 95–96, and 221.

¹⁰⁰ See, for instance, Bembus, 1616, 17, 224–35, 244, and 246–47.

¹⁰¹ Bembus, 1616, 81–82. See also Bembus, 1616, 82–84.

¹⁰² Bembus, 1616, 44–45. See also Bembus, 1616, 32–33, 41–42.

¹⁰³ "Non enim quod solum ob hominum improbitatem, et ad malum perniciosius evitandum, permitti aliquando potest; id absolute ut bonum et honestum, licere censendum est": Bembus, 1616, 42.

Christians to make pacts related to religion with infidels or heretics.¹⁰⁴ From this it follows that the 1573 peace agreement was an illegitimate pact. Bembus clearly wrote: “It is not legitimate, absolutely speaking, for Christians and Catholic kings, sovereigns, and commonwealths to allow freedom of religion, much less to make an agreement concerning such a freedom or to declare it through a covenant and law.”¹⁰⁵ Would it be legitimate to withdraw from an illegitimate agreement or pact established because of pressing conditions, once these conditions were removed? Bembus did not tackle this question directly, even though he argued briefly that the Roman Church did not teach the violation of pacts and that, when it justified such violations, it was for just reasons.¹⁰⁶ However, Bembus’s statements on the illegitimacy of pacts between Christians and heretics left the door open to that possibility.

THE ARGUMENT FOR TOLERANCE: JOHANN CRELL’S *VINDICATION FOR FREEDOM OF RELIGION*

The Polish Brethren did not remain silent in this dispute over religious freedom in the Commonwealth. This should not be surprising. Besides their anti-Trinitarian beliefs and their principle of applying natural reason to interpret the scriptures and religious dogmas, the Brethren are renowned today as fervent advocates of freedom of religion and tolerance.¹⁰⁷ Their ideas on religious freedom were also strictly linked to another common opinion among the Brethren—namely, their insistence upon each believer’s role in their own salvation.¹⁰⁸ Their first pamphlet focused on the defense of religious tolerance was an apology published by Krzysztof Ostorodt and Andrzej Wojdowski in 1599, when they returned to Poland-Lithuania after a missionary journey to the Dutch Republic, where they had been persecuted by the authorities and the books they were carrying had been publicly burned.¹⁰⁹ Other important contributions to debates on religious tolerance and peace were published by other renowned Brethren, especially Samuel Przymkowski.¹¹⁰ Without denying the

¹⁰⁴ Bembus, 1616, 10.

¹⁰⁵ “Non est licitum absolute loquendo, regibus, principibus, rebuspublicis christianis et catholicis . . . libertatem religionis concedere; multo minus de ea pacisci, aut eam foedere et lege firmare”: Bembus, 1616, 10. For Bembus’s arguments to defend this thesis, see Bembus, 1616, 10–16.

¹⁰⁶ Bembus, 1616, 154–57.

¹⁰⁷ Kot, xxxiii; Hillar, 2009, 55; Wilczek, 2016, 45–55.

¹⁰⁸ Mortimer, 2010, 38.

¹⁰⁹ Kühler, 55. For the Brethren’s Apology, see Ostorodt and Wojdowski. See also Bangs and Bangs; Hillar, 2009, 64.

¹¹⁰ See Simonutti.

significance of these contributions to the history of tolerance, it can be fairly assumed that Johann Crell's *Vindication for Freedom of Religion* should be regarded as the most important pamphlet in favor of this concept published by the Brethren. The reason is that Crell's pamphlet was translated into English, Dutch, and French (two different editions), while the Latin edition was reissued twice.¹¹¹ Crell's pamphlet circulated widely within seventeenth- and eighteenth-century European intellectual circles. The two French editions deserve special mention in this regard, as they were promoted by renowned intellectuals such as Charles Le Cène (ca. 1647–1703) and Jacques-André Naigeon (1738–1810).¹¹²

Johann Crell was born in 1590 in Helmetzheim, between Frankfurt and Nuremberg, son of Johann Crell senior, a Lutheran minister.¹¹³ After studying in different schools in Nuremberg, Stolberg am Hartz, and Marienberg, he enrolled at the Academy of Altdorf, better known as the *Academia Norica*.¹¹⁴ Here Crell studied ancient languages—Greek and Hebrew—as well as philology, philosophy, and theology. He also converted to the kind of anti-Trinitarianism professed by the Polish Brethren, under the influence of one of the scholars teaching at the *Academia Norica*, Ernst Soner (1572–1612).¹¹⁵ Crell spent six years in Altdorf, leaving in November 1612, immediately before a scandal of the local crypto-Socinian circle broke out.¹¹⁶ He went to Poland, reaching Raków on 13 December 1612, and soon after was appointed as professor of Greek at the Racovian Academy, becoming its rector in 1616. He held this position until 1621, when he resigned to dedicate himself to pastoral duties, being appointed as minister of the Brethren church in Raków. He remained a minister until his death on 11 June 1633, due to an infectious fever.¹¹⁷

Crell published many pamphlets and treatises defending and further developing the Brethren theology.¹¹⁸ He also left behind manuscripts that

¹¹¹ Crell, 1646, 1649, 1687, and 1769. The Latin edition was reissued in 1650 and then included in the fourth volume of Crell's works published as part of the *Bibliotheca Fratrum Polonorum*. See Crell, 1650 and 1656.

¹¹² Marshall, 471–73; Torzini, x–xi.

¹¹³ Wallace, 2:559. To my knowledge, Wallace's account is still Crell's most detailed biography.

¹¹⁴ For the history of the *Academia Norica*, see Mährle, 2000.

¹¹⁵ For more information on Ernst Soner and the spread of anti-Trinitarianism in Altdorf, see Wollgast, 346–422; Bröer, 2004 and 2006; Schmeisser and Birnstiel; Schmeisser, 57–78.

¹¹⁶ For more detailed accounts, see Schmeisser and Birnstiel, 236–53; Mährle, 2010.

¹¹⁷ For more biographical information, including a bibliography of Crell's works, see Wallace, 2:558–71.

¹¹⁸ For more information on Crell's theological thought and its contribution to the development of Socinianism, see especially Mortimer, 2009, 191–211; Mortimer, 2010, 26–38; Mortimer, 2012; Mulsow.

would be posthumously published by his fellow Brethren. Among these was the *Vindication*, which was written around 1632, according to Ogonowski.¹¹⁹ This date seems reasonable for at least two reasons. In April 1632, King Sigismund III died, resulting in a new interregnum and the convocation of the *Sejm* to discuss the election of the new king. This was an opportunity for Protestants to propose the legal implementation of the Confederation and its peace agreement in the *Sejm*. However, the first decades of the seventeenth century had witnessed decreasing interest among both local dietines and the *Sejm* concerning such an implementation, while there was also open opposition to the Confederation in some dietines. The Polish nobility was now more interested in preserving the status quo and safeguarding the broader principles of the Warsaw Confederation.¹²⁰ As a result, when Władysław IV Vasa (1632–48) was elected king in November 1632, he swore his oath upon the *Pacta Conventa* and the Henrician articles that included the peace agreement, but took no further steps. On the contrary, in the formulations of the 1632 confederation, Catholics committed only to a general guarantee of religious peace.¹²¹ In the *Vindication*, Crell strongly criticized this outcome.

Moreover, in 1632, Fabian Birkowski, a Dominican friar, published a Polish sermon that he had preached in Warsaw in front of Sigismund III, attacking the Confederation of Warsaw and reiterating arguments put forward by Skarga and Bembus.¹²² Crell easily recognized Bembus as a major source for Birkowski, as he knew both Bembus's works against the peace agreement and his polemic with the anonymous Protestant between 1615 and 1616. Indeed, Crell had been appointed by the Racovian press as "proofreader of the Latin and German texts" ("corrector librorum latinorum et germanorum") in 1612, three years before the anonymous *Vindication of Peace* was published in 1615.¹²³ Therefore, it was Crell who proofread the *Vindication of Peace* before its publication, and he knew the arguments used by the anonymous Protestant against Bembus as well as Bembus's opposition to the peace agreement and religious freedom. In 1632, he was able to resume and expand the anonymous author's ideas to conceive a new advocacy of freedom of religion.

Crell began the *Vindication for Freedom of Religion* by discussing the nature of pacts between Catholics and heretics. He agreed with Bembus that the Catholic religion taught that it was possible to grant freedom of religion and security to heretics when pressing conditions pushed Catholics to do so—namely, when

¹¹⁹ Ogonowski, 1:129.

¹²⁰ Opaliński, 52–53 and 55–57.

¹²¹ Opaliński, 47–48.

¹²² Ogonowski, 1:492–509.

¹²³ Kawecka-Gryczowa, 99.

heretics could not be eliminated without causing damage to the Catholic Church itself.¹²⁴ But he turned this argument against Bembus. Crell examined the legal nature of pacts and promises, which relied on the mutual trust between the two contracting parties and on the implicit mutual agreement that they would not violate the pact or promise when more favorable conditions might push them to do so.¹²⁵ If pressing conditions persuaded Catholic authorities to establish a pact with or to promise something to the heretics, without any time limit to this pact or promise, they would be bound to observe it also in the future. “Once freedom of religion has been promised to the heretics, this freedom cannot be taken away when the heretics can be eliminated or oppressed without damage for the Church.”¹²⁶ For Bembus, pressing necessities did not make a pact legitimate. For Crell, pacts and promises were legitimate by nature once they were established. If there were reasons why one of the two parties might think or suspect that a pact or promise was not legitimate, then they should avoid making it in the first place.¹²⁷ To strengthen his argument, Crell mentioned the Golden Rule from Matthew 7:12 and several examples from the Old Testament.¹²⁸ He also discussed a passage (2 Corinthians 6:14–16) that Bembus had used to deny that it was possible to have true peace among people belonging to different faiths, arguing that Paul was not speaking about civil peace and friendship. Crell countered, claiming that Paul commended Christians to seek peace with everyone, as was clear from Romans 13:8, adding that other biblical passages confirmed that it was possible to establish agreements, friendships, and civil relationships with people of other faiths.¹²⁹

Crell did not regard freedom of religion as a danger for either Christianity or the Commonwealth. Against those who argued that freedom of religion would result in increasing numbers of sects and groups, Crell argued that it was instead the use of force in religion that gave rise to and would increasingly produce new heresies.¹³⁰ According to Crell, this was what had happened in France, England, and the Low Countries after the Reformation. Moreover, natural reason taught that those who attempted to defend their religious beliefs through force proved that they had no good arguments to defend their cause, so people

¹²⁴ Crell, 1637, 3.

¹²⁵ Crell, 1637, 4–5.

¹²⁶ “Postquam haereticis religionis libertas jam fuit permissa, ea non eripiatur tunc, cum illi sine detrimento ecclesiae tolli, aut opprimi possunt”: Crell, 1637, 3–4. See also Crell, 1637, 6–7, 17–18.

¹²⁷ Crell, 1637, 5–6.

¹²⁸ Crell, 1637, 7, 10–11.

¹²⁹ Crell, 1637, 18–21.

¹³⁰ Crell, 1637, 26.

were less inclined to follow their religion.¹³¹ Crell stated that heretics were not conscious of being heretics, because “they strongly believe that they follow opinions about religion true, pious, and clearly agreeing with God’s word,” and so could not be compared to those willingly disturbing public peace, such as “bandits and robbers.”¹³² Against those who believed that heretics should be killed because God ordered the killing of false prophets and apostates in the Old Testament, Crell remarked that heretics could not be regarded as either false prophets or apostates. They were not apostates, because they believed in God as creator and in Christ as savior of humankind. Heretics only held opinions on Christ, on holy matters, and on the worship of God and Christ that differed from the Catholics. They were not false prophets either, because they did not claim that their opinions were God’s revelations.¹³³ And even supposing that the Catholic doctrines and dogmas were the true Christian ones, it was clear that heretics wandered from the truth due to ignorance and errors, rather than willingness and pride.¹³⁴ If, in this hypothetical situation, they knew the truth, “they would renounce their opinions on religion.”¹³⁵

Freedom of religion did not represent a danger for the Commonwealth either. Crell claimed that those who asserted that freedom of religion would necessarily produce unrest and sedition within a commonwealth were simply aiming to strike fear in magistrates and persuade them to persecute heresies.¹³⁶ He was clearly referring to people such as Skarga and Bembus. Crell agreed that people should strive to have one and the same faith—namely, the true one—and that citizens would be more united if they shared the same religion. Yet he denied “that people’s affections are so utterly divided by difference of religions that civil concord and mutual benevolence among citizens cannot consist in that disagreement.”¹³⁷ He followed the earlier anonymous Protestant author in arguing for a complete separation between the inner spiritual religious sphere

¹³¹ Crell, 1637, 26–29. See also Crell, 1637, 30.

¹³² “*Illud autem iniquissimum est, eos, qui se haereticos esse ignorant . . . sed firmissime credunt, se veras, pias ac Dei verbo plane consentaneas de religione sententias sequi . . . latronibus ac praedonibus vel aequari vel etiam iis deteriores censi*”: Crell, 1637, 11–12.

¹³³ Crell, 1637, 22–23.

¹³⁴ Crell, 1637, 56–57. Crell also quoted passages from Saint Augustine and Salvian to strengthen his arguments. See Crell, 1637, 61–62.

¹³⁵ “*At qui hodie sunt haeretici . . . si scirent, sententias de religione suas abjicerent*”: Crell, 1637, 23. See also Crell, 1637, 24–25.

¹³⁶ Crell, 1637, 34–35.

¹³⁷ “*Sed illud tamen negamus, religionum diversitate ita omnino distrahi populi animos, ut civilis concordia, et mutua civium benevolentia constare in illo dissensu non possit*”: Crell, 1637, 36.

and the public civil sphere. One could be “friend of the person, but enemy of the cause” in both religious and civil matters, and disagreement in civil matters was actually by nature much more dangerous to civil concord and peace than disagreement in religion, because the latter did “not concern the commonwealth per se.” Therefore, “if people, especially those detaining authority, were resolved to be moderate in their dispositions, dissension in religious matters would leave the bond of the commonwealth safe.”¹³⁸ Raising a number of rhetorical questions, Crell denied that those heretics who did not violate civil laws could be regarded as people who broke the bond of friendship and society.¹³⁹ On the contrary, “whoever seeks a civil society with others to the utmost of their ability and does not disturb the peace and serenity of others, they cannot be excluded by any right from the civil society and in no way peace must be denied to them.”¹⁴⁰ It is notable that Crell used the indefinite pronoun “whoever” (“quicumque”) in this passage, rather than the term *heretic*. Since the private religious sphere of each citizen was completely separated from the public civil sphere of the Commonwealth, Crell could reassure his readers that granting freedom of religion to heretics did not mean approving of their heresies or giving them the right to spread their errors; it only gave them a “civil right to security and safety from punishment” (“ius indemnitate et impunitatis civilis”). Refraining from forbidding something through force was not the same as approving it.¹⁴¹ The separation between the religious and civil spheres was also the foundation of Crell’s reply to Bembus, who had used 2 John 10–11 to deny that one could have any kind of relations with heretics.¹⁴²

Therefore, if freedom of religion endangered neither true faith nor the Commonwealth, because the religious and civil spheres are separated, sovereigns and magistrates must not persecute and punish heretics. Even if one accepted that heretics were enemies of the church, wolves wishing to feast on the Christian flock, it is clear that “they wage only a spiritual war against the Christian religion.” Therefore, “they must not be overcome through bodily

¹³⁸ “Amicus personae, inimicus causae . . . quin imo si rei natura spectetur, dissensio de rebus civilibus civili concordiae ac paci magis est inimica, quam sententiarum de re pietatis dissensio, quae, si affectibus suis moderari homines velint, praesertim potentiores, reipublicae vinculum relinquit salvum: quandoquidem ad rempublicam etiam per se non pertinet”: Crell, 1637, 38.

¹³⁹ Crell, 1637, 12–14.

¹⁴⁰ “Quicumque societatem civilem pro virile cum aliis colunt, nec pacem, ac tranquillitatem aliorum turbant, illi a societate civili excludi nullo jure possunt, nec pax illis nullo modo deneganda est”: Crell, 1637, 14.

¹⁴¹ Crell, 1637, 15. See also Crell, 1637, 17–18.

¹⁴² Crell, 1637, 21–22. Cf. Bembus, 1616, 16–17.

weapons, but through spiritual ones . . . the same weapons through which the apostles once overthrew the enemies of the truth, conquered the defenses of errors, and subdued the world to Christ.”¹⁴³ Quoting a passage from Lactantius, Crell stated that nothing was more voluntary than following one’s faith. Since the Christian religion was perfect and spiritual, Christianity was contrary to coercion by nature, and no one should be compelled to it.¹⁴⁴ Force could not make someone think differently, so it was the use of force against heretics that would endanger a commonwealth, rather than freedom of religion.¹⁴⁵ To strengthen his view, Crell cited a number of passages from the Old and New Testament, as well as Saint Augustine and Salvian.¹⁴⁶ He also discussed the parable of the wheat and the tares. He warned Catholics that they should not claim the authority to eradicate the tares, because they could not be certain that they were the wheat. Indeed, “the tares who think themselves wheat can also claim the authority to root out the [true] wheat.” Since there were far more vices than virtues in the contemporary world, “the tares grow more copiously than the wheat” and it was easier that “the tares enjoy that authority rather than the wheat.”¹⁴⁷ After all, there was no doubt that the Catholics were regarded as heretics by non-Catholics. Accordingly, in commonwealths where the heretics held power, the Catholics would be the ones regarded as dangerous for both religion and the commonwealth.¹⁴⁸ Therefore, given the uncertainty of human affairs, it was much safer to wait for Judgment Day and to leave it to God to decide who would be saved as wheat and who would be burned as tares.¹⁴⁹

I have emphasized a number of similarities between the anonymous *Vindication of Peace* and Crell’s *Vindication*. Yet they pursued completely different goals. While the anonymous Protestant only sought to defend the peace agreement as conceived in the Confederation of Warsaw, Crell was aiming at something more far-reaching. He underscored this by clearly defining

¹⁴³ “Esto enim; sint illi hostes ecclesiae ac religionis catholicae . . . spirituale tantum cum ea bellum gerunt. Quare similiter non carnalibus armis sed spiritualibus sunt profligandi . . . illis, inquam, armis, quibus apostoli olim veritatis hostes prostraverunt, errorum munimenta expugnaverunt, et orbem Christo subjecerunt”: Crell, 1637, 29–30. See also Crell, 1637, 44.

¹⁴⁴ Crell, 1637, 30, 43–44. See also Crell, 1637, 46–51.

¹⁴⁵ Crell, 1637, 30–31, 44. See also Crell, 1637, 51–52.

¹⁴⁶ Crell, 1637, 56–63.

¹⁴⁷ “Nam et zizania, quae se existimant triticum esse, triticum evellendi potestatem sibi sument, et cum in mundo vitiorum potius, quam virtutis ac pietatis feraci agro, uberius proveniant zizania, quam triticum, zizania potius hac potestate fruentur quam triticum”: Crell, 1637, 63.

¹⁴⁸ Crell, 1637, 42.

¹⁴⁹ Crell, 1637, 63.

what he meant by freedom of religion, something that is absent from the *Vindication of Peace*: “Once freedom of religion is granted to heretics, it does not require anything more than this, that you do not forbid them to devote themselves to their religion, to practice it, to openly confess it, to defend it, and to strive to spread it without violence, and that you do not punish them because of this.”¹⁵⁰ Crell believed it was not sufficient that such freedom only be established as a mutual pact among a number of people to maintain peace among each other, as the Warsaw Confederation did. Nor could it be simply guaranteed by the good will of the Catholic majority in a commonwealth, as it was happening in Poland-Lithuania in 1632. On the contrary, he argued that the actual course of events in the Commonwealth was proving that such guarantees of religious freedom were not sufficient, because everyone knew that Protestant churches and buildings were being burned and destroyed, that Protestants were being harassed in their private homes, and that some were even being killed or wounded.¹⁵¹ Therefore, freedom of religion had to be established by the sovereign through a public law that mandated trials and punishments for those who violated it: “Heretics do not demand a needless thing when they want that their freedom should be enacted and thoroughly established through a public decree, with punishments being established for those who violate peace and a court and trial equal for both parties.”¹⁵² Far from being satisfied by the peace agreement as it was formulated and understood in 1632, Crell wrote his pamphlet to advocate for a broader freedom of religion and to show to his fellow citizens that such a freedom had to be legally established, if they really wished for a true peace in their Commonwealth: “There is no true peace where safety is wanting, but there is no safety as long as the Catholics deny a law or pact that gives security to heretics.”¹⁵³

¹⁵⁰ “Nil autem religionis libertas haereticis concessa requirit aliud, quam ne vi ulla eos prohibeas, quo minus religioni suae vacent, eam exerceant, profiteantur, defendant, et sine violentia propagare student; neve damno eos ullo propterea studeant”: Crell, 1637, 16. See also Crell, 1637, 42–43.

¹⁵¹ Crell, 1637, 65–66. On the growing violence in Poland-Lithuania in the years before 1632, see Wilbur, 444–49, 451–54.

¹⁵² “Unde intelligitur, nec rem supervacuum requirere haereticos, dum libertatem suam publico scito sanciri et plenius confirmari volunt, constitutis in pacis violatores poenis, et aequo utrique parti foro atque iudicio”: Crell, 1637, 66. I assume that *scito* is a typo for *scitu*.

¹⁵³ “Pax enim vera non est, a qua securitas abest. Securitas autem nulla est, quam diu jus aut pactum, quo haereticis caveatur, negant Catholici”: Crell, 1637, 66.

CRELL'S *VINDICATION* IN ENGLISH AND DUTCH
DEBATES: ENLIGHTENMENT IMPACTS

Crell's *Vindication* was closely tied to the religious and historical situation of the Polish-Lithuanian Commonwealth, particularly to the polemics surrounding the Warsaw Confederation and its peace agreement. Why did this pamphlet become so famous throughout Europe, to the point that it was translated to several languages and praised by Enlightenment scholars well into the eighteenth century? Many of Crell's arguments were not particularly new, and had been stated by earlier champions of religious toleration such as Sebastian Castellio, David Joris, and Jacopo Aconcio. Yet Crell conceived of his pamphlet beyond the peculiar intellectual and historical context in which it was written. First, he replaced the term *Catholic* with the broader term *Christian* in key passages of his pamphlet, so that any Christian church holding authority in any country could be regarded as a threat to the kind of religious freedom advocated by Crell. This explains why, for instance, the *Vindication* was translated and published in England and the Dutch Republic, where Catholics were not the persecuting church but the persecuted one. Second, Crell included many passages that argued for extending freedom of religion to non-Christians.

When Crell stated that Catholics were regarded as heretics in the countries where they were a minority and warned Catholics not to assume that they were *not* the tares in God's field, he was underscoring a certain relativism. Casting hesitation aside, he wrote that freedom of religion implied that it was "legitimate for *Christians* to grant those who favor and defend impious errors a right to indemnity and impunity."¹⁵⁴ When denying the validity of arguments drawn from the Old Testament to support the persecutions of heretics, Crell argued that Moses's laws did not bind Christians and noted that there were no passages in the New Testament commanding Christians to persecute and punish apostates and heretics.¹⁵⁵ After lengthy explanations of why civil authorities should not compel anyone in religion and why refraining from punishing heretics would be beneficial for religion itself, Crell concluded by asking, "Who among Christians would be so fierce and cruel that he would think to use violence against them [i.e., heretics], instead of patience and mildness?"¹⁵⁶ The implications were clear: if all Christians should avoid

¹⁵⁴ "Sequitur etiam, licere christianis jus hujusmodi indemnitate ac impunitatis concedere iis, qui errores impios fovent ac defendunt": Crell, 1637, 18.

¹⁵⁵ Crell, 1637, 24.

¹⁵⁶ "Quis christianorum hominum tam ferocis, tamque crudelis erit animi, ut saevitia erga eos potius quam patientia ac mansuetudine utendum censeat?": Crell, 1637, 56. For similar passages, see Crell, 1637, 25–26, 31, 58, 60.

persecuting heretics and grant freedom of religion, this applied equally to Calvinists, Anglicans, Lutherans, and, more broadly, all Christian churches. In other words, Crell meant to extend freedom of religion to the whole of Christianity.

There are passages where Crell seemed to expand freedom of religion to non-Christian religions. He used the indefinite pronoun *quicumque* to argue that “whoever” respects civil peace should be included in a civil society.¹⁵⁷ Similarly, using the indefinite pronoun *quemvis* (“anyone”), Crell began the last chapter by writing that “nature and common reason teach that anyone must seek peace with as many people as possible, especially with those who much desire and demand such a peace.”¹⁵⁸ Indeed, natural reason had an important role in the *Vindication*. Crell equated the Christian Golden Rule in Matthew 7:12 with a law of nature, and thus all people, regardless of their faith, could follow it using their natural faculty only. Crell used the Golden Rule to urge Catholics to refrain from using force against heretics even if historical circumstances gave them this power, since the tables could easily be reversed.¹⁵⁹ This conclusion could be easily extended to non-Catholics, because the Golden Rule as a natural law bound all people, not only Catholics. Moreover, natural reason also taught that those who used force against any religion only proved that they were unable to defend their own faith or to win others over to it.¹⁶⁰ In light of these passages, it is clear that Crell favored including all Christian groups, and likely also non-Christian religions, under a far-reaching law granting freedom of religion, such as the one he urged the Polish-Lithuanian authorities to enact. These arguments helped draw wider attention to Crell’s *Vindication* and are among the main reasons why his pamphlet soon became famous outside of the Commonwealth and attracted those promoting religious tolerance elsewhere in Europe.

The first translation of the *Vindication* appeared in England in 1646. As Sarah Mortimer has revealed, the Brethren’s theological and political ideas were attracting increasing attention from a wide range of English scholars, including intellectuals of the Tew Circle, royalists opposing resistance theories, and members of Samuel Hartlib’s and Robert Boyle’s circles.¹⁶¹ The English edition of Crell’s work can thus be explained by this English interest in the Brethren’s writings. At the same time, Crell’s arguments for freedom of religion

¹⁵⁷ Crell, 1637, 14.

¹⁵⁸ “Natura ratioque communis docet: quemvis pacem debere colere cum omnibus, cum quibus possit, praesertim valde cupientibus ac flagitantibus”: Crell, 1637, 43.

¹⁵⁹ Crell, 1637, 7.

¹⁶⁰ Crell, 1637, 26–27.

¹⁶¹ Mortimer, 2010, 63–146, 212–14.

were closely related to English debates on toleration and church-state relationship in the late 1640s and early 1650s.

In 1646, the Westminster Assembly drafted an ordinance for the punishment of heresy and blasphemy, which became famous as the Blasphemy Ordinance. It caused considerable controversy over heresy and the role of civil magistrates in preserving the true religion.¹⁶² Thomas Edwards (1599–1648) was one of the leading Presbyterians who took part in these debates, publishing *Gangraena* in the same year.¹⁶³ Edwards emphasized the anarchic and seditious side of sectarian activity, presenting heresy as a social rather than an intellectual problem, a position shared by other Presbyterians.¹⁶⁴ His argument had been preceded by Ephraim Pagitt's *Heresiography* (1645), which further argued that it was lawful for the civil magistrate to use the sword against the heretics.¹⁶⁵ While clashing with the Presbyterians over theological and political issues, the Independents also favored the magistrate's action against blasphemers and heretics when fundamental principles of religion were at stake. In this regard, the difference between Presbyterians and Independents was merely about the degree of such an action by the civil authority, with Presbyterians promoting a more aggressive stand against heresy.¹⁶⁶ Only a small minority advocated for broader freedom of religion, including the minister John Goodwin (ca. 1594–1665) and the Leveller John Lilburne (1615–57).¹⁶⁷ In *Some Modest and Humble Queries* (1646), Goodwin emphasized that even Luther and Calvin would have been condemned under the terms of the Ordinance and that Presbyterian clergy were only trying to strengthen their influence in national politics.¹⁶⁸ When Parliament enacted the Blasphemy Ordinance, in 1648, Goodwin published an English translation of Aconcio's famous treatise for religious tolerance, *Stratagemata Satanae* ("Satan's stratagem"), with a dedicatory letter by John Dury.¹⁶⁹ In the same year, Lilburne involved the army in drafting a new version of the *Agreement of the People*, producing a text that pleaded for an almost absolute religious freedom and that forbade the magistrate from any kind of compulsion or restraint in matters of religion.¹⁷⁰

It is not clear who translated and published the English edition of Crell's *Vindication*. The translation is usually ascribed to John Dury, even though

¹⁶² Mortimer, 2010, 179–80.

¹⁶³ Mortimer, 2010, 180–81. On *Gangraena*, see Hughes.

¹⁶⁴ Mortimer, 2010, 181, 183–84; Marshall, 287–88, 292.

¹⁶⁵ Marshall, 288–89.

¹⁶⁶ Mortimer, 2010, 184–90.

¹⁶⁷ Mortimer, 2010, 185, 191–92.

¹⁶⁸ Mortimer, 2010, 182.

¹⁶⁹ Marshall, 324.

¹⁷⁰ Mortimer, 2010, 191.

there is no clear evidence to support this hypothesis, while a copy in Trinity College Library (Cambridge) mentions Stephen Anstey, a fellow of King's College, as the translator.¹⁷¹ Yet it is clear that whoever prepared the translation clearly opposed magistrates' involvement in religious matters and wanted the translation to contribute to the English controversy over the magistrate's right to punish heretics. On the title page the translator replaces the Latin term *catholicos* with the English term *magistrate*, making Crell say more openly that "magistrates ought to grant hereticks liberty of religion, and . . . to provide for their safety and security."¹⁷² Crell's arguments denying that freedom of religion could be a danger for a commonwealth were thus positioned directly against Presbyterians such as Edwards, who emphasized the social and political dangers of such a freedom.

Heresy and the relationship between the civil and religious spheres were also an important part of contemporary Dutch intellectual debates. Although both foreigners and Dutch natives often celebrated the Republic as a most tolerant country, the actual degree of toleration granted to non-Reformed churches differed from town to town and province to province, often changing over time following local political and religious developments.¹⁷³ Moreover, the existence of these churches was often only grudgingly conceded, an approach far from the kind of positive freedom of religion advocated by Crell and other Dutch intellectuals.¹⁷⁴ Leading members of the Reformed Church drew a precise line between beliefs that could be tolerated and those that could not. Any form of anti-Trinitarianism—labeled as Socinianism—was regarded as heresy, and civil authorities were expected to assist the Reformed Church in eradicating it from Dutch society. This is what the leading orthodox Reformed minister Gisbertus Voetius (1589–1676) argued in *Politica Ecclesiastica* ("Ecclesiastical Politics"), published between 1663 and 1667. Not only did Voetius appeal to state intervention to fight Socinianism, but he also urged the non-Reformed Churches—especially the Dutch Mennonites (or *Doopsgezinden*)—to drive concealed Socinians out of their ranks with the help of both Reformed ministers and civil authorities.¹⁷⁵

The anti-Socinian campaign had already reached its climax a decade before Voetius's publication. Under pressure from the Reformed Church, the States of Holland enacted a decree against Socinianism in 1653, followed by the States of

¹⁷¹ Mortimer, 2010, 116n77, 186n19; Marshall, 324.

¹⁷² Crell, 1646, title page.

¹⁷³ For a recent assessment of the Dutch myth of freedom and toleration, as well as a critical overview of scholarship around this topic, see Kaplan, 2019, 204–22.

¹⁷⁴ Kaplan, 2019, 221.

¹⁷⁵ Israel, 638, 909–10.

Utrecht in 1655. On a practical level, civil authorities often refrained from enforcing such decrees, yet the laws were nevertheless a sign that they were willing to intervene in the religious arena with censorship, fines, and banishment.¹⁷⁶ Moreover, even though such decrees were officially against Socinianism only, in practice they could be extended to other groups as well, as the term *Socinian* had become a common weapon in religious controversies, with different groups accusing each other of Socinianism. The Amsterdam Reformed consistory, for instance, regularly described the meetings of the Collegiants as Socinian conventicles, forcing the Collegiants to go into hiding and meet in smaller groups after 1653.¹⁷⁷ During the controversy known as *lammerenkrijgh* (the war of the lambs), orthodox Mennonites often accused the opposing party, led by the Mennonite preacher and Collegiant sympathizer Galenus Abrahamsz, of Socinianism.¹⁷⁸

It is in the context of this growing anti-Socinian offensive and of the resistance by the Reformed Church to the forms of religious coexistence practiced in the Republic that the Dutch edition of Crell's *Vindication* was published in 1649. It seems very likely that this edition was part of a larger publishing activity that produced several other editions of books by Polish Brethren in the Republic from the 1640s onward.¹⁷⁹ There is no doubt that the Dutch edition of the *Vindication* was meant to contribute to the debates on freedom of religion occurring in the late 1640s and 1650s. There is no evidence to establish who translated Crell's *Vindication* into Dutch, yet it is highly likely that the translator belonged to those Mennonite or Collegiant circles that took part in the publication of many other works by Polish Brethren.¹⁸⁰

Crell's *Vindication* continued to attract attention from prominent intellectuals in later decades. The debates on religious toleration continued in both England and the Dutch Republic in the second half of the seventeenth century.¹⁸¹ Rotterdam was an especially important center for tolerationist discourses in the 1680s, when several members of the Republic of Letters, such as Jean Le Clerc (1657–1736), John Locke (1632–1704), and Pierre Bayle (1647–1706), lived there and regularly met to discuss books, new scientific discoveries, and religious

¹⁷⁶ Israel, 911–15.

¹⁷⁷ Quatrini, 2021a, 119–20. For an updated history of the Amsterdam Collegiants in those years, see Quatrini, 2021a, 84–120 and 163–92.

¹⁷⁸ Quatrini, 2021a, 167–68. On the *lammerenkrijgh*, see Driedger, 49–74.

¹⁷⁹ For a catalogue of such publications, see Knijff et al.

¹⁸⁰ Quatrini, 2021c.

¹⁸¹ Marshall, 94–193, 418–66.

and political issues.¹⁸² It was precisely in these circles that Crell's work was promoted once again. The French Huguenot Charles Le Cène (d. 1703), who was in close relationship with both Locke and Bayle, translated the *Vindication* into French and published it as an unacknowledged second part of his book *Conversations sur diverse matieres de religion* (Conversations concerning different religious matters).¹⁸³ Both Locke and Bayle were thus familiar with Crell's arguments for religious freedom and likely included and expanded on them in their works. In the *Encyclopédie*, Diderot (1713–84) noted that Bayle's *Philosophical Commentary* "had been preceded by a pamphlet titled *Junii Bruti Poloni, Vindiciae pro libertate religionis*, which includes in short everything that Bayle said."¹⁸⁴

Indeed, in the *Commentary*, Bayle opposed the view that religious tolerance would endanger both the Christian faith and the commonwealth, because it would produce an excessive number of sects and hostilities and divisions among citizens.¹⁸⁵ Echoing Crell's assertions, Bayle argued that it was the lack of tolerance that promoted such divisions, rather than religious pluralism. He then took this a step further and asserted that the sovereign had no authority to persecute and constrain a new sect if its existence did not put the commonwealth in clear danger.¹⁸⁶ Bayle also advanced a sort of relativization of the concepts of true religion and heresy, arguing that heretics sincerely thought they were upholding true Christian beliefs. It was absurd to state that only the true church had the right to persecute heretics, since all Christian churches genuinely believed themselves to be the true church. Therefore, it was safer to wait for Judgment Day and leave the decision of who was right and who was wrong to God alone.¹⁸⁷ This relativization of religious truth is closely linked to the central role of the Golden Rule in Bayle's *Commentary* and in Bayle's view on religious tolerance more broadly. Bayle equated the Golden Rule with natural law and used it to argue that even if the Roman Church was the true Christian church, it should refrain from compelling heretics, because it did not want Catholics to be compelled

¹⁸² Marshall, 469–507.

¹⁸³ Crell, 1687.

¹⁸⁴ "Il avoit été précédé d'une brochure, intitulée, *Junii Bruti, poloni, vindiciae pro libertate religionis*, qui contient en abrégé tout ce que Bayle a dit": "Pyrrhonienne ou Sceptique Philosophie," 316. Diderot was referring to Bayle, 1686. For an English edition, see Bayle, 2005.

¹⁸⁵ Bayle, 1686, 361–94.

¹⁸⁶ Bayle, 1686, 363–72. See also Bayle, 1686, 373–76.

¹⁸⁷ Bayle, 1686, 581–84. See also Bayle, 1686, 372–73, 388; Kilcullen and Kukathas's introduction in Bayle, 2005, xix–xx.

to another faith in those regions where the Catholics were a minority.¹⁸⁸ In turn, this meant that tolerance had to be extended to non-Christians as well.¹⁸⁹ In the *Commentary*, there are several passages where Bayle argued that also Jews and Muslims should be tolerated. The seventh chapter of the second part is particularly focused on this topic, as its title clearly reveals: “Seventh objection: constraint in the literal sense cannot be denied without introducing a general tolerance. The reply to this is that the consequence is true but not absurd.”¹⁹⁰ This universal tolerance had to be established by the sovereign. Once again, Bayle followed Crell in seeing freedom of religion and tolerance as the best means to achieve true peace within a commonwealth. According to Bayle, it was in the interest of the sovereign to establish such a tolerance, when there was no danger to the commonwealth. By doing so, the sovereign would follow their own reason rather than the irrational zeal of some religious sects, and in their commonwealth there would be peace, safety, and wealth.¹⁹¹ Similar arguments could be found in Locke’s *Letter Concerning Toleration*.¹⁹² The complete separation between the civil and religious spheres and the duty of each Christian (especially those holding ecclesiastical offices) to practice peace, charity, and toleration were the main bases for Locke’s discourse on toleration.¹⁹³ Locke’s writings supported the view that religious tolerance should be established by the sovereign and extended to all churches and religious societies that did not cause civil unrest and did not prompt divisions among citizens.¹⁹⁴

CONCLUSION: A CIVIL FREEDOM OF RELIGION

Crell’s *Vindication* grew out of the intense debates on religious freedom in Poland-Lithuania in the first decades of the seventeenth century, and provides an understanding of the distinct contribution of the Polish Brethren to this controversy. When similar debates erupted in England and the Netherlands a

¹⁸⁸ For more information on Bayle’s reliance on the Golden Rule in both the *Commentary* and his other works, see Brogi, 2017.

¹⁸⁹ Bayle, 1686, 477–78.

¹⁹⁰ “Séptième objection; on ne peut nier la contrainte au sens literal sans introduire une tolérance générale, Réponse à cela, et que la conséquence est vraie mais non pas absurde”: Bayle, 1686, 395–416. See also Bayle, 1686, 323–60.

¹⁹¹ Brogi, 2018, 11. See also Brogi, 2018, 8, 16–17, 19. For more information on Bayle’s views on religious tolerance, see Forst, 2008.

¹⁹² See Locke.

¹⁹³ See, for instance, Locke, 18–21, 23–25, 58–59.

¹⁹⁴ For a thorough examination of Locke’s views on religious tolerance, including a comparison with the Brethren’s ideas, see Lucci, 174–208, esp. 182–84.

few decades later, their ideas gained new currency and audiences. Crell was among the first to argue openly for a broad freedom of religion that extended beyond Christian churches, and to claim that authorities had to move beyond merely allowing coexistence by legally protecting the rights of believers of all religious faiths, so long as they were civilly minded. Crell's *Vindication* thus contributed directly to the broader debates over heresy, blasphemy, and the role of the magistrate in preserving the true faith that were occurring both in England and the Dutch Republic in the late 1640s and 1650s.

The context for this broad statement was conflict over the terms governing religious toleration in the Polish-Lithuanian Commonwealth. The Confederation of Warsaw and the 1573 Peace among Dissenters agreement were regarded by the Polish-Lithuanian nobility as a guarantee for mutual religious peace. Yet the limits of both became increasingly clear. As a mutual agreement between the nobility, Peace among Dissenters excluded large sectors of the Polish-Lithuanian population, especially the citizens of the royal cities. It lacked the force of law. It was not even clear which Christian churches could be included under the umbrella of the term *dissenters* as used in the Confederation, so the meaning of the term gradually shifted over the years to cover Protestants only. These are among the reasons why religious violence did not disappear, even though the Polish-Lithuanian Commonwealth was perhaps the most tolerant state in sixteenth- and early seventeenth-century Europe.

The establishment of the peace agreement and the episodes of religious violence in Poland-Lithuania triggered a lively debate on religious tolerance and freedom within the Commonwealth. Despite its limits, the Warsaw Confederation was perceived as guaranteeing religious pluralism. Soon after the Polish nobility agreed on mutual religious peace, debates arose between Catholics and Protestants concerning the validity of the agreement, freedom of religion, and the consequences for both the Christian religion and the Commonwealth. Catholics broadly attacked the Confederation, while Protestants strove to maintain it and possibly achieve its full implementation. In the years between the establishment of the peace agreement in 1573 and the publication of Crell's *Vindication*, the debate intensified. In this paper I have focused on the political sermons of Piotr Skarga and the polemic between the Jesuit Mateusz Bembus and an anonymous Protestant in the years 1615–16. Like Skarga, Bembus opposed both the legal validity of the peace agreement and the concept of religious freedom more broadly, arguing that such a freedom would only promote heresies that would destroy both the Christian religion and the Polish-Lithuanian Commonwealth. Therefore, it was the sovereign's and magistrates' duty to defend the unity of the Catholic Church, deny religious freedom, and persecute and punish heretics. Against these opinions, the anonymous Protestant who wrote the *Vindication of Peace* distinguished the

inner spiritual sphere of religion from the public civil sphere, arguing that religious differences could be held while maintaining social relations and civil friendships among citizens of the same commonwealth. For the same reason, sovereigns had no authority on their citizens' consciences and should refrain from using force either to compel someone to a religion or to punish one for religious reasons.

Crell was certainly aware of both Bembus's works and the anonymous reply, as he was working as proofreader at the Racovian press at the time when the anonymous author published their pamphlet in 1615. This is why in Crell's *Vindication* it is possible to find arguments defending religious freedom similar to those put forward by the anonymous Protestant, while sections of Crell's pamphlet can be regarded as replies to arguments developed by Bembus. The controversy between Skarga, Bembus, and the anonymous Protestant on the peace agreement is the same one that Crell referenced in the foreword to the *Vindication* and that he intended to end. Yet he went well beyond this controversy. He did not limit himself to a defense of the peace agreement as a pact among nobles, or as a guarantee from Catholics that they would respect this peace. Instead, he openly argued for establishing a law for freedom of religion: if legally enacted, such a freedom could lead to true peace within both religion and the commonwealth. This call for freedom of religion legally established by the sovereigns was an intellectual reply to the historical events in Poland-Lithuania around 1632, when most Catholics and Protestants were satisfied to simply maintain the status quo concerning the religious situation of their Commonwealth. While there were important daily practices of mutual toleration among citizens in Poland-Lithuania, Crell clearly did not regard this toleration from below as sufficient to preserve the safety of all Christians and religious groups over the years. Toleration practiced at a societal and local level as an agreement among an elite class could be extended more or less effectively to the rest of society. Yet Crell rejected this practical coexistence as insufficient and pushed his fellow citizens to understand that freedom of religion had to be actively enforced and defended by the sovereign power.

Moreover, freedom of religion as conceived by Crell was exceptionally broad. It drew in all Christians, including Catholics in those countries where they were a minority, and extended even to non-Christian religions. This plea for a legal and universal freedom of religion, as well as Crell's relativist approach toward the concept of religious truth, made the *Vindication* exceptionally progressive for the time, a pamphlet that could be easily translated and reissued several times outside the context of the Polish-Lithuanian Commonwealth. Crell's pamphlet was translated first into English in 1646, and then into Dutch in 1649, each time in the context of very particular debates over the role of the state in religious matters. In the following decades, those debates expanded

in both England and the Dutch Republic, involving prominent intellectuals such as John Locke and Pierre Bayle. It was precisely in their circles in Rotterdam that the third translation of Crell's *Vindication*, this time into French, appeared in 1687. This translation appeared shortly after the revocation of the Edict of Nantes and in the period of tensions in England around state-established Protestantism preceding the so-called Glorious Revolution. Small wonder, then, that it is possible to trace some of Crell's arguments in the tolerationist works of both Locke and Bayle. A closer examination of the circulation of the *Vindication* in these later seventeenth-century historical contexts is beyond the scope of this study. Yet Crell's views on freedom of religion were clearly circulating across Europe, and the *Vindication* had an impact on seventeenth-century thinking on tolerance, heresy, and the role of the magistrate in religious issues, which extended far beyond the borders of the Polish-Lithuanian Commonwealth and the period when its pluralistic Peace among Dissenters pact was under the most immediate threat.

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