

The prosecution of Anabaptists in Holland, 1530-1566



*Burning of the Anabaptist Jan Bosch van Berg
Etching from Thieleman van Braght's Martyrs' Mirror (1685)*

MA-thesis:

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6 July 2010

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MA-thesis, RMA History: Cities, states, and citizenship

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06-07-2010

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Introduction

Jan van Scellincwoude was considered to be one of the leaders of the Anabaptists by Amsterdam's sheriff (*schout*) and aldermen (*schepenen*). Not only did he deceive innocent people and lured them into this false sect, but also caused commotion by stirring up people, eventually leading to a "great upheaval" (*grooten oploop*). Because Jan was not captured and did not come to Amsterdam's local court by himself, Amsterdam's *Gerecht* (the sheriff and aldermen) banished him from Amsterdam for the rest of his life in November 1534.¹

Unfortunately for Jan he was captured and he appeared before the Court of Holland (*Hof van Holland*) in 1535. After he was banished from Amsterdam he continued to hold meetings (*vergaderinge*), in which books about the 'errors and life of those who lived in Münster were read and discussed', just outside Amsterdam's city gates. In the end the *Hof* banished Jan from Amsterdam for the period of five years, risking his life if he would not comply.²

After being interrogated several times Jacob van Campen, another Anabaptist leader, was sentenced to death by the sheriff and aldermen of Amsterdam on 10 July 1535. He had to be placed on a scaffold in front of his house, seated on a chair with a mitre on his head for an hour at least - or longer, if the sheriff thought that was appropriate. After that, his tongue, with which Jacob spread his "false doctrine" (*valsche leeringhe*), his right hand, used by Jacob to baptize people, and finally his head were to be cut off. Then his body had to be cut in four pieces and burned, while his head, hand and mitre had to be put on a stake above the *Haerlemmer* gate, so that it would serve as an example for the rest of the population.³

The shared aspect of these two men is that they were suspected and found guilty of belonging to the Anabaptists, a Reformation movement that aroused the fury of profane and ecclesiastical authorities and were feared and hated by many of their contemporaries. According to the placards of Charles V both of them should have been killed. However, the sentences imposed on Anabaptists when tried before local and provincial courts varied heavily, as the two cases mentioned above show. Both disseminated Anabaptist ideas, and Jan van Scellincwoude even caused unrest, yet he came away with his life, whereas the bishop Jan van Campen was made an example of and elaborately executed.

If the 'Anabaptists' willingness to die' had always met the 'authorities' willingness to kill', Thieleman van Braght's *Martyrs' Mirror* would have been even longer and, more

¹ A.F. Mellink, *Documenta Anabaptistica Neerlandica* (hereafter cited as *DAN*) V (Leiden, 1985) 72.

² *DAN* V, 239-242.

³ *DAN* V, 217. The Haarlemmer Gate was one of the main gates (*principale poerte*). *DAN* V, 24.

importantly, all the punishments inflicted would more or less be the same, all eventually leading to the death of the Anabaptists.⁴ This did not happen because a number of variables influenced the penalties inflicted on Anabaptists. This is generally acknowledged by most historians, but the question to what extent these variables really mattered and influenced the prosecution of Anabaptists is not thoroughly studied.

This state of affairs bears some resemblance to the remark by William Monter, according to whom a lot of sources speak about the (severe) religious persecution in early modern Europe, but in the end no attempt has been made to ‘measure overall religious persecution in Reformation Europe’.⁵ Monter and others have attempted to determine the scope of religious persecution, but studies that go beyond a mere counting of the people executed are generally lacking.⁶ In the end, questions about the “nature” of prosecution (why were different punishments meted out, why were people prosecuted, what was the goal of prosecution, et cetera), remain unanswered.

The tendency to look only to those executed and, even more exclusively, to focus on the Anabaptist martyrs is the result of the specific historiography of Anabaptism. Most of the scholars who studied early modern Anabaptism were Mennonites themselves. These confessional historians - starting with Harold S. Bender - have attempted to reach the essence of Anabaptism. According to Bender true Anabaptists were non-violent, bible-oriented and strove to restore the apostolic church.⁷ This immediately excluded violent, eschatological and apocalyptic Anabaptist groups such as the Münsterites and the *Batenburgers*. The first took control of Münster in 1534-35, introduced radical social experiments, and offered armed resistance against attempts of its bishop to retake his city. The second were followers of the Dutch nobleman Jan van Batenburg, who specialized in robbing churches and monasteries.

Following Bender, a historian like William R. Estep nearly excluded spiritualist tendencies within Anabaptism from his survey, paying almost no attention to David Jorisz. for

⁴ Brad S. Gregory, ‘Anabaptist Martyrdom’, in: John D. Roth and James Stayer eds, *A companion to Anabaptism and Spiritualism, 1521-1700* (Leiden and Boston, 2007) 469. See also his *Salvation at Stake. Christian martyrdom in early modern Europe* (Cambridge, MA, and London, 1999) esp. 74-139. Only the gender difference would lead to a different punishment. In general women were killed by drowning while men were put to the sword or were burned.

⁵ William Monter, ‘Heresy executions in Reformation Europe’, in: Ole Peter Grell and Bob Scribner eds, *Tolerance and intolerance in the European Reformation* (paperback edn, Cambridge, 2002) 49.

⁶ This is not to say that this area is wholly unexploited, nor that ‘mere counting’ can not be interesting or is not useful as well. See, for instance, Gary K. Waite, *Eradicating the Devil’s minions. Anabaptists and witches in Reformation Europe* (Toronto, Buffalo and London, 2009) and Raymond A. Mentzer, *Heresy proceedings in Languedoc, 1500-1560* (Philadelphia, 1984).

⁷ J. D. Roth, ‘Recent currents in the historiography of the Radical Reformation’, *Church History* 71/3 (2002) 523-535. For another example of a comparable vision, see W.J. Kühler, *Geschiedenis der Nederlandsche doopsgezinden in de zestiende eeuw* (2nd edn, Haarlem, 1961) esp. 245 and passim.

instance, because this ‘extreme inspirationist’ who ‘claimed that the Scriptures were inadequate’ certainly was not one of the “true Anabaptists” who ‘took the principle of *sola Scriptura* in matters of doctrine and discipline more serious than any other Reformation group’.⁸ Possibly these historians are following a tradition of exclusion within Anabaptism rooted in the beginning of seventeenth century. Hans de Ries’ *History of the Martyrs*, for instance, jumps from 1533 to 1536, skipping the ‘Münster years’ and the Anabaptist martyrs associated with this “aberration”.⁹ Van Braght’s *Martyrs’ Mirror* goes to curious extremes by editing the birthplace of Peter Jansz. (executed in 1549 in Amsterdam). According to his verdict, Peter was born ‘in Lunickhusen in the county of Münster’ (*tot Luninckhusen in den gestichte van Munster*), but in Van Braght ‘in the county of Munster’ was replaced by dots.¹⁰ Apparently seventeenth-century Anabaptists had the idea their history should also be “without a spot or wrinkle”.

In the 1970s this confessional view was challenged by social historians who emphasized the versatile character of Anabaptism. They rejected the normative idea that this broad movement had an “essence” or “core”.¹¹ Reaction followed by church historians such as Arnold Snyder and, more recently, by Andrea Strübind and Gerald Biesecker-Mast.¹² To be sure, these church historians do not completely reject the studies by “secular” historians and incorporate some of their findings, but they are very critical towards their methodology and political outlook. For instance, according to Thomas Hielke the ‘realpolitical liberalism’ of some profane historians obstructs them in understanding Anabaptism with all its discrepancies

⁸ William R. Estep, *The Anabaptist story* (3rd edition, Grand Rapids; Cambridge, 1996) 171, 190. The link between spiritualism and Anabaptism still is a matter of debate. Brad Gregory maintains the view that because of their reaction to persecution Anabaptism and spiritualism were set on ‘fundamentally different criteria’. Brad S. Gregory, *Salvation at stake*, 207. Others tend to include spiritualizing tendencies into the Anabaptist fold. See Geoffrey Dipple, ‘The spiritualist Anabaptists’ in: Roth and Stayer eds, *A companion to Anabaptism and Spiritualism*, 257-297. For an article about the influence of spiritualism in the Netherlands see Mirjam G.K. van Veen, ‘Spiritualism in the Netherlands: From David Joris to Dirck Volckertsz Coornhert’, *Sixteenth Century Journal (SCJ)* 33/1 (2002) pp. 129-150.

⁹ Hans de Ries, *Historie der martelaeren ofte waerachtighe getuygen Jesu Christi...* (Haarlem, 1615). In Van Braght’s *Martyrs Mirror* one will find only one martyr from the year 1534 and six from 1535 (all executed in Holland and Friesland). Furthermore, it is explicitly mentioned that Pieter Kofter, sentenced to death in 1535, was no seditious person. Thielman Janszoon van Braght, *Het bloedig toneel of martelaers spiegel, part II* (Diemen, 1984; originally published in 1685) 36.

¹⁰ *DAN II*, 141 (note 96). Contrary to the Mennonite historians contemporary opponents of Anabaptism tried to link more peaceful Anabaptist groups to their Munsterite counterparts. See for instance, D. Jonathan Grieser, ‘Confessionalization and polemic: Catholics and Anabaptists in Moravia’, in: Kathleen M. Comerford and Hilmar M. Pabel eds., *Early modern Catholicism: essay in honour of John W. O’Malley* (Toronto, 2002) 141-2.

¹¹ The most well-known article that propagates such a view is: James M. Stayer, Werner O. Packull and Klaus Deppermann, ‘From monogenesis to polygenesis: the historical discussion of Anabaptist origins’, *The Mennonite Quarterly Review (MQR)* 49/2 (1975) pp. 83-121. See also Hans-Jürgen Goertz, *The Anabaptists* (London and New York, 1996) 6. For another important study by a social historian see: Claus-Peter Clasen, *Anabaptism. A social history, 1525-1618* (London, 1972).

¹² Arnold Snyder, ‘Beyond polygenesis: Recovering the unity and diversity of Anabaptist theology’, in: H. Wayne Pipkin: *Essays in Anabaptist theology* (Elkart, 1994) pp. 1-33.

and disables them of being ‘partners in discussion’.¹³ Strübind has put forward an even more radical critique by saying that in order to analyse Anabaptism one needs ‘church history that sees itself as a theological discipline’ instead of a general historical approach.¹⁴

Although the older confessional perspective and approach has been challenged, it seems to be making a comeback recently and its influence has never been totally eclipsed. When analysing religious persecution most attention goes out to martyrs – for they are the champions of each religious movement. Those who did not end up in the martyrologies are neglected, and therefore the variables that mitigated the punishment and explain why they did not become martyrs, are undervalued. To be able to clarify the influence of these variables a change of perspective is needed. Instead of examining what Anabaptists did well in the eyes of their confessional heirs – namely being steadfast in times of persecution and die for their faith – I will rather analyse what Anabaptists did wrong in the eyes of the authorities and what punishment they received accordingly. In order to do so this study compares the prosecution of Anabaptists in three cities in Holland (Amsterdam, Leiden, and Delft) in the period 1530-66. Which variables influenced their prosecution, did the influence of these variables remain constant over time, did the prosecution vary between the cities and if so, because of what? Moreover, what about the image of the persecution of Anabaptists as provided by the older historiographical tradition? Does it still hold in the light of all the various punishments imposed on Anabaptists? These, and a number of related questions form the body of this thesis. Besides these local case studies, the verdicts of the *Hof van Holland* are examined as well, because it can be expected that the *Hof*, a judicial body more closely related to the central government, inflicted heavier penalties on Anabaptists. Comparing the punishments by the *Hof* with the penalties imposed by the local courts will provide valuable information about the influence of some variables.

To be sure, outside the province of Holland the prosecution of Anabaptists was heavy as well. One has to think of Leeuwarden and Groningen and cities in the southern Netherlands (Antwerp, Bruges, Ghent). However, studying the prosecution of Anabaptists in all these cities would be undoable considering the amount of time available for this project. Therefore the prosecution of Anabaptists in Amsterdam and Leiden, two important centres of Anabaptist

¹³ Thomas Hielke ‘Theological and secular meta-narratives of politics: Anabaptist origins revisited (again)’, *Modern Theology* 13/1 (1997) 235.

¹⁴ ‘...daß die Bewegung der Täufer mit einem allgemeineschichtlichen Untersuchungsansatz überhaupt nicht in den Griff zu bekommen sei’. In order to understand Anabaptism one needs ‘eine Kirchengeschichtsschreibung...die sich ganz bewußt als eine theologische Disziplin versteht...’. Anselm Schubert, Astrid von Schlachta and Michael Driedger eds, *Grenzen des Täuferums/Boundaries of Anabaptism, Neue Forschungen* (Göttingen, 2009) 22. For a review of Strübind’s book and her reply see *MQR* 78/1 (2004) 297-313.

activity, and Delft, a neighbouring city and hometown of the notorious Anabaptist leader David Jorisz. is examined.¹⁵ Besides that, in the 1530s the central government believed that the province of Holland harboured most of the Dutch Anabaptists.¹⁶

About the periodization of this project one can be brief. In 1530 Melchior Hoffmann arrived in Emden (East Frisia) and rebaptized Jan Volckertz. who moved to Amsterdam in the same year and started to spread the “new errors” (*nyenwer dwalinghe*).¹⁷ In the year preceding the Dutch Revolt the prosecution of heresy almost stopped, partly because of the conciliatory efforts of Margaret of Parma, the regent of the Low Countries, who tried to keep the disgruntled nobles in check.¹⁸ When the Dutch Revolt did break out, Calvinism became a major force in the Dutch religious - and political - landscape, replacing Anabaptism as the most important and dominating current of the Reformation in the Northern Netherlands.¹⁹ The prosecution of Anabaptists continued under supervision of the Duke of Alva and his “Council of Blood” (*Counseil des troubles/Bloedraad*), but these years of turmoil and dramatic events are not included in this thesis.²⁰

The prosecution of Anabaptists as a topic of research is connected to a larger theme widely addressed by many scholars, namely religious tolerance and intolerance. Whereas this field of study used to be the domain of the so-called “historians of ideas” who analysed the works of enlightened philosophers and their thoughts about tolerance, the emphasis has shifted towards

¹⁵ The importance of Amsterdam and Leiden is generally acknowledged. See, among others, *DAN II*, xxii. All these cities were considered to be hotbeds of heresy. Serge ter Braake, *Met recht en rekenschap. De ambtenaren bij het Hof van Holland en de Haagse Rekenkamer in de Habsburgse tijd (1483-1558)* (Hilversum, 2007) 235. Amsterdam, Delft and Leiden were the cities the councillors of the Hof visited most when dealing with heresy. *Idem*, 225.

¹⁶ G. Grosheide, *Bijdrage tot de geschiedenis der Anabaptisten in Amsterdam* (Hilversum, 1938) 22.

¹⁷ A.F. Mellink, *Amsterdam en de wederdopers in de zestiende eeuw* (Nijmegen, 1978) 20. Anabaptism was often characterized as a “new false doctrine”. See, for instance, Regionaal Archief Leiden (hereafter cited as RAL), arch. nr. 501 (Archief van de secretarie der stad Leiden, 1253/90-1575), inv. nr. 384 (Vroedschapsboek, 1522-53) f. 3r (15-6-1535).

¹⁸ Frank Beemon, ‘The myth of the Spanish Inquisition’, *Archiv für Reformationsgeschichte* 85 (1994) 257. Especially the number of executed Anabaptists dropped in 1565 and in the following years, whereas the number of executed Protestants remained relatively constant. According to A.C. Duke heresy prosecutions stopped around 1560. Cited in: H.F.K. van Nierop, *Van ridders tot regenten. De Hollandse adel in de zestiende en de eerste helft van de zeventiende eeuw* (Amsterdam, 1984) 190. Grosheide, *Bijdrage tot de geschiedenis der Anabaptisten*, 178.

¹⁹ According to De Hoop Scheffer, the history of the Reformation in the Northern Netherlands almost coincided with the history of Anabaptism. Cited in Samme Zijlstra, *Om de ware gemeente en de oude gronden* (Hilversum, 2000) 19. Today most historians stress the versatile character of the Reformation in the Northern Netherlands. *Idem*, 59-82.

²⁰ William Monter excluded the years 1567-74 because those executed in these years were put to death for ‘a poorly differentiated mixture of iconoclasm, rebellion, sedition, and occasionally heresy’. Monter, ‘heresy executions’, 49. For some statistics of the persecution of Anabaptists after 1566 see Beemon, ‘The myth of the Spanish Inquisition’, 264. Prosecution of Anabaptists continued well into the 1570s, but comparing this to prosecution in earlier times, before the alteration to Reformed Protestantism, creates a whole new set of problems.

an approach influenced by social history; not the ideas of the intellectual elite but the behaviour of common people who lived in religiously mixed communities are central to these “revisionist” historians.²¹ The older historiographical perspective is turned upside down: the *philosophes* responded to the ‘social and political reality of European society’ instead of creating it by their ideas.²²

This new perspective has diminished the influence of ideas on the behaviour of “the people” but at the same time, in order to explain their behaviour, the role of the state has become more important. Thomas A. Brady Jr. for instance, insists that episodes of religious violence should be understood in the framework of the ‘growth of state power over, among other things, religion’.²³ The idea is that the state, involved in the most horrible events of religious violence such as the mass murder of Protestants on St. Bartholomew’s Day (1572), was able to continue its terror for a longer period of time whereas ‘popular terror rarely exhibit[ed] much stamina’.²⁴

While similar events did not occur in the Low Countries, the Habsburg state did try to impose its will on its subjects and thus set the limit of religious tolerance.²⁵ People were encouraged by the authorities to aid them in order to catch and sentence heretics by offering rewards or by threatening them with sometimes harsh penalties. Just as the behaviour of the people was not wholly determined by Enlightened ideas, however, it was not completely regulated by the power of the state either. Subjects actively sought to “work around” the judicial framework created by the authorities, trying to find a near escape or simply, and more boldly, just acting contrary to the demands of the government.²⁶ Often, as we shall see when analysing the situation in Holland, a tacit play emerged that oscillated between giving in to and rejecting the demands of the higher authorities. Sometimes this provided room for a measure of religious tolerance while at other times virtually the whole society seemed to give its approval of the eradication of heterodox opinions and behaviour.

²¹ For this development see Benjamin J. Kaplan, *Divided by faith* (London, 2007) 4-8. Alexandra Walsham, *Charitable hatred: Tolerance and intolerance in England, 1500-1700* (Manchester; New York 2006) 6-13.

²² Joachim Whaley, ‘Pouvoir sauver les apparences: The theory and practice of tolerance in eighteenth-century Germany’, *British journal for eighteenth-century studies* 13 (1990) 3.

²³ Thomas A. Brady Jr., ‘Limits of religious violence in early modern Europe’, in: Kaspar von Greyerz and Kim Siebenhüner eds, *Religion und Gewalt. Konflikt, Rituale, Deutungen (1500-1800)* (Göttingen, 2006) 133.

²⁴ Brady, ‘Limits of religious violence’, 134.

²⁵ Although not in the period under study in this essay, the exemplary punishment of the high nobles of Egmont and Hornes made very clear what was and what was not condoned by the Habsburg state. Peter Arnade, *Beggars, iconoclasts, and civic patriots* (Ithaca and London, 2008) 183-191.

²⁶ For an example of such behaviour see Mark Konert, ‘Urban values versus religious passion: Chalons-sur-Marne during the Wars of Religion’, *Sixteenth Century Values*, vol. 20, no. 3 (Autumn, 1989) pp. 387-405. The magistrates of this city were very reluctant to adopt the policy of the Catholic League regarding Huguenots and they did so – but only partially – when under heavy pressure.

'Religion is the bond of society' according to early modern German lawyers,²⁷ and the mere existence of Anabaptists and other heretics threatened this bond and shook society to its very core. Religion, however, was not the only bond of society, and even heretics were tied to society because of numerous other relations with friends, families, neighbours, colleagues et cetera, none of these relations being necessarily religious in nature. Converting to Anabaptism could severely loosen these bonds or even cut off the ties with the rest of society. Not every Anabaptist was willing to go that far. One example that testifies to this is the number of Anabaptists who were willing to recant their "false beliefs" and return to the bosom of the Roman Catholic Church. Although the number of Anabaptist martyrs is impressive, I would suggest that for Anabaptists - and *mutatis mutandis* for members of other religious currents – that, *pace* Brad Gregory, 'fleeting, temporal aspects of their lives' were *not* less real than 'divinely revealed realities'.²⁸ Gregory probably made this point to counterbalance the "reductionist" theories that downplayed the importance of religion to early modern people. Believers, of any religious tradition, rather made different choices in different circumstances, sometimes choosing to die for their faith whereas at other times worldly aspects of their life were deemed to be of more importance. To a certain extent the patterns discernable in the prosecution of Anabaptists, the willingness of local and provincial authorities to cooperate with their Habsburg overlords, and the behaviour of the people and Anabaptists themselves show which realities (or variables) shaped the lives of sixteenth-century *Hollanders*, their thoughts, and their behaviour.

The development of Dutch Anabaptism

Another focal point of this study is how people dealt with religious diversity in this period, the prosecution of religious dissenters being only one of the means or mechanisms available. As Anabaptism gathered strength, the world became more aware of them and reacted to them, and, predictably, Anabaptist had to interact with the rest of society as well. And even when turning to prosecution this did not end diversity, but created it.

The "otherness" of Anabaptism consisted, among others, of their rejection of infant baptism, their tendency to separate themselves from the rest of society, their openly critical stance towards the rulers, their unwillingness to take oaths and to serve as a public officials,

²⁷ Brady, 'Limits of religious violence', 129. This idea was shared by many Europeans. Scott Dixon, Dagmar Freist and Mark Greengrass eds, *Living with religious diversity in Early-Modern Europe* (Farnham and Burlington, 2009) 13-15.

²⁸ According to Gregory concepts such as heaven and hell were 'divinely revealed realities' and as such '*more* [his italics] real than fleeting, temporal aspects of their life'. Gregory, *Salvation at stake*, 10.

and their critique of the “ungodly” part of society. Other reformers, most of them blessed with the gift to come up with pointy and insulting names for their adversaries, soon started to call them Anabaptists (men and women who wanted to join them were rebaptized since most of them were baptized as a child) or *Schwärmer* (“enthusiast”, because of their seditious activities, such as the capture of the episcopal city of Münster).²⁹

For some time historians continued to use these epithets in their studies of Anabaptism, but in the 20th century more “neutral” accounts of Anabaptism and its relation to other Reformation movements started to appear.³⁰ In his monumental piece *The Radical Reformation* George H. Williams put forward the idea that Anabaptists belonged to the “Radical Reformation” – next to the Magisterial Reformation and the Counter-Reformation – mostly because they, just like the other radical reformers, ‘believed on principle in the separation of their own churches from the national or territorial state’.³¹ This idea has been criticized by the German historian Hans-Jürgen Goertz, according to whom the radical reformers focus on *restitutio* – the aim of returning to and restoring the old apostolic church – did not automatically mean that they advocated a separation between church and state. The divergence between the position of the radical and magisterial reformers was the outcome of a gradual process instead of a different point of departure.³² The ‘radicalism from the Reformation was present from the start’ and this ‘radical phase passed when the Reformation became institutionalized’.³³ As a result of this institutionalization the radicals turned into “conforming nonconformists” and the social movements who once aimed to ‘alter the established practices and norms of society’ no longer did so and its members were incorporated into “mainstream” society.³⁴

Because of this process of institutionalization the identity of Anabaptists changed as they started to “appropriate” the world, for even though they were not “of” this world, they

²⁹ Goertz, *The Anabaptists*, 1. John S. Oyer, *Lutheran Reformers against the Anabaptists* (The Hague, 1964) 6.

³⁰ Many of these names have survived and are still being used. See for instance J. ter Gouw, *Geschiedenis van Amsterdam 4* (Amsterdam, 1884) 243. For the use of the term Anabaptists see James Stayer, ‘Introduction’, in: Roth and Stayer eds, *A companion to Anabaptism and Spiritualism*, xvii-xviii. I have opted to use the term Anabaptists, not because I fully concur with this term – only the first generations of Anabaptists were rebaptized and their children only received adult baptism – but because I am writing this thesis mostly from the perspective of the (secular) authorities who embraced and used this term.

³¹ George Hunston Williams, *The Radical Reformation* (3rd edition, Kirksville, 1992) xxx.

³² Hans-Jürgen Goertz, ‘Einleitung’, in: *Radikale Reformatoren* (Munich, 1978) 11, 15.

³³ James M. Stayer, ‘Introduction. Radicalism and dissent – a provisional assessment’, in: Hans-Jürgen Goertz and James M. Stayer, *Radikalität und Dissent im 16. Jahrhundert/Radicalism and dissent in the sixteenth century* (Berlin, 2002) 13

³⁴ *Idem*, 13-4; Victor Thiessen, ‘Enclaves of tolerance’ in: Schubert et al eds, *Grenzen des Täufern*, 347. More about this topic in chapter 1.

were “in” this world.³⁵ To echo Piet Visser, Anabaptists ‘have incorporated the outside world according to their own insights about biblical and societal norms and values’, although they ‘did so hesitatingly’.³⁶ On the other hand, the outside world has had some problems incorporating Anabaptists as well, precisely because they were not “of” this world. Even separationist tendencies within Anabaptism could not obscure this fact: the outside world had to deal with them, just as they had to deal with the outside world. Not only the identity of Anabaptist has been shaped in the process but also the identity of the – local – authorities. Their policy regarding Anabaptists formed their identity which in turn could influence their relationship with, for instance, the national government.

Besides that, the unwillingness of the authorities to make a distinction between the various theological currents within Anabaptism influenced - the identity of - Anabaptism as a whole. Violent actions by *Batenburgers* for instance, could “spoil” the chances of living an easygoing “quiet” life for other Anabaptists (as far as this was a genuine possibility for Anabaptists living in the sixteenth century). Because of this interdependence of various Anabaptist groups their prosecution is described mainly from the perspective of the authorities, for they did not stick to a theological and normative vision of “true Anabaptism”; if someone confessed to be rebaptized or to aid Anabaptists he or she was a true Anabaptist that had to be dealt with. But again, even if the authorities did not make a theological distinction between the various Anabaptist groups, they certainly “contextualised” their crimes, in the end resulting in different penalties. The difference between a *Batenburger* who violently robbed a church and killed some people in the process and a Mennonite who led a secluded life was too hard to overlook or to ignore, even for authorities who were at times bent to eradicate heresy.

It would take a while before the institutionalization that would make Anabaptists into non-conforming conformists took place and unfortunately for the Anabaptists their movement attracted many followers in parts of Europe (the Low Countries and regions within the Holy Roman Empire) that were ruled by king and later emperor Charles V. He was from the first outbreak of heresy onwards determined to exterminate it by all means necessary and certainly did not have the time to wait for the withering away of this radical phase of the Reformation.

³⁵ Samme Zijlstra focuses on ‘the development of Anabaptist identity’ in his *Om de ware gemeente*. For a critique and expansion of his point of departure see Piet Visser, ‘Mennonites and Doopsgezinden’, in: Roth and Stayer eds, *A companion to Anabaptism and Spiritualism*. On appropriation see Willem Frijhoff, *Embodied belief; ten essays on religious culture in Dutch history* (Hilversum, 2002), 17-38, 275-89.

³⁶ Visser, ‘Mennonites and Doopsgezinden’, 300. This process of integration was further accelerated in the 17th century. Alistair Hamilton, Sjouke Voolstra and Piet Visser eds, *From martyr to muppy. A historical introduction to cultural assimilation processes of a religious minority in the Netherlands: the Mennonites* (Amsterdam, 1994) 25-6.

Logically the existence of Anabaptism did not receive his approval - nor that of many other rulers for that matter - and in 1529 a harsh edict was proclaimed during the Diet of Speyer. Although repentance could lessen the punishment inflicted, in theory all the people who rebaptized other people and those who were rebaptized had to be executed without a trial before an ecclesiastical court.³⁷ The ‘demonic threat to the religious unity and civic peace of Christianity’ had to be removed swiftly and thoroughly.³⁸

One of these variables was thus the option to recant and to return to the Catholic faith, an option many Anabaptists who were less enthusiastic about having to die for their faith embraced willingly.³⁹ Other variables that mitigated the punishments are generally acknowledged by historians as well, such as ‘the varying degrees of loyalty to Brussels by provincial and urban authorities’ and the distinction made by the cities’ magistracy (*stadsbestuur*) between strangers (*vreemdelingen*), inhabitants (*inwoners*) and citizens (*poorters*).⁴⁰

The loyalty of the city magistracy depended predominantly on the religious outlook of individual magistrates and their stance towards the centralizing policies of Charles V and after 1555 of his son Philip II. It is obvious that if the ruling citizens of a city opposed their Spanish overlords on both fronts, they would hardly be motivated to support their “anti-heresy policy” at all costs. The levels of citizenship are important as well, for full citizens enjoyed a number of privileges that could protect them – to a certain extent – from the severe prosecution advocated by Charles V and Philip II. The most famous of these privileges is the *ius de non evocando*, which granted citizens the right to appear before a local court. Cities’ magistracies were zealously guarding this privilege, for they strove to uphold their authority over communal affairs and the relative sovereignty of their city.⁴¹ Many of the citizens, certainly those with a good reputation (another variable), must have had some connections with the local officers, which could seriously affect the final verdict.

³⁷ Goertz, *The Anabaptists*, 118-9. Michael Driedger, ‘Anabaptists and the early modern state’, in: Roth and Stayer eds, *A companion to Anabaptism and Spiritualism*, 516. More information about the various placards by Charles V in chapter 1.

³⁸ Waite, *Eradicating the Devil’s minions*, 18.

³⁹ Not only fear of death, but also the fact that recantation meant the restoration of freedom, thus enabling someone to continue supporting an Anabaptist community. Sigrun Haude, ‘Gender roles and perspectives’, in: John D. Roth and James Stayer eds, *A companion to Anabaptism and Spiritualism*, 457.

⁴⁰ Visser, ‘Mennonites and Doopsgezinden’, in: Roth and Stayer eds, *A companion to Anabaptism and Spiritualism*, 316.

⁴¹ Defending a city - not only its physical borders but also more abstract concepts attached to it, such as privileges - was ‘an essential element of communal identity’. According to Ralf Klötzer, this led Anabaptists to defend Münster with arms when the bishop and his allies tried to recapture it. Ralf Klötzer, ‘The Melchiorites and Münster’ in: Roth and Stayer eds, *A companion to Anabaptism and Spiritualism*, 233.

Another important variable is the distinction made between leaders (*principaelen*), the Anabaptists who actively rebaptized other people, were involved in riots (*oproer/seditie*) caused by Anabaptists, and those who spread the heretical “infection” by selling books and by preaching.⁴² These people did not have the opportunity to recant and had to be executed without mercy.⁴³ This distinction was made because the authorities believed that many of the “simple” people were seduced and lured into the camp of the Anabaptists, ‘separated from the faith, obedience and unity of the holy church’.⁴⁴ In the first instance the wrath of the state should be directed towards the leaders instead of on their victims.

Sources and methodology

Although Brad S. Gregory is right that ‘many sixteenth-century archival sources are no longer extant’ and as a result we do not know how many Anabaptists were punished, it is possible to reconstruct the scale and general tendencies of the judicial persecution of Anabaptists.⁴⁵ Many archives harbour so-called *vonnissenboeken* (books of verdicts) in which the sanctions imposed on criminals, among whom were counted murderers, beggars, thieves and heretics are conveniently summed up. Additional information can be gained from various other sources such as the registers of examinations (*verhoren*), account books (*stadsrekeningen*), proclamations by the magistracy (*vroedschapsresoluties*, *aflezingen*, and *keuren*), martyrologies, chronicles, letters and invaluable work done by other historians. The most important sources are judicial records however, and their specific nature burdens the researcher with a set of problems.

Firstly, the language used in verdicts is heavily standardized. For instance, when reading penalties imposed by Leiden’s *Gerecht* one often encounters the sentence ‘...has publicly confessed and admitted to be rebaptized...’.⁴⁶ Often this is the only piece of information that is given, leaving the historian with the task to find out the degree of involvement of the convict in the Anabaptist movement. Really notorious leaders received more attention from the authorities, and are thus relatively easily discernable. Another

⁴² *DAN V*, 117, 216-7, 228; *DAN II*, 47-8. Grosheide, *Bijdrage tot de geschiedenis der Anabaptisten*, 187. For contemporary usage of the word *principael* see, among others, *DAN V*, 29, 72, 74, 84, 86, 203, 216, 264. Algemeen Rijksarchief Den Haag (hereafter cited as ARA), arch. nr. 3.03.01.01, inv. nr. 5653 (Criminele sententiën van het Hof van Holland, 1529-1538) f. 212r.

⁴³ Goertz, *The Anabaptists*, 119.

⁴⁴ ‘...geschyden van den gelove, obediencie ende eenicheyt der heyliger kartsenkercke’, *DAN II*, 208. See also the edict by Mary of Hungary in 1534 in which she stated that ‘dit arme volck verleydt ende bedroghen was uut rechter simpelheit’. *DAN V*, 22.

⁴⁵ Gregory, ‘Anabaptists martyrdom’, 478. Gregory, *Salvation at stake*, 6.

⁴⁶ ‘Opentlicken gecofesseert ende bekent herdoopt te wesen’. See, for instance, RAL, arch. nr. 508 (Inventaris van het oud rechterlijk archief van Leiden, 1370-1811), inv. nr. 3-1 (Crimineel vonnisboek, 1533-84) f. 21.

problem is the inconsistency of the records. Sometimes the occupation and the home town of the convicted are given, but sadly more often than not this is not the case, making it hard to determine the social background of the convict and whether he or she was a burgher or not. The habit of using patronyms also makes it difficult to trace them in the *poorterboeken* (the books in which new citizens were listed).

Another problem is the fact that civil officers now and then did not make a distinction between the various forms of heresy. This has baffled modern historians, who are used to put separate labels on virtually every current within the different Reformation movements.⁴⁷ Exemplary is Leiden's sheriff, who summoned a large number of people to come to Leiden's court because he suspected them of belonging to the 'forbidden sects such as Lutheranism, heresy or Anabaptism or whatever'.⁴⁸ This makes it sometimes difficult to determine whether someone was an Anabaptist or not (sometimes the verdicts only speak of "heresy").

As a result of these problems most attention will go out to two variables that are relatively easy to discern in the sources: the degrees between citizens and strangers and the distinction between leaders and "followers". Other variables, such as the social standing or reputation (*aanzien*) of prosecuted Anabaptists is harder to analyse because often the available sources are silent about this. In order to contextualize the prosecution of Anabaptist in Amsterdam, Delft and Leiden, the make-up of the magistracy of these cities and their relation with the national government has to be taken into account as well. The same goes for the *Hof*. Individuals could have a huge impact on the prosecution of heretics, as is shown by the example of Hippolytus Persijn, the president of the Court of Friesland and an avowed opponent of heresy. When he left for Utrecht in 1557, the number of prosecuted heretics in Friesland immediately dropped.⁴⁹

The story of how the authorities dealt with the Anabaptists unfolds in the coming chapters. In the first two chapters we will see how the religious unrest in Holland became more vehement in the late 1520s, how government pressure was increasing - resulting in a 'case against

⁴⁷ See, for instance, L. Knappert, *De opkomst van het protestantisme in eene Noord-Nederlandsche stad* (Leiden, 1908) 136.

⁴⁸ '...verboden secten der lutherijen, heresie ofte herdoperie met alle t'geen datter an cleven mach...'. RAL, arch. nr. 501, inv. nr. 388 (Aflezingsboek "B", 1528-70) f. 191r. The *Hof's* verdict of Jan Beukels, one of the main leaders of the Anabaptists in Münster says that Jan 'seer besmet was van den lutersse ende melchiorite secte...' (was very contaminated by the Lutheran and Melchiorite sect...). ARA, arch. nr. 3.03.01.01, inv. nr. 5653, f. 144v. For another similar example see Grosheide, *Bijdrage tot de geschiedenis van het Anabaptisme*, 92 and ARA, arch. nr. 3.03.01.01, inv. nr. 5654 (Criminele sententiën van het Hof van Holland, 1538-1572) f. 13r. Some Catholic polemicists stressed the link between Anabaptism and Lutheranism. See Peter Nissen, *De katholieke polemiek tegen de dopers* (Ph.D. dissertation; Amsterdam, 1988) 148-9.

⁴⁹ Samme Zijlstra, 'De vervolging van dopersen in Friesland (1536-1560)', *Doopsgezinde Bijdragen (DB)* 22 (1996) 60.

Anabaptism' – and subsequently was released through the widespread prosecution in the 1530s and following decades. In the third and fourth chapters the influence of two variables on the punishment of Anabaptists – respectively the distinction between citizens and strangers and the distinction between *principaelen* and followers – is examined. The fifth chapter consists on an analysis of the less tangible variables: the policy and role of the magistracy regarding the prosecution of Anabaptists and their relation with the other – higher – layers of government. Also the question whether the social standing of Anabaptists modified the penalty inflicted on them is addressed here. Prosecution by the *Hof van Holland* is the topic of the sixth chapter, followed by an overall conclusion.

1. The case against Anabaptism

When Luther rammmed his 95 theses against the door of a church in Wittenberg in 1517 he probably would not have expected that this would cause – among other things – the reinstatement of Christian martyrdom in Europe. In the previous centuries it was virtually impossible to become a Christian martyr, for many religious currents within Medieval Christianity were somehow incorporated in the structure of the holy church, its ability to do so being one of its strengths as is now recognized by historians.⁵⁰ Besides that, the absence of non-Christian enemies reduced the possibility of becoming a martyr.⁵¹

The legacy of martyrdom was kept alive in Christianity throughout the ages, however. Martyrs from the early church were revered as saints. People prayed to them for help, for their holiness during their life and their steadfastness in times of persecution granted them mediatory powers, necessary to bridge the gap between believers and Christ. Paintings, woodcuts and stories remembered people of the deeds of early Christian martyrs, assuring that their martyrdom was not forgotten. In other words, a culture of Christian martyrdom existed and was cherished, even in times when martyrdom seemed to be something only achievable in the past.⁵²

Luther dismissed the importance of saints, but his ideas provoked a reaction that would lead to the reinstatement of Christian martyrdom, as the church was unwilling to incorporate his doctrines. His idea of “justification by faith” rendered the “good works” and the idea that human beings themselves could contribute to their salvation useless. A great many of these good works, such as celebrating a mass for the deceased in order to shorten the time they had to spend in Purgatory, were regulated by the church, just as the church provided the priests who administered the sacraments. Salvation was to be found inside, not outside the church. If grace depended on faith as Luther said, it would significantly reduce the role, and thus the power of the church. Eventually, in 1521, when Luther had refused to renounce the 41 errors ascribed to him, Pope Leo excommunicated him.

Charles V would follow soon. He presided over the Diet of Worms (1521) and in the same year the Edict of Worms was proclaimed in which everyone who dared ‘either by words or by deeds, to receive, defend, sustain, or favor the said Martin Luther’ fell victim to the

⁵⁰ See, for instance, Diarmaid MacCulloch, *The Reformation* (paperback edition; New York; London, 2005) 3-52.

⁵¹ Gregory, *Salvation at stake*, 30. This is particularly true for the Christians living in North-West Europe. The Christians that were enslaved by Muslims were not seen as martyrs.

⁵² I have based this section on Gregory, *Salvation at stake*, 30-50.

crime of *lèse majesté* and should be executed.⁵³ Moreover, this penalty had to be applied ‘regardless of person, degree, or privilege if anyone does not obey our edict in every manner’.⁵⁴ Even aiding Martin Luther would lead to death, as far as Charles V was concerned.

Contrary to Anabaptism and Calvinism, Lutheranism never would become the major religious movement in the Low Countries, possibly because in 1531 Luther advised his followers in Antwerp ‘not to meet in secret assemblies’.⁵⁵ Establishing separate and clandestine churches who had to operate “under the cross” never was a strategy Luther endorsed. Besides that, it was far from safe for Lutherans to organize themselves. In 1523 two Augustinian monks – Luther himself was a Augustinian before he was excommunicated – were burned in Brussels.⁵⁶ In 1525 the third placard (*plakkaat*) against this “new sect” was proclaimed.⁵⁷

During the advent of Lutheranism other heretics, the so-called sacramentarians, emerged. They differed from the Catholics and Lutherans in their interpretation of the “sacrament of the Altar” (the Eucharist) by wholly rejecting the doctrine of transubstantiation as they denied the presence of Jesus (physical and spiritual) in the consecrated wine and bread. They also criticized the church and the clergy. In Amsterdam Adriaen Pieterz. “with the one eye” (*met eenen ooge*) became notorious because of his derogating remarks about the Eucharist.⁵⁸ In Leiden heretics boldly tossed notes concerning the holy sacrament into the church of Saint Peter (*Sint Pieterskerk*) and affixed them to its doors, warning people not to go to the church, for they would certainly be deceived by its monks.⁵⁹ Anticlericalism and opposition to the rites “invented” by clerics was common among sacramentarians. In Delft in 1528 the later Anabaptist leader David Jorisz. loudly disrupted a procession venerating the Assumption of the Holy Virgin, a superstition according to him.⁶⁰

⁵³ <http://www.cresourcei.org/creededictworms.html> Last checked on: 25-6-2010.

⁵⁴ Although later placards were specifically directed at Anabaptists, the ideas behind the earlier placards which targeted Luther, namely that everyone connected to him or the Lutheran movement had to be prosecuted, formed the foundation for the placards against the Anabaptists (and other heretics) as well.

⁵⁵ Alistair Duke, *Reformation and the revolt in the Low Countries* (London; New York, 2003) 274. This is not to say that Luther’s books were not read and discussed in the Low Countries. See Samme Zijlstra, ‘Anabaptisten en sacramentariërs’, *DB* 15 (1989) 136.

⁵⁶ Gregory, *Salvation at stake*, 139.

⁵⁷ Grossheide, *Bijdrage tot de geschiedenis der Anabaptisten*, 17. For earlier placards against blasphemy and heresy, see Dr. P.Em. Valvekens, *De inquisitie in de Nederlanden in de zestiende eeuw* (Brussels and Amsterdam, 1949) 152-4.

⁵⁸ *DAN V*, 40-1. . Gary Waite, ‘The Anabaptist movement in Amsterdam and the Netherlands, 1531-1535: An initial investigation into its genesis and social dynamics’, *SCJ XVIII/2* (Summer 1987) 254.

⁵⁹ RAL, arch. nr. 501, inv. nr. 387 (Afleringsboek “A”, 1505-28) f. 136r.

⁶⁰ A.Ph.F. Wouters and P.H.A.M. Abels, *Nieuw en Ongezien. Kerk en samenleving in de classis van Delft en Delftland, part I* (Delft, 1994) 38. Van Veen, ‘Spiritualism in the Netherlands’, 132. D. Wijbenga, *Delft, een verhaal van de stad en haar bewoners, part I* (1984, Rijswijk) 110.

It is not clear how many people shared these ideas, but Adriaen Huyckmaicker, who believed that the bread used in the Eucharist was ‘just bread’ (*nyet en was dan broot*), said in 1525 that ‘more than a thousand people in Amsterdam believed the same as he did’.⁶¹ This is interesting because of the connection between sacramentarians and Anabaptists. For some time it was thought that sacramentarians went over to Anabaptism quite easily, but more recently Samme Zijlstra has argued that sacramentarians and Anabaptists kept existing next to each other, as a number of sacramentarians refused to be rebaptized and join the Anabaptists.⁶²

Just as the sacramentarians Anabaptists criticized the church, its doctrines, and its clerics but, and this was new, they separated themselves from this church and thus constituted an alternative to the Catholic church. This radical break with the Catholic church was probably a bridge too far for many sacramentarians and many of them kept savaging the Catholic church while not wanting to establish a new church. This might have had something to do with the fact that theological assaults on the church and its rites mostly had an ear among the educated elite whereas Anabaptism manifested itself more as a sect that consisted of people from every layer of society but largely “recruited” its members from the middle classes.⁶³

As significant numbers of sacramentarians were to be found in the Northern Netherlands, Anabaptism initially thrived in parts of Central Europe. The mass support Anabaptism enjoyed came to an end when the peasants’ revolt (1524-5) in Germany was quashed, but groups like the Swiss Brethren and the group of Anabaptists under the leadership of Hans Hut continued to exist. Multiple other groups emerged in Switzerland, Austria and in parts of South en Central Germany, and in the late 1520s Anabaptism spread to northern parts of Germany and eventually to the Low Countries.⁶⁴

⁶¹ ‘...datter meer dan duysent menschen waeren binnen der stede van Amsterdam die ’t selfde alsoe mede gelooffden...’. Algemeen Rijksarchief (ARA), arch. nr. 3.03.01.01 (Inventaris van het archief van het Hof van Holland, 1428-1811), inv. nr. 5653 (Criminele sententiën, 27 Sept. 1529 – 6 Sept. 1538) f. 169v. Adriaen’s remark could be true, for in 1535 Reynier Brunt, the attorney-general of the Court of Holland, complained that there were a lot of sacramentarians living in Amsterdam, making it harder to eradicate them than the relatively small group of Anabaptists living there. A.C. Duke, ‘Van “sacramentsschenderen”, “sacramentisten” en “die van de bont”’, *DB* 15 (1989) 130. Alistair Hamilton is right that it is hard to ‘assess the extent of sacramentarianism on a more popular level’, since the authorities were foremost interested in expressions of heresy regarding the Eucharist. Hamilton et al, *From martyr to muppy*, 7.

⁶² Zijlstra, *Om de ware gemeente*, 68-71. For another comparison of sacramentarianism and Anabaptism, see Gary Waite, ‘The Anabaptist movement in Amsterdam and the Netherlands’, 253-7.

⁶³ In chapter 5 the social makeup of Dutch Anabaptism will further be elaborated.

⁶⁴ This passage is nothing but a very brief account of the developments of Anabaptist thought and practice in these parts of Europe. For an overview see Goertz, *The Anabaptists*, 6-35.

Anabaptist activity was soon noticed by the authorities and in 1529 the edict against Anabaptism was issued, as mentioned before (see p. 15). In 1531 two new placards, in essence extensions of earlier decrees, followed and on 12 February 1534 another one was published. The authorities rewarded every capture of an Anabaptist leader or baptizer with a bounty of 12 guilders. Negligent or unwilling government officials were reprimanded.⁶⁵ Soon the central government came to realize that executing all Anabaptists without making any distinction was simply not possible because of their huge numbers and on 24 February of the same year they decreed that Anabaptists would be granted the opportunity to recant.⁶⁶ This had to be done within 24 days, otherwise the placards should be applied to Anabaptists with full vigour.⁶⁷

This moment of leniency would soon disappear, for many Anabaptists stuck to their errors, even when a second term of 15 days in which Anabaptists could recant and go to confession was introduced.⁶⁸ On top of that came the fact that in February 1534 the Anabaptists in Münster started to evict the “ungodly” from their society. Extremely unhappy with the course of events, Charles V issued a new decree in June 1535, according to which:

‘Everyone, who is deemed to be contaminated by the damned sect of the Anabaptists, regardless of their condition, their agitators, followers, and accomplices shall forfeit their life and property and shall be punished to the maximum, without any mitigation’.⁶⁹

People who did not recant, the ones who baptized and seduced other people and the Anabaptists who were called ‘prophets, apostles or bishops’ (i.e. the leaders) had to be burned. People who recanted but who had been rebaptized and/or had sheltered Anabaptists in their house should be executed with the sword - in the case of men. Women should be buried alive (*in eenen put gedolven*). Those who knew Anabaptists, but did not inform the authorities were to be punished as if they were a follower or accomplice. Those who did warn would receive a reward (a third part of the confiscated goods of the Anabaptist(s) he or she reported). Acts of mercy, or a lessening of the punishments was absolutely forbidden and constituted a

⁶⁵ Kühler, *Geschiedenis der Nederlandsche doopsgezinden*, 93. Grossheide, *Bijdrage aan de geschiedenis der Anabaptisten*, 19.

⁶⁶ Kühler, *Geschiedenis der Nederlandsche doopsgezinden*, 93. DAN V, 22. See also page 92 of this thesis.

⁶⁷ Kühler, *Geschiedenis der Nederlandsche doopsgezinden*, 93.

⁶⁸ Ibidem. Grossheide, *Bijdrage aan de geschiedenis der Anabaptisten*, 20.

⁶⁹ ‘...dat alle offe degene, die bovenden sullen worden, besmet te zyn, met de vervloekte secte der Anabaptisten ofte Wederdoopers, van wat staet ofte conditie datse zyn, hunne oproeders, aenhangers, medepleghers, sullen vervallen in de verbeurte van lijf ende goet, ende sullen tot de uysterste straffe gebracht worden, sonder eenigh vertreck’. De Ries, *Historie der martelaeren*, 4r.

punishable offence.⁷⁰ The central government thus made a distinction between the various roles within the Anabaptist movement, but ultimately to little avail for the prosecuted; everyone connected to the Anabaptists, whether loosely or not, would have to face the death penalty.

In the following years a number of these placards were reissued, often because the local authorities had to be gently reminded of their duty and of the policy they should enforce. Besides that, the subjects had to be made aware of the laws and repeating the decrees ruled out any excuse of not knowing them.⁷¹ In 1550 the penal code against heresy was completed with the publication of the Perpetual Edict (*Eeuwig Edict*), also known as the “blood placard” (*bloedplakkaat*).⁷² This edict was called this way because even if an act only vaguely smelled of heresy the wrongdoer forfeited his life. Recantation only served to change the way someone was executed: men should be decapitated and women were to be buried alive. Those who clung to their heretical beliefs had to be burned. The harshness of this measure can hardly be underestimated, and for the heretics who were lucky to be still alive after the persecution in the 1530s and 1540s the future looked grim at best.

The logic behind religious persecution

The question is why it was generally accepted to prosecute people because of their beliefs and, in addition, why authorities were so focused on eradicating Anabaptism. To our modern mind persecuting someone for his or her belief is outrageous. In the sixteenth century only a few lonely voices would have agreed with this. Historians have pointed out that in the early modern period tolerance – now hailed as one of the cornerstones of modern Western culture – meant to “bear” or to “endure” as it was derived from the Latin verb *tolerare*.⁷³ The word tolerance had a negative connotation and to contemporaries toleration was the act (or form of behaviour) of grudgingly accepting unpleasant realities.⁷⁴ The “unpleasant reality” in this case was the existence of different beliefs and doctrines. Toleration, then, ‘was not to recognize or

⁷⁰ Idem, 4r-v.

⁷¹ For such an example, see ARA, arch. nr. 3.03.01.01, inv. nr. 5653, f. 194v. Cornelis Meenez. claimed that he did not know he was not allowed to buy one of Luther’s books because he did not hear the officials proclaim the placards out loud (*aflesen*). ARA, arch. nr. 3.03.01.01, inv. nr. 3545 (Interinemenen van remissies 17 March 1529 – 21 Feb 1531) f. 42v. Grosheide, *Bijdrage aan de geschiedenis der Anabaptisten*, 210. Between 1544 and 1550 the heresy placards were reissued six times. James D. Tracy, *Holland under Habsburg rule, 1505-1566* (Oxford, 1990) 171.

⁷² Johan van de Wiele, ‘De overheidspolitiek ter bestrijding van de reformatie in Vlaanderen in de zestiende eeuw vóór de beeldenstorm. Een verhaal van warm en koud blazen’, in: *Beleid en bestuur in de oude Nederlanden* (Gent, 1993) 416.

⁷³ Alexandra Walsham, *Charitable hatred*, 4. Kaplan, *Divided by faith*, 8.

⁷⁴ Kaplan, *Divided by faith*, 8.

to grant equal rights to a rival system of belief; it was to permit or license something of which one emphatically disapproved...It was an act of forbearance, long-suffering and also indulgence, a conscious decision to refrain from persecuting something one knew to be wicked and wrong'.⁷⁵

Nowadays people respect or are indifferent to the fact that people adhere to various beliefs. In the sixteenth century, however, these differences could not be tolerated because false beliefs not only threatened the salvation of those who willingly embraced these errors; the salvation of the whole community was at stake. The sacred and the profane community was united by a shared Christian belief and piety and coincided in the *corpus Christianum*. Religious diversity threatened all its members. On the one hand because heresy was seen as an infection that spread itself swiftly and relentlessly.⁷⁶ On the other hand, this infection would destroy the purity of a Christian community and would tear its unity apart. The would arouse the anger of God who would turn it upon the community as a whole.

In order to remove this threat not tolerance but intolerance was the cure. On the individual level this resulted in what Alexandra Walsham has aptly called “charitable hatred”. The attempts to try to return deranged people to the true Christian faith was, even if stern measures were used, often guided by an idea of Christian love and care. Even persecution ‘was to display charitable hatred: a charity towards the sinner that was inextricable from a fervent hatred of the sin that endangered his or her salvation’.⁷⁷ Members of a Christian community had the duty to take care of their brothers, especially when they were led astray.

In a way the state was a community at large: as a community it was jeopardized by the danger of heresy and as individuals the state, or rather the authorities, had the duty to persecute. To echo Brad Gregory ‘...rulers were responsible to God (and their subjects) for maintaining the true religion’.⁷⁸ In addition to taking care of their subjects, the idea that heresy endangered the political and social stability of a state was an extra incentive to punish heretics. Catholics and Reformers alike pointed at this God-given duty that was in the hands of the authorities. For instance, according to article 36 of the Belgic Confession, formulated by the Calvinist Guido de Bres in 1561, ‘He [i.e. God] gave the government the sword in

⁷⁵ Walsham, *Charitable hatred*, 4.

⁷⁶ About the “poisoning” effects of heresy see for instance, Natalie Zemon Davis, ‘The rites of violence’, in: Natalie Zemon Davis, *Society and culture in early modern France* (London 1975) pp. 152-87.

⁷⁷ Walsham, *Charitable hatred*, 2. Therefore, simply banning Anabaptists was not an option. ‘As Frederick III of the Palatinate remarked, such a policy would have done nothing for the salvation of these people’. Clasen, *Anabaptism. A social history*, 366.

⁷⁸ Gregory, *Salvation at stake*, 79.

order to punish the evildoers (*de boossen*) and to protect the pious'. Moreover, the authorities should protect the Holy Service and suppress and exterminate idolatry and false religion.⁷⁹

Menno Simons, an Anabaptist leader who urged his followers to refrain from violence, said in his book *The foundation of Christian doctrine (Dat fundament des christelycken leers)* that 'the government received their sword from God...because Jesus Christ wants to protect all the faithful hearts from this dangerous heresy and horrible error...'.⁸⁰ It is not surprising that the rhetoric of Menno resembled the words used in the Belgic Confession, for many of the arguments that were used to legitimate persecution and the role of the government in it were drawn from one source: the bible.

Numerous verses from the Old and New Testament were used to show that the persecution of heretics was ordained by God and was no human invention (or addition next to the sacred word of God). To give but one example is Deuteronomy 13: 6-11 – used by Calvin to legitimate the burning of Michael Servetus in 1554 – in which believers are urged to feel no compassion with and to kill those who worship false gods, even when family or friends.⁸¹ The role of the government was commonly explained by referring to Romans 13:1-2,4:

Let every person be subject to the governing authorities; for there is no authority except from God, and those authorities that exist have been instituted by God. Therefore whoever resists authority resists what God has appointed, and those who will resist will incur judgement...if you do what is wrong, you should be afraid, for the authority does not bear the sword in vain! It is the servant of God to execute the wrath on the wrongdoer.⁸²

The authorities were therefore acting in the name of God himself; He bestowed them with the power and obliged them to deal with heresy. Heresy was thus not only a crime against God, but, as Charles V saw it, a crime against God and to His rightfully appointed ruler at the same time. It was a crime of *lèse majesté humaine* and *divine*.⁸³

⁷⁹ '...maer ooc de hant te houden aen den Heyligen Kercken-dienst, om te weyren ende uyt te royen alle afgoderie ende valschen godsdienst...'.
http://www.dbnl.org/tekst/bakh007nede01_01/bakh007nede01_01_0008.htm Last checked on 25-6-2010.

⁸⁰ Menno Simons, *Dat fundament des christelycken leers* (Den Haag, 1967; originally published in 1539) 176.

⁸¹ Gregory, *Salvation at stake*, 82-3. About the 'theology of persecution' (in England) see John Coffey, *Persecution and toleration in Protestant England, 1558-1689* (Harlow, 2000) 30-8.

⁸² Cited in Gregory, *Salvation at stake*, 83-4.

⁸³ James D. Tracy, 'Heresy law and centralization under Mary of Hungary: Conflict between the Council of Holland and the central government over the enforcement of Charles V's placards', *Archiv für Reformationsgeschichte* 83 (1992), 285. Alistair Duke, *Reformation and Revolt*, 163-165. Scott Dixon et al, *Living with diversity*, 15.

The authorities had to defend the “true” religion but the Reformation shattered a shared notion of the true religion and inevitably this led to discussions in which the duty of the authorities to persecute heretics was not debated, but whom the authorities should persecute was. An example from De Ries’ *Historie der martelaeren* serves as an illustration. In a discussion between a sheriff and the captured Anabaptist Adriaen Cornelisz. the former said, referring to Rom. 13:2, that God ordered the persecution of heretics to which Adriaen replied that ‘according to him it was completely wrong to punish the good and to protect the bad’.⁸⁴ That there were good and bad people, just like there was one true and many false religions was obvious to them. ‘Truth has only one voice – that which proceeds from the lips of our Lord’ and ‘when Divine Truth is avowedly attacked, we must not tolerate the adulteration of one single *iota* of it’, as Calvin said.⁸⁵ It would almost take another two centuries before various religions were compared on more or less neutral grounds, and even then the Truth was still defended fiercely.⁸⁶ Why was Anabaptism labelled as heretical and false? Any why did their ideas and actions arouse so much fear?

The “errors” of Anabaptism

Anabaptism was a derogatory name, as mentioned before, but useful in the eyes of its enemies, because it immediately laid out their biggest error: rebaptism. Already in the Justinian Code (drafted in the first half of the sixth century) it was stipulated that rebaptism should be punished by death.⁸⁷ According to the tradition of the Catholic church humans had to be baptized only once, just after they were born (infant or pedobaptism). Being baptized twice was a desecration of one of the sacraments ordained by God himself. However, there existed some doubts regarding the status of this rite, for no entry in the bible reads that children should be baptized. In 1524 some reformers wrote to Luther that believers’ baptism (credobaptism) was the practice of the old apostolic church and it was Zwingli in 1525 who for the first time resorted to “credobaptism”.⁸⁸

⁸⁴ ‘...me dunct dattet al verkeerd is dattet den goeden to straffinghe is ende den quaden tot bescherminghe’. De Ries, *Historie der martelaeren*, f. 163.

⁸⁵ John Calvin, *Tracts and treatises, volume III* (translated by Henry Beveridge) (Grand Rapids, 1985) 417-8. Also see Scott Dixon et al, *Living with diversity*, 13-4.

⁸⁶ Lynn Hunt, Margaret C. Jacob and Wijnand Mijnhardt, *The book that changed Europe; Picart & Bernard’s Religious ceremonies of the world* (Cambridge MA and London, 2010) 1-2, 11.

⁸⁷ ‘Where anyone belonging to the ministry of the Catholic sect, is convicted of having baptized the same person twice, he shall, along with him who induced him to commit the offence (provided he is of such an age as to be responsible), be condemned to death.’ S.P. Scott, *The civil law, volume XII* (Cincinnati, 1932) 71. John Oyer suggested that maybe to make them liable to punishment people coined the term Anabaptist. Oyer, *Lutheran Reformers*, 5.

⁸⁸ Zijlstra, *Om de ware gemeente*, 84.

The Anabaptist idea behind believers' baptism is that the church had to be a voluntary church of believers and not a church of everyman (a *corpus permixtum*). Hence, only those who could profess their faith and received "inner" baptism were eligible to be baptized outwardly. Infant baptism was useless, since 'children had not come to their full senses (regarding their faith) for they did not reach a certain age'.⁸⁹ For Anabaptists baptism became, in the words of Goertz, a 'public confession of faith'.⁹⁰ The rite itself made clear that the believer became part of a godly community whose members strove to walk in the footsteps of Christ, leading a "saintly" life.

The offspring of Anabaptists were not baptized twice, but only once, when they were old enough to profess their faith. This raised new problems for Catholics believed that if a child was not baptized and died it could not enter heaven. Therefore even lay people, when no priests were available, were allowed to baptize children in order to avoid this horrible fate. Moreover, among Catholics and Lutherans the rite of exorcism (part of the ritual of infant baptism) was highly valued and even used by Lutherans to 'counter the Pelagian threats of Anabaptism and Calvinism'.⁹¹ In their eyes Anabaptist children, still tainted with the original sin, would surely fall prey to the devil, in life or in death. Besides that, baptizing adults instead of children 'undermined the claim to universal inclusiveness that was the foundation of both ecclesiastical and secular order'.⁹²

Believers' baptism was also used as a way of separating the godly from the ungodly part of society. It was a sign of the bond between those who 'promised to follow God's way without changing course'.⁹³ Anabaptists were to retreat from society and to live in their "community of Christ" (*ghemeente Christi*).⁹⁴ Menno Simons advocated a sharp dichotomy between the godly and ungodly. 'They the world, we the heaven, they the emperor, we Christ, they the sword, we the Gospel, they the persecution, we the suffering, they cruelty, we

⁸⁹ '...ende dat 't doepsel in de mensche geen vrugt en dede voordat hij gecomen was tot zijn volle verstand ende jaeren alsoe Christus hem eerst liet doopen als hij dertich jaeren oudt was...' ARA, arch. nr. 3.03.0101, inv. nr. 5653, f. 244v.

⁹⁰ Goertz, *The Anabaptists*, 68-84. For some examples of Anabaptist practices of believers' baptism, see *DAN V*, 274, 276 and J. Kleintjes, S.J., 'Onderzoek naar herdoopers in Amersfoort, Ao. 1559', in: *Archief voor de geschiedenis van het aartsbisdom Utrecht* 61/3 (1937) 650. About "inner" and "outward" baptism, see Goertz, *The Anabaptists*, 70-83; Dipple 'The spiritualist Anabaptists', 262.

⁹¹ Bodo Nischan, 'The exorcism controversy and baptism in the late Reformation', *SCJ XVIII/1* (Spring, 1987) 31. For Catholics about the Anabaptist believers' baptism, see Nissen, *De katholieke polemiek*, 263-82. It did happen that the offspring of Anabaptists died without 'receiving the sacraments'. Kleintjes, 'Onderzoek naar herdoopers in Amersfoort, Ao. 1559', 649.

⁹² Driedger, 'Anabaptists and the early modern state', 515.

⁹³ *DAN V*, 90.

⁹⁴ *DAN II*, 112.

resignation...'.⁹⁵ Not surprisingly many Anabaptist leaders told their fellow believers not to go to churches anymore, for only idolatry was served there.

This principle of separation threatened some of the bonds that united Anabaptists with the rest of society. Reformers attacked Anabaptists because they left their family and home 'so that they could wander with their fellow coreligionists'.⁹⁶ Families became divided as family members converted to Anabaptism. The mother and sister of Suyvert Jansz. 'did not approve that he talked with those who loved God's word' and Jan Pennewaerts sadly told the authorities that his wife 'was not of his kind which hurt him badly, for he tried to persuade her, even in tears, but without any result...'.⁹⁷ Stricter currents within – Dutch – Anabaptism stressed that everyone who was no Anabaptist should be shunned, but recent research has shown that ties between Anabaptists and their families were not so easily cut off.⁹⁸

Anabaptist detachment from the rest of society further materialized by their stance toward the civil – and ecclesiastical – authorities. In general Anabaptists were discouraged or outright forbidden by their leaders to become a civic official, since all office holders were required to take an oath. Anabaptists refused to do this because an oath partly consisted of the words 'so help me God', what would instantly make God an accomplice of the failures of the Anabaptists themselves.⁹⁹ Contemporaries, however, saw oaths as the cement of society. The act of taking oaths, often accompanied by some sort of ceremony, were used to enforce a sought-after way of behaviour and to make sure that people conformed to this. Not swearing oaths, feared Melancton, would lead society into anarchy 'since people would have no compulsion to obey the divinely ordained authorities in society'.¹⁰⁰ Here the overlap of the religious and secular sphere is clearly visible. By oaths, a "civil" means to ensure conformity and to legitimate government violence in case of disobedience, the authority of institutions decreed by God was safeguarded. Rejecting oaths because of religious motives, was thus immediately seen as an attack on both God and the civil authorities. In heresy trials oaths fulfilled an important role as well. To give but one example, Steven Claesz. was suspected of

⁹⁵ Simons, *Dat fundament des christelycken leers*, 191-2.

⁹⁶ Oyer, *Lutheran Reformers*, 122.

⁹⁷ *DAN V*, 107. '...nyet en es van zijnen sinne, dwelck hem leet genouch es, ende haer genouch daertoe heeft varmaent ende gepoecht te trecken oick mit traenen, sonder dat zij hem daerinne had willen volgen...'. *DAN V*, 116.

⁹⁸ D. Jonathan. Grieser, 'The Household Divided against Itself: Anabaptists and their Families in Tyrol, 1536-60', in: Benjamin Kaplan and Marc R. Foster eds, *Family and Piety in Early Modern Europe* (Aldershot, 2005) pp. 134-51.

⁹⁹ When swearing an oath referring to God could not be omitted. In the late 17th century, "atheists" were distrusted because, as they supposedly did not believe in a god, their oaths were not divinely sanctioned. John Marshall, *John Locke, toleration and early Enlightenment culture* (paperback edn, Cambridge et al., 2009) 12.

¹⁰⁰ Oyer, *Lutheran Reformers*, 171.

holding heretical meetings in his house and, to make it even worse, it was thought that some people were rebaptized in his house as well. Steven however, swore that he did not know of the things that reputedly had happened in his house. After the aldermen had listened to Steven's story (*defentie*), they absolved him and let him go.¹⁰¹

Besides rejecting civil offices because of oaths, the fact that most, if not all offices required the use of the sword was another obstacle for Anabaptists, for such a job could not possibly be combined with living a "saintly" life. Certainly for the non-violent Anabaptist groups the idea of somehow being involved with the government was an anathema. And although many Anabaptist accepted the existence and authority of the government (most of them being well-versed enough in the bible to know Romans 13) a fair number of them placed the ultimate authority in the hands of God.¹⁰² This was, of course, not a bad thing as long as Anabaptists did not embrace the idea of making the authority of God the sole rule by establishing a full-blown theocracy.

This happened in Münster in the years 1534-5 when the theologian Bernhard Rothmann in his book *A Restitution of Christian Teaching, Faith, and Life* (*Eyne restitution edder eine wedderstellinge rechter unde gesunder christliker leer, gelovens unde levens*) legitimated the use of the – worldly – sword against the unbelievers.¹⁰³ In combination with polygamy and the communal ownership of goods this would besmirch the name of Anabaptists for decades to come. After Münster was recaptured by the troops of the prince-bishop and his allies (on 24 June 1535), two currents within the "political theology" of the Anabaptists remained according to Eike Wolgast. One stream thought of the Anabaptist community as an ecclesiastical and political community (*kirchlich-politischer Mehrheitsverband*) that allowed some of its members to have public functions and used violence and justice as disciplinary measures (the *Schwertler*). The "Stäbler" advocated seclusion, no involvement with the authorities whatsoever, and preferred the ban to enforce discipline.¹⁰⁴ Gradually the ideology that emerged in Münster lost ground and increasingly Anabaptists came to stress that the only sword they carried was the spiritual sword

¹⁰¹ RAL, arch. nr. 508, inv. nr. 3-1, f. 92r.

¹⁰² For an example see De Ries, *Historie der martelaeren*, f. 162.

¹⁰³ Zijlstra, *Om de ware gemeente*, 123. Eike Wolgast, 'Stellung der Obrigkeit zum Täuferum und Obrigkeitsverständnis der Täufer in der ersten Hälfte des 16. Jahrhunderts', in: Goertz and Stayer, *Radikalität und Dissent im 16. Jahrhundert*, 114. See also, Lammert G. Jansma, 'De chiliastische beweging der Wederdopers', *DB 5* (1979) pp. 41-55.

¹⁰⁴ Wolgast, 'Stellung der Obrigkeit', 110.

(*geestelicke zwaard*), although groups of *Batenburgers* continued to be inspired by apocalyptic ideas well into the 1540s.¹⁰⁵

In the end, the unwillingness of most Anabaptist to be involved with the government and the fact that joining the godly community happened on a voluntary basis, gave the Anabaptist church the character of a “voluntary association”, a form of organization miles away from the state and city churches. However, to contemporaries this also meant that Anabaptists shirked civil and religious obligations that unified society and created a measure of stability. Anabaptists threatened the social order; no wonder Calvin called them a ‘nefarious herd’ and Melancthon thought of them as the ‘angels of the devil’.¹⁰⁶ This is not to say that other Reformers only thought badly of the Anabaptists. On the contrary, their critique may (partly) have had something to do with the fact the Anabaptism was a formidable competitor of Reformed Protestantism and Lutheranism; their internal discipline and their aim to create a community that was without a spot and a wrinkle even aroused the admiration of Reformers.¹⁰⁷

By aiming to restore the apostolic church that consisted of true believers Anabaptists at least theoretically cut off many bonds that tied people together and unified them, and thus it seemed to many contemporaries that they were denying every god-given authority. A king who was bent to protect his own worldly powers, to defend the “true” religion and, moreover, was backed-up by a generally acclaimed “duty of intolerance” could expect that, again at least theoretically, his policy would receive much support and his subjects would be willing to carry out his placards to the letter. In practice, however, things were more complicated for Charles V and his successor Philip II.

¹⁰⁵ Gary K. Waite, ‘From apocalyptic crusaders to Anabaptist terrorists: Anabaptist radicalism after Münster, 1535-1544’, *Archiv für Reformationsgeschichte* 80 (1989) pp. 173-93.

¹⁰⁶ Calvin, *Tracts and treatises*, 416. Oyer, *Lutheran Reformers*, 157.

¹⁰⁷ Waite, *Eradicating the devil’s minions*, 36.

2. The prosecution of Anabaptists in Amsterdam, Delft, and Leiden

Mennonite scholarship and its search for its confessional identity has profoundly coloured the historiography of this religious movement, as we have already seen in the introduction. Not surprisingly litres of ink have been spilled to answer the question how many Anabaptists died as martyrs, for these people proved the steadfastness and faithfulness of the members of this particular religious current. Mere numbers were not the only things that counted, however. Not everyone was included in the later Mennonite martyrologies. Criteria, such as the behaviour and religious affiliation of the believer, were used to separate the true martyrs from those who died because of their 'Munsterite errors' for these errors 'threatened the core of the brotherhood'.¹⁰⁸

W.J. Kühler, author of the well-known book *History of the Dutch Mennonites in the sixteenth century*, thought that 1500 Mennonites died as martyrs between 1531 and 1597 (in the northern and southern Netherlands). According to him this was a more realistic number than the figures given by the 'Catholic writers who wanted to absolve their church'.¹⁰⁹ One of these authors, pastor Coppens, argued that 1400 Protestants (that is, all non-Catholic believers) died as martyrs. Van der Zijpp argued that probably 2500 Anabaptists died as martyrs in the Northern and Southern Netherlands.¹¹⁰ Besides focussing on the martyrs persecution in general has also received much attention and already in 1600 people started to come up with numbers. Of course these numbers were, so shortly after the persecutions, hugely inflated. Contemporary estimates diverged from tens of thousands to one hundred thousand.¹¹¹ Nowadays it is estimated that the number of people (including non-Anabaptists) executed in the Low Countries hovers around 2000.¹¹²

¹⁰⁸ Kühler, *Geschiedenis der Nederlandsche doopsgezinden*, 245. To be sure, not only Mennonite scholars elevated the status of their martyrs - and of their staunch non-conformists in general. Ben Kaplan et al. eds, *Catholic communities in Protestant states. Britain and the Netherlands c. 1570-1720* (Manchester; New York, 2009) 250.

¹⁰⁹ Idem, 245-6. Van der Zijpp agrees with Kühler, N. van der Zijpp, *Geschiedenis der doopsgezinden in Nederland* (Arnhem, 1952) 77.

¹¹⁰ Van der Zijpp, *Geschiedenis der doopsgezinden*, 77.

¹¹¹ Zijlstra, *Om de ware gemeente*, 232. Zijlstra argues that persecution was not as heavy as Anabaptists thought. Idem, 110.

¹¹² Idem, 232. It is estimated that 1,5 million people lived in the northern Netherlands around 1600, which means that 0,13% of the population was executed because they were heretics.

The judicial infrastructure of the northern Netherlands

Before we turn to the actual prosecution in three cities in Holland, we should first pay attention to the judicial apparatus in the northern Netherlands. A number of institutions that had to deal with heresy existed or were created in the sixteenth century. The most notorious of these was the inquisition. Two types of the inquisition saw birth in the twelfth and thirteenth century; in 1184 the episcopal inquisition was created, to be followed by the establishment of papal inquisition in 1230. The papal inquisition used professionally trained clergymen, mostly Dominicans, to do the job of finding heretics.¹¹³ The inquisitors travelled throughout the country, urged people to recant and started an investigation when possible heretics did not, ultimately leading to a charge and a trial. Usually the inquisitors (or the inquisitorial court) came to a verdict that had to be carried out by secular courts, as Canon law stipulated that the church did not shed blood.¹¹⁴

In the following centuries this dual system of the papal and Episcopal inquisition continued to exist until in April 1522 Charles V decided to expand the inquisition and introduced the imperial inquisition.¹¹⁵ The emperor appointed the officials who fell directly under his command, the first of them being Frans van der Hulst. He had to hunt down heretics and in this he had to be aided by the various authorities. Soon the staff of the imperial inquisition was expanded by other jurists who assisted Van der Hulst.¹¹⁶

Regardless of the efforts of Charles V this new branch of the inquisition did not achieve the results he had hoped for. Partly this had something to do with the struggle between the papal, episcopal, and imperial inquisitions, whose jurisdictions were not clearly demarcated, making it hard to cooperate. Besides that, local authorities saw the activities of the inquisition as an intrusion on their own judicial powers and were unwilling to aid “strangers” – most of the inquisitors appointed by the emperor, for instance, were not locals.¹¹⁷ Even when not particularly effective, fears of the inquisition continued to exist, and people were distressed when rumours emerged that Philip II was going to introduce the Spanish Inquisition (as a part of his new bishoprics scheme) in the Netherlands.¹¹⁸

¹¹³ Valvekens, *De inquisitie in de Nederlanden*, 42.

¹¹⁴ Zijlstra, *Om de ware gemeente*, 233.

¹¹⁵ Valvekens, *De inquisitie in de Nederlanden*, 171.

¹¹⁶ Idem, 173-175. Van der Hulst was not liked at all; the pensionary of Delft called him ‘a bigamist, a murderer and a traitor to the fatherland’. James Tracy, *Holland under Habsburg rule*, 154-5.

¹¹⁷ Aline Goossens, ‘Karel V en de onderdrukking van de wederdopers’, *DB 27* (2001) 22. Valvekens, *De inquisitie in de Nederlanden*, 179, 182. Tracy, ‘Heresy law and centralization under Mary of Hungary’, 285.

¹¹⁸ Beemon, ‘The myth of the Spanish Inquisition’, 247.

The establishment of the imperial inquisition, consisting of lay people who had to deal with heresy, was a sign of a broader development often characterized as the “secularization of heresy law”. This secularization was the result of the fact that Charles V and his successors saw heresy as a crime (high treason) against God and king, as mentioned earlier, and because their edicts had to be carried out by secular courts.¹¹⁹ The Council of Holland (*Raad van Holland*), ‘the most important component of the Court of Holland’, had to supervise the local courts in the towns and cities in Holland.¹²⁰ As the *Hof* and its proceedings are analysed in chapter six, we will now examine the administration of justice and law enforcement in Dutch cities.

The judicial organisation in cities was headed by the sheriff who presided over the local court (*schepbank*), took care of tracing and capturing criminals and acted as the public prosecutor. Usually the sheriff was appointed by the ruler (*landsheer*) whose authority the sheriff should represent, in many cases leading to conflicts between a town’s elite and the ruler’s man.¹²¹ In a number of cities, such as in Leiden and Amsterdam, this office was bought by the city for a certain period of time. A city’s magistracy had the power to appoint a sheriff under this arrangement, which diminished the influence of a ruler in the city. The sheriff was assisted by aldermen who, among other things, had to administer justice in the cities. In a trial the sheriff would state his demand (*eysh*) and after assessing the evidence the aldermen would give their verdict, that could and in times did differ from the sheriff’s claims. Most cities had one sheriff and seven aldermen, although small differences between cities existed.¹²²

The sheriff and aldermen had to do without a proper police force, and that is why the proclamations of the city’s government (the so-called *keuren*) tried to whip up some assistance of the local population by offering rewards for their aid. Citizens were expected to offer their help, for they were bound to do so by the oath they swore when becoming a *poorter* (the *poortereed*). Obviously an unwilling population could seriously hamper the enforcement of the law, and persistent non-cooperation seriously reduced the means available to the sheriff and aldermen to administer justice.

In general the local courts made a distinction between “ordinary” and “extraordinary” procedures. In an ordinary process two parties and their witnesses proceeded against each

¹¹⁹ Duke, *Reformation and revolt*, 74. Tracy, ‘Heresy law and centralization under Mary of Hungary’, 285.

¹²⁰ Tracy, ‘Heresy law and centralization’, 285-6.

¹²¹ James D. Tracy, ‘Habsburg grain policy and Amsterdam politics: The career of sheriff Willem Dirckszoon Baerdes, 1542-1566’, *SCJ* XIV/3 (1983) 306.

¹²² Leiden for instance had 8 aldermen in general, but in some years 9 or 10 aldermen were in function. In Amsterdam the number of aldermen fluctuated between 7 and 9, but most of the time 7 aldermen were in office.

other, the judges being there to hear the accusations and to sentence. In the extraordinary process the judges became one of the parties – the prosecutors – who tried to nail down the accused by extracting information from people (sometimes using torture). If the accused confessed when not being subjected to torture (*buyten pyne en bande van ysere*) he or she ‘effectively signed his or her own death warrant’, for there was ‘no appeal against a capital sentence for a self-confessed crime’.¹²³ In the extraordinary process the two parties had an unequal relationship: the defendant had to face the might of the officers of the local court.¹²⁴ Most, if not all the heresy trials were of this extraordinary type, making it an uneven battle between the forces of the state and the individual heretic.

The challenge for the sheriff and aldermen was how to find heretics and, more specifically, how to discern the Anabaptists in the amalgam of people who had their misgivings of the church and the sacraments. In Hessen, Germany, the *hessische Landesordnung* (Hessian state regulation) included seven categories to identify Anabaptists, ranging from questions whether someone was baptized as a child to whether someone refused to become a public official.¹²⁵ To my knowledge such an official guideline did not exist in the northern Netherlands, but some of the *verhoren* provide us with a clear example how government officials tried to trace Anabaptists.

Most of the time suspects were asked how they felt about the sacrament, whether they were rebaptized, whether their children (if any) were baptized and when they went to the Mass and to confession for the last time and, of course, whether they were rebaptized or not and whether they had had contact with Anabaptists.¹²⁶ If the suspicion was not taken away after the first examination, local officers would go the neighbours and pastor of the suspect in order to check whether he or she lied or not.¹²⁷ Apart from checking the suspect’s answers, the officers tried to gain information about the behaviour and life (*zijn regimente ende levene*) of the suspect. In this way, and of course by information extracted from other – possible – Anabaptists the *Gerechten* of the various Dutch cities tried to determine whether someone was an Anapbatist.

¹²³ Duke, *Reformation and revolt*, 159.

¹²⁴ J.E.A. Boomgaard, *Misdaad en straf in Amsterdam* (Amsterdam and Zwolle, 1992) 45.

¹²⁵ Wolgast, ‘Stellung der Obrigkeit’, 102. In Württemberg the ordinances of 1558 and 1571 ‘contained two long series of questions’. Clasen, *Anabaptim. A social history*, 364.

¹²⁶ For a clear example of the questions asked during an examination, see *DAN II*, 64 or Van der Zijpp, *Geschiedenis der doopsgezinden*, 60-1. Some people deserve the credit for coming up with original excuses of not going to the Mass. Jan Heusen, for instance, told that he had not celebrated the Mass for quite a while, because the last time he did he became very dizzy and this did not disappear. *DAN V*, 61.

¹²⁷ See for instance, *DAN V*, 76, 168 (footnote 431), 172 (footnote 445). Inspecting whether someone had gone to the Mass, obligatory on Easter, proved to be a powerful instrument of tracing heretics. James Stayer, ‘Oldeklooster en Menno’, *DB 5* (1979) 58. Grosheide, *Bijdrage tot de geschiedenis der Anabaptisten*, 198.

Prosecution – an overview

Within a couple of months after the introduction of Anabaptism in the Netherlands by Melchior Hoffmann, it was Siecke Fredricx whom in March 1531 fell victim to the Frisian authorities and enjoyed the questionable honour of being the first Anabaptist who was executed in the Northern Netherlands.¹²⁸ In Amsterdam, Delft and Leiden the execution of Anabaptists started in not before 1534, although the *Hof* decapitated nine Anabaptists in The Hague in 1531 and sent their heads to Amsterdam.¹²⁹ Maybe because Melchior Hoffmann in late 1531 forbade his followers to rebaptize other people for the period of two years, or perhaps because Anabaptists were keeping a low profile it took a while before prosecution took off.¹³⁰ Apart from that the authorities needed some time to discern Anabaptism as a specific heretical movement in the chaotic diversity of the sea of heresy that flooded the Low Countries; hence their use of the generic term “Lutherye”.

However, in late 1533 Jan Mathysz. reinstated the rebaptism of believers and other Anabaptists, such as Pieter de houtzager and Bartholomeus boekebinder who both were baptized by Jan Volckertz., eagerly followed him. In 1534 Pieter and Bartholomeus, and a number of other Anabaptists who actively baptized others, were captured and decapitated by the *Hof*.¹³¹ In Amsterdam the prosecution of Anabaptists started in 1534: four people were sentenced to death and nine people received non-capital punishments.¹³² In this year a number of Anabaptists in Amsterdam clearly lost their motivation to keep a low profile, for three of them walked on the streets with their swords drawn (the *zwaardlopers*). The hundreds of men and women who came from towns and cities in Zeeland, Holland and Utrecht and who tried to travel to Münster only increased the tumult.¹³³

Although in Leiden it would take until 1535 before the first Anabaptists were tried and convicted, the worries in the city council (*vroedschap*) about the presence of Anabaptists rose. On 20 October 1534 Leiden’s Pensionary Willem Pietersz. stated that ‘many people went to meetings, are contaminated by many errors and are called the Anabaptists...many of them travelled to Münster in order to relieve it’. The worst had yet to come for if they succeeded they would ‘return to these lands even more powerful (*mit meerder macht*) and they would

¹²⁸ Zijlstra, *Om de ware gemeente*, 98.

¹²⁹ DAN V, 2-3. According to Gary Waite one Anabaptist was executed in 1532 in Amsterdam. I have not been able to trace this verdict, however. Waite, *Eradicating the devil’s minions*, 82.

¹³⁰ Mellink, *Amsterdam en de wederdopers*, 21. It is not clear whether Hoffmann’s followers obeyed him or continued rebaptizing people.

¹³¹ ARA, arch. nr. 3.03.01.01, inv. nr. 5653, f. 40v-42v.

¹³² By capital punishments I mean the penalty of death, non-capital punishments are all the punishments that do not (directly) lead to the death of the verdict.

¹³³ Mellink, *Amsterdam en de wederdopers*, 31.

slay all of those who opposed their sect...'.¹³⁴ On 23 January 1535 Leiden's city fathers were warned by a messenger sent by the commander of the fortress (*kastelein*) of Woerden about the presence of Anabaptists in their city. Immediately a number of citizens and members of the civic militia (*schutterij*) were summoned to search for Anabaptists 'in corners and in suspect houses'. Eventually they found the house – which belonged to Jan Beukelsz., the king of Münster – in which the Anabaptists had gathered, but as it was dark they could not do much but surround the house and establish a perimeter.

At daybreak they attempted to overpower the Anabaptists, in the first instance only to find out that the Anabaptists were armed and paid fierce resistance. Eventually they managed to subdue the Anabaptists.¹³⁵ All the Anabaptists, 14 men and 4 women, among whom Marye IJsbrandsdr., the wife of the "king of Israel" (Jan Beukelsz.), were burned at the stake.¹³⁶ Also in other cities rumours and fears about the seditious activities of the Anabaptists gained strength. In a letter by the magistrates of Deventer sent to Leiden and other cities, they warned that 'Deventer, Amsterdam, Groningen, Leiden and Delft are full of Anabaptists, secretly waiting to take over these cities', aiming to remodel them in a Münster fashion.¹³⁷

Because the exact date of this letter is unknown, we do not know whether Deventer's magistracy had prophetic insights, but their fears were well-founded for in Amsterdam the Anabaptists tried to seize control of the city. During the night of 10 to 11 May around 40 Anabaptists managed to gain possession of the city hall, killing several burghers, members of the militia, and one burgomaster, Pieter Colijn. Fanatic citizens wanted to destroy the entire city hall including the Anabaptists in it, for they would erect a 'much more prettier and lavish one (*schoonder and kostelycker*) afterwards'. Burgomaster Goswijn Rekalf decided that it was enough to smash the doors and so they did, after a short fight ending the Anabaptist

¹³⁴ RAL, , arch. nr. 501, inv. nr. 384 (Vroedschapsboek, 1522-53) f. 59r (meeting on 20-10-1534).

¹³⁵ RAL, arch. nr. 501, inv. nr. 1185 ("Stukken der Anabaptisten").

¹³⁶ K. Vos, 'De in 1535 te Leiden ter dood gebrachte Anabaptisten', in *Leids Jaarboekje* 15 (Leiden, 1918) 24-5. Because the members of the local court were very busy with protecting the city, they received a small gift (*cleyn danckbaerheit*) of four pounds (*vier pont groot vlaems*). RAL, arch. nr. 501, inv. nr. 384, f. 14r (meeting on 1-3-1536).

¹³⁷ RAL, arch. nr. 501, inv. nr. 1185 (Stukken der Anabaptisten), Letter from Delft to Leiden, 1535. '...Deventer, Groningen, Amstelredam, Leyden en Delfft zeer voill Anabaptisten sijnne, die aldaer inden steden op *queden haep* ligghen ende wachten ende voel anden heymelickx tot zich trecken um mit lanckheyt dertijt die steden te veroveren ende die veroveret ende becrechtiget weesende een groote vergaderinge t'maken ende alle keyser, koningx, hartogh [...] ende fforsten landen ende steden voirt alle overigheyt ende alle die ghene die oiren oncristelicken handel nyet aen hangen ende toe gedaen willen sijn myt geweldiger handt (dat god almachtig verbieden will) te verdelligen...'. The stadholder of Friesland also feared that Deventer and other cities would be a possible target. A.F. Mellink, *Documenta Anabaptistica Neerlandica* (hereafter cited as *DAN*) V (Leiden, 1975) 28. In a verdict of the *Hof van Holland* the city of Kampen was seen a possible target as well. ARA, arch. nr. 3.03.01.01, inv. nr. 5653, f. 188r.

occupation of the city hall.¹³⁸ Even before this attack Anabaptists - 7 men and 5 women - caused commotion by running naked (the *naaktlopers*) through the city, inspired and urged to do so by one of their prophets.

The magistracy of Amsterdam, already criticized by the central government for their lenient treatment of heretics in their city, responded forcefully. In 1535 62 Anabaptists were executed, 23 were banished and one of them had to do penance.¹³⁹ Those involved in the attack were severely punished as the magistrates wanted to make an example to the rest of the population. They were laid down on a table, cut open and their hearts were taken out. According to the chronicler Joost Buyck the executioner threw ‘their heart in their face while saying “now eat thy treacherous heart!”’. After they were decapitated their heads were put on stakes above the city gates and their bodies were quartered and hung on the gallows outside the city.¹⁴⁰ The Anabaptists who died while resisting attempts of the authorities to recapture the city hall, were hung on the gallows upside-down.¹⁴¹ This inversion of the normal practice of hanging shows contemporary contempt of the deeds of these Anabaptists; by hanging them on their feet, their “lower body” (emotions) prevailed over their “upper body” (reason and restraint), just as their material and spiritual crimes negated everything that made someone a good Christian.¹⁴²

Quite fast, however, the killing spree almost came to an end. Only 1 Anabaptist was executed in Amsterdam in 1536 (and 3 banished). In Delft and Leiden no penalties were imposed on Anabaptists in this year. Contrary to the relative peacefulness in Holland, the persecution of Anabaptists was particularly hefty in Friesland in the years 1536-7, because in March 1535 Anabaptist took control of the Cistercian abbey Oldeklooster.¹⁴³ This suggests that governmental persecution was often the result of the actions of the Anabaptists, instead of being initiated by the local or provincial authorities. I will come back to this later.

Prosecution on a wider scale was resumed in 1539, probably because of the raise to prominence of David Jorisz. Two placards against David Joris and his followers were

¹³⁸ DAN V, 129. Mellink, *Amsterdam en de wederdopers*, 62-3.

¹³⁹ See table. 3.3 on page 58. According to Gary Waite 54 Anabaptists were executed in this year. Waite, *Eradicating the devils minions*, 82.

¹⁴⁰ DAN V, 140.

¹⁴¹ *Idem*, 130.

¹⁴² About contemporary notions about the “lower” and “upper” body, see Edward Muir, *Ritual in early modern Europe* (2nd edn, Cambridge, 2005) esp. pp. 89-154.

¹⁴³ Zijlstra, ‘De vervolging van de dopersen in Friesland’, 65. James Stayer, ‘Oldeklooster en Menno’, 58-9. Willem Estep spoke of ‘the tragedy of Oldeklooster’ where ‘some three hundred Anabaptists, who had sought refuge there from persecution, were put to death’. Estep, *The Anabaptist story*, 164. Most historians will not agree with this somewhat strange apologetic interpretation.

proclaimed in January and February 1538 respectively.¹⁴⁴ Two Anabaptists were executed in Delft in 1538 and in 1539 28 faced the death penalty, among whom Marritgen Jansdr., the mother of David Jorisz.¹⁴⁵ David Jorisz. himself fled with his family to Basel in 1544, pretending to be a nobleman from the southern Netherlands, only arousing the fury of the local authorities when they found out that David Jorisz. had deceived them. Luckily for him this was only discovered some years after he died.

In the 1540s the prosecution of Anabaptists dropped noticeably in all the cities. Only in Amsterdam 1549 proved to be a more violent year since 10 Anabaptists were burned. Until then the burning of Anabaptists in Amsterdam had been quite unusual. The first one was Quirijn Pieterssen in 1544.¹⁴⁶ Probably Mellink and Brugmans are right that ‘in the first place the convicts were tried by the municipal authorities as peace-breakers and rebels’.¹⁴⁷ When the more violent and seditious currents of Anabaptism lost ground – but did not disappear entirely – after the various debacles in Münster and elsewhere, Anabaptism as a whole did not wither. Whenever one was a peaceful Mennonite or a follower of David Jorisz. – although his stance towards violence is sometimes seen as ambivalent – being an Anabaptist still constituted a crime that had to be punished.¹⁴⁸ Moreover, all the Anabaptists that were burned in Amsterdam in 1549 refused to recant, stuck to their errors (*in zijnen dwalingen ende ketterien hartnekelicken blijvende*) and thus had to be burned according to the placards of Charles V.¹⁴⁹

The judges clearly distinguished types and levels of criminal behaviour in heretics, for in Leiden those involved in the attack were burned unlike the Anabaptists who occupied the Amsterdam city hall). Aelbrecht Thaems, one of the *Batenburgers* captured in 1544, was ‘strangled and burned while copies of a chalice and ciboria hung on a gallows above him’, clearly stressing their typical criminal offence (robbing churches).¹⁵⁰ In case of the

¹⁴⁴ Reinier Boitet, *Beschrijvinge der stad Delft* (Delft, 1729) 773.

¹⁴⁵ ARA, arch. nr. 3.03.01.01, inv. nr. 5653, f. 1v. In secondary literature one often finds that 27 people were executed in Delft in 1539. See for instance, I.V.T. Spaander and R.A. Leeuw, *De stad Delft: Cultuur en maatschappij tot 1572* (Delft, 1979) 109; Wijbenga, *Delft* (1984) 120. However, Katrijn Wittendr. is listed twice in the *vonnisboek*. Gemeentearchief Delft (GAD), arch. nr. 13 (Oud-rechterlijk archief), inv. nr. 46 (Crimineel boeck, October 1539 – December 1591) f. 173v. Besides that, 2 Anabaptists were executed in August 1539, making a total of 28 executed Anabaptists in that year.

¹⁴⁶ *DAN II*, 65.

¹⁴⁷ Mellink, *Amsterdam en de wederopers*, 72. I.J. Brugmans, *Geschiedenis van Amsterdam, deel I* (2nd edn, Utrecht, 1972) 284.

¹⁴⁸ Brugmans, *Geschiedenis van Amsterdam, deel I*, 284. Gary K. Waite, ‘David Joris’ thought in the context of the early Melchiorite and Münsterite movements in the Low Countries, 1534-1536’, *MQR* 62 (1988) 314-6.

¹⁴⁹ *DAN II*, 149.

¹⁵⁰ Knappert, *De opkomst van het protestantisme*, 182. Aelbrecht Taems is also identified as a *Batenburger* by the *Hof van Holland*. ARA, arch. nr. 3.03.01.01, inv. nr. 5654, f. 127v. In Amsterdam *Batenburgers* were hung. *DAN II*, 36.

Batenburgers their “physical” crimes probably were seen as even more harmful for the social order than their “spiritual” crime (being rebaptized). At any rate, it shows that even heretics were differently categorized, based on their misbehaviour, and received different penalties; between cities the use of different punishments are visible as well.

The number of executed Anabaptists in Amsterdam dropped further in the 1550s to 15 (in the 1540s 23 Anabaptist had been condemned to death). In Leiden the number of executed Anabaptists slightly increased to 11 in the 1550s, from 10 in the 1540s. Only two Anabaptists, one of them a follower of David Jorisz. who maintained that David was ‘a true prophet of God’ (*een waerachtich propheet Godts*), were executed in Delft in 1544.¹⁵¹ After that, as far as the sources are extant, executions stopped in Delft; the prosecution of Anabaptists was revived in 1569, when a number of people were suspected of not having baptized their children. In 1570, Albrecht Engebrechtsz. committed the same crime and he had to appear in front of Delft’s beg for forgiveness from them and from God.¹⁵²

Thus, James Tracy has rightfully concluded that in ‘the towns there was a definite slackening of interest in heresy trials’.¹⁵³ However, he is too positive, because according to him only 4 Anabaptists were executed in Amsterdam between 1544 and 1550.¹⁵⁴ This number is too low: actually 13 Anabaptists were executed in this period. In spite of this, the prosecution of Anabaptists continued to drop after the disastrous 1530s. The small tables below show the percentage of Anabaptists that were executed in each decade related to the total amount of executed Anabaptists in each city (the first table) and to the combined total of the three cities per decade (the second table). This decrease is further shown in the two graphs below the tables.

Table 2.1: Percentage of executed Anabaptists per decade

	1530s	1540s	1550s	Total
Amsterdam	65,1	21,1	13,8	100 (n=109)
Delft	93,8	6,2	0	100 (n=32)
Leiden	51,2	22,3	25,5	100 (n=43)

Sources: DAN II, V; RAL, arch. nr. 508, inv. nr. 3, inv. nr. 4H (Correctieboek); GAD, arch. nr. 13, inv. nr. 46; ARA, arch. nr. 3.03.01.01, inv. nr. 5654.

¹⁵¹ ARA, arch. nr. 3.03.01.01, inv. nr. 5654, f. 129r.

¹⁵² GAD, arch. nr. 13, inv. nr. 72b, 14-1-1569 & 3-6-1570. In Amsterdam executions of Anabaptists were revived in 1569 as well. The verdict speak of Mennonites instead of Anabaptists, showing that the authorities became aware of the internal developments of Anabaptism. *DAN II*, 286, 295-8, 300, 306.

¹⁵³ Tracy, *Holland under Habsburg rule*, 173.

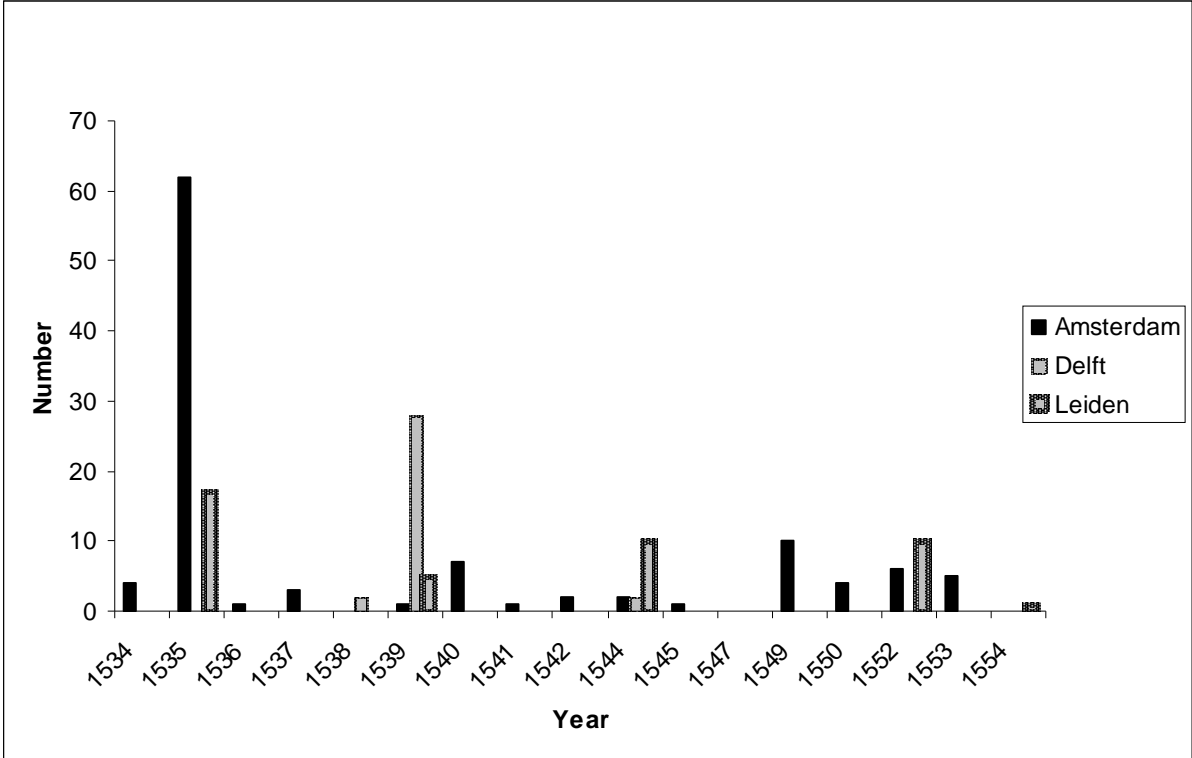
¹⁵⁴ *Ibidem*.

Table 2.2: Percentage of executed Anabaptists per decade related to the total of Amsterdam, Delft, and Leiden

	1530s	1540s	1550s
Amsterdam	57,7	65,7	57,7
Delft	24,4	5,7	0
Leiden	17,9	26,6	42,3
<i>Total</i>	<i>100(n=123)</i>	<i>100(n=35)</i>	<i>100(n=26)</i>

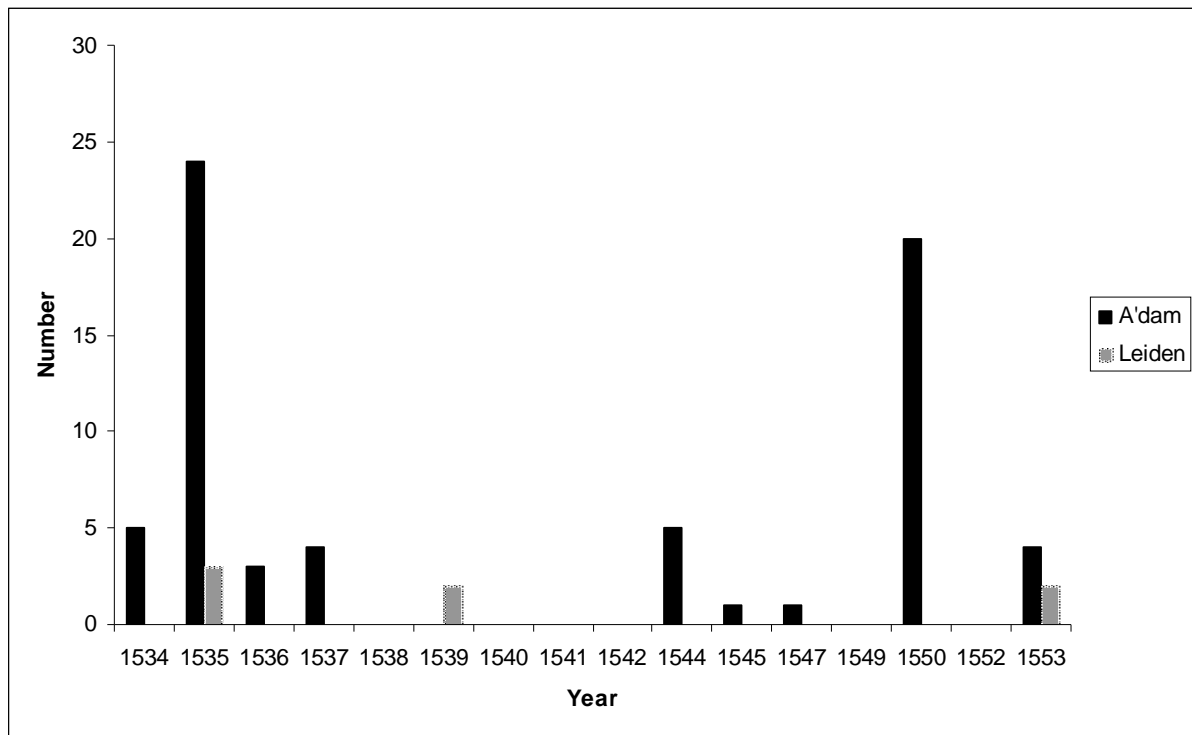
Sources: DAN II, V; RAL, arch. nr. 508 , inv. nr. 3, inv. nr. 4H; GAD, arch. nr. 13, inv. nr. 46; ARA, arch. nr. 3.03.01.01, inv. nr. 5654.

Figure 2.1: Number of capital punishments imposed on Anabaptists



Sources: DAN II, V; RAL, arch. nr. 508 , inv. nr. 3, inv. nr. 4H; GAD, arch. nr. 13, inv. nr. 46; ARA, arch. nr. 3.03.01.01, inv. nr. 5654.

Figure 2.2: Number of non-capital punishments imposed on Anabaptists



Sources: DAN II, V; RAL, arch. nr. 508 , inv. nr. 3, inv. nr. 4H; GAD, arch. nr. 13, inv. nr. 46; ARA, arch. nr. 3.03.01.01, inv. nr. 5654.

The advent of tolerance?

How to explain this decrease of Anabaptist executions? Hans-Jürgen Goertz and James Stayer have concluded that the “conventional sociology of revolution”, the idea that revolutions start moderately and increasingly become more radical, does not hold for the Reformation, since the Reformation was radical from its start.¹⁵⁵ Around the middle of the sixteenth century a process of accommodation or institutionalization started that lessened the gap between Anabaptists and the rest of society, making them, in the eyes of contemporaries, less radical than the Melchiorites and Munsterites. As the radical phase passed and Anabaptists renounced violent millenarianism for principled non-violence – this did not happen overnight – ‘moderate magistrates realized that executing the peaceful Mennonites was barbarian’.¹⁵⁶ However, the distrust of Anabaptists never vaporized completely, as the ‘pious and peaceful demeanour’ of Mennonites ‘became proof that they were covering their secret insurrectionary goals with feigned godliness in order to lure the unsuspecting into a false sense of security’.¹⁵⁷

¹⁵⁵ James M. Stayer, ‘The passing of the radical moment in the Radical Reformation’, *MQR* 71 (1997) 148.

¹⁵⁶ J.J. Woltjer, ‘Het conflict tussen Willem Bardes en Hendrick Dirkszoon’, *Bijdragen en Mededelingen betreffende de Geschiedenis der Nederlanden (BMGN)* LXXXVI (1971) 196-7.

¹⁵⁷ Waite, *Eradicating the devil’s minions*, 204-5.

A visible enemy was disturbing, yet an invisible enemy, a “fifth column”, may have been even worse.

Anabaptists could contribute to a more positive image by changing their behaviour and thoughts regarding the authorities, for instance. David Jorisz. tried to do this by sending a letter to the *Hof* in 1539, in which he presented six reasons to stop the persecution. Among them was that if the persecution of his followers would stop, they would in turn have to oblige the authorities, showing that Anabaptists were not completely unwilling to be obedient.¹⁵⁸ When Amsterdam’s judicial officers interrogated some captured Anabaptists in 1549, they wanted to know their view on the government. The Anabaptists responded that they denied the use of violence, for it was forbidden in the holy scripture (*Schrift*) and they just wanted to live peacefully. Jan Pennewaerts added that he would immediately leave his brothers when they would resort to violence.¹⁵⁹ Moreover, some Anabaptist groups became to realise that their ‘internal discipline that made them good Christians and which contributed to social order, was a strong selling point to the authorities’.¹⁶⁰

Gradually the authorities could afford it to be more tolerant – as the authorities had been before 1535 – because the risk that Anabaptists would again turn to violence diminished over time. According to the concept of “deviance amplification” the authorities, because of their use of violence, provoked dissenters or non-conformists to resort to violence. Michael Driedger argues that, ‘as most Anabaptists were not anti-governmental revolutionaries in their very nature’, state violence led to ‘the intensification of Anabaptist opposition’.¹⁶¹ However, when Anabaptists turned to violence in Holland, or made plans to do so, this can hardly be seen as a reaction to the government’s policy, for in the early 1530s prosecution of Anabaptists, let alone executions, was almost absent. It can be argued that even one death sentence is sufficient to light the fire, but then the question arises why Anabaptists waited until 1535 to take control of Amsterdam, for instance. It seems that careful planning, waiting until enough Anabaptists were inside the city and having to wait for the aid of Anabaptists from Benschop (a nearby village), offer quite a nice explanation for the date of the attack.

¹⁵⁸ Samme Zijlstra, ‘De brief van David Jorisz. aan het Hof van Holland’, *DB* 23 (1997) 134-5. This is comparable to the opinion of Melchior Hoffmann, who thought that the use of the sword by the authorities was legitimate as long as the Anabaptists were tolerated. Waite, ‘David Jorisz’ thought’, 312. Not every historian was impressed by David Jorisz.’ letter. Wijbenga was quite explicit about this: ‘Their prophet could not do anything [to prevent his followers of being executed] then to write a high-flown letter to the Court of Holland...it would have been proper if he had remained silent...’. Wijbenga, *Delft*, 120. Menno Simons argued in one of his books that the radical Munsterites could in no way be compared with the peaceful Anabaptists. Cornelius Krahn, *Dutch Anabaptism. Origins, spread, life, and thought* (Scottsdale and Kitchener, 1981) 241.

¹⁵⁹ Grossheide, *Bijdrage tot de geschiedenis der wederdopers*, 231-2.

¹⁶⁰ Thiessen, ‘Enclaves of tolerance’, 367-8.

¹⁶¹ Driedger, ‘Anabaptists and the early modern state’, 519-20.

Besides that, why did some Anabaptist groups in Amsterdam refused to join the attack – such as the bishop Jacob van Campen – and was not every Anabaptist provoked by government violence?¹⁶²

The fact that several Anabaptists from Munster were endowed with money and were sent to recruit Anabaptists to help defeating the army of the prince-bishop or to establish a New Jerusalem elsewhere, suggests that it were not the actions of the government that led Anabaptists to embrace violence, but that the impetus to use violence came from Anabaptism itself.¹⁶³ In turn, this has led to violent responses from the authorities, who immediately exchanged their relatively tolerant policy for a more rigorous approach of the problem called Anabaptism. The seditious and heretical activities that ‘destroyed the unity and harmony of Christianity’ could not be tolerated any longer.¹⁶⁴

As mentioned, none of the Anabaptists executed in the years 1534-5 are included in *Martyrs’ Mirror*, ‘as the martyrs opposed the violent teachings (*geweldsleer*) of the Munsterites’.¹⁶⁵ In fact, it is Jan Claesz., who was executed with the sword in Amsterdam in 1544, who is the first Anabaptist from Amsterdam that is listed in this martyrology.¹⁶⁶ Obviously those who came away with non-capital punishments are not to be found in the martyrologies either, but they did form a significant part of the prosecuted Anabaptists. Whereas in the three cities 182 Anabaptists were executed, 74 kept their life and were banished or had to do penance. One of them was sent to the galleys (which was effectively a death penalty). These figures suggest that the great majority of the Anabaptists indeed died for their faith. However, we should not jump to this conclusion too fast. For instance, only a few of Delft’s judicial sources are extant, and it seems unthinkable to all of Delft’s captured Anabaptists received the death penalty. Especially because some Anabaptists in Delft did not forfeit their life in the late 1560s, as we have seen. Besides that, the repression following the – attempted – Anabaptist attacks have hugely inflated the number of the executed Anabaptists. We should also keep in mind that even in 1535, when the prosecution reached its peak in Amsterdam, 24 Anabaptists came away with “minor” punishments.

¹⁶² DAN V, 207. A.F. Mellink, *De wederdopers in de noordelijke Nederlanden, 1531-1544* (Leeuwarden, 1981) 127-31. Gary Waite, ‘The Anabaptist movement in Amsterdam and the Netherlands’, 263-4.

¹⁶³ RAL, arch. nr. 501, inv. nr. 1185, Letter from Deventer to Leiden (1535). If we take the S.A. Gabbema’s (a seventeenth century historian) account of the Anabaptist attack on Oldeklooster at face value, this might have been provoked by government violence. *DANI*, 32-3.

¹⁶⁴ ‘...ende vernielinge van de gemeentscap ende eendrachticheyt van Kerstenheyt...’. ARA, arch. nr. 3.03.01.01, inv. nr. 5653, f. 188r.

¹⁶⁵ Van der Zijpp, *Geschiedenis der doopsgezinden*, 68.

¹⁶⁶ Van Braght, *Het bloedig toneel of martelaers spiegel, part II*, 66-70.

Nevertheless, the number of executed Anabaptists in proportion to the Anabaptists whose life was spared makes clear that the policy of the local authorities was not mild (see table 2.3). Only in the 1550s, and solely in Amsterdam, there are signs that the authorities tended to favour non-capital punishment instead of capital punishment (although in Amsterdam 20 Anabaptists were banished in 1550 because they refused to appear before court multiple times, partly explaining the higher number of non-capital penalties).

Table 2.3: Percentage of executed Anabaptists in relation to percentage of Anabaptists on whom non-capital punishments were inflicted

	1530s		1540s		1550s	
	Capital	Non-Cap.	Capital	Non-Cap.	Capital	Non-Cap.
Amsterdam	66,4	33,6	73,3	26,7	30,6	69,4
Leiden	81,5	18,5	100	0	84,6	15,4

Delft is omitted in this table since all captured Anabaptists were executed in this city.

Sources: DAN II, V; RAL, arch. nr. 508, inv. nr. 3, inv. nr. 4H.

In the end, even if persecution clearly became less heavy in terms of the number of Anabaptists that were captured and tried, the penalties dealt out by the authorities remained harsh. The authorities were less focused on capturing Anabaptists, but if they did the Anabaptists, certainly when found guilty and unwilling to recant, would face the “rigor” of justice. As the percentages in table 2.3 show, being a peaceful Mennonite did not really help when falling into the hands of the authorities. Only the chance this would happen sharply decreased after 1535.

Partly the harshness of the punishments will have had something to do with the legacy of Münster and other Anabaptist attacks. In 1536 a *keur* decreed that every year a procession should be held on 11 May to remember to victory over the Anabaptists.¹⁶⁷ Above the new door of Amsterdam’s city hall the text “The allies of the tendentious (*opinieuser*) Anabaptists raided this city and its city hall around 11 o’clock in the night. The day after before nine a.m. the Anabaptists were, with might and craftiness, beaten, captured, and had to face justice” was engraved.¹⁶⁸ Eight paintings, all destroyed when the city hall burned down in 1652, captured

¹⁶⁷ Herman Roodenburg, *Onder censuur: de kerkelijke tucht in de gereformeerde gemeente van Amsterdam, 1578-1700* (PhD. Diss., Amsterdam and Hilversum, 1990) 69. In Leiden, in January 1536 a procession was held to remember the prevented attack. RAL, Afleringsboek “B”, f. 51v-52r.

¹⁶⁸ “Die bondgenoten der opinieuser Anabaptisten overvielen dese Plaetse ende Stadthuys, ’s nachts t’elf uren. Des anderen daechs voor IX uren sijn sij, met macht ende listen, geslagen, gevangen ende mosten justicy besuren”. Mellink, *Amsterdam en de wederdopers*, 74.

the deeds and punishment of the Anabaptists.¹⁶⁹ The actions of the Anabaptists in the 1520s and 1530s and the “culture of remembrance” explain the ‘authorities’ extreme sensitivity to religious radicalism in subsequent decades’.¹⁷⁰ Regardless of this, Anabaptists were not automatically executed and some were not executed at all. Why this did not happen is a question that will be tackled in the coming chapters.

¹⁶⁹ Ibidem. An engraving of the *naaktlopers* was even included in Jean Frederick Bernard and Bernard Picart’s sixth volume of their *Religious ceremonies of the world*, published in 1736 (!). Hunt et al. eds, *The book that changed Europe*, 277.

¹⁷⁰ Gregory, ‘Anabaptist martyrdom’, 478.

3. Citizenship, communal autonomy, and the prosecution of Anabaptists

In this chapter I will analyse whether being a citizen mitigated the punishment Anabaptists received. Did the rights citizens enjoyed offer some legal protection? Nowadays citizenship is immediately associated with national citizenship, being a citizen of a national political community, the nation state. Before the nation state emerged, however, citizenship denoted whether someone was a full member of an urban community, and therefore historians often speak of “urban citizenship”.¹⁷¹ Becoming a citizen or burgher could be achieved in multiple ways: it could be bought (*gekogte poorters*) or it could be obtained by marrying a man or woman who already was a citizen (*behuwden poorters*). A child whose parents were citizens automatically gained this status (*ingebooren poorters*).¹⁷² Besides citizens cities harboured “inhabitants”, those living more or less permanently in a city without being a citizen (although they enjoyed some rights) and “strangers” or “foreigners”, people who came to a city only for a short period of time.¹⁷³

Buying citizenship was quite expensive. People living in Holland had to pay 16 guilders throughout the sixteenth century, and strangers living outside Holland 21 guilders.¹⁷⁴ It was also necessary that a citizen acted as a guarantee, for city governments did not allow everyone to become a citizen. Someone who wanted to be a citizen had to be ‘a good man with a good reputation’, although according to the eighteenth-century historian Jan Wagenaar Amsterdam’s city fathers were not so fastidious when assessing the possible new burghers.¹⁷⁵

¹⁷¹ Maarten Prak, ‘The politics of intolerance: citizenship and religion in the Dutch Republic (seventeenth to eighteenth centuries)’, in: R. Po-Chia Hsia and H. F. K. van Nierop, *Calvinism and religious toleration in the Dutch Golden Age* (Cambridge, 2002) 161. As scholars nowadays commonly use this term but still use the “older” word burgher, I will use both of them (citizen and burgher) when addressing full-members of an urban community.

¹⁷² Wagenaar, *Amsterdam in zyne opkomst, aanwas, geschiedenissen, voorregten, koophandel, gebouwen, kerkenstraat, schouwen, schutterye, gilden en regeeringe, book I* (Amsterdam, 1780) 142, 154-5. People who became citizens by birth could not automatically enjoy all the rights attached to this status. First they had to register himself (*burgerschap te laten overtekenen*). Wagenaar, *Amsterdam in zyne opkomst*, 154, 156. In some rare cases citizenship was a given to someone. Maarten Prak and Erika Kuijpers, ‘Burger, ingezetene, vreemdeling: burgerschap in Amsterdam in de 17e en 18e eeuw’, in: Joost Kloek and Karen Tilmans eds, *Een geschiedenis van het begrip ‘burger’ in de Nederlanden van de Middeleeuwen tot de 21^{ste} eeuw* (Amsterdam, 2002) 119, 123.

¹⁷³ Strangers without a job could only remain in Amsterdam for two days. Boomgaard, *Misdaad en straf in Amsterdam*, 212. For an example of the use of this distinction in contemporary sources see RAL, arch. nr. 501, inv. nr. 388, f. 116r.

¹⁷⁴ Prak and Kuipers, ‘Burger, ingezetene, vreemdeling’, 121. Around the middle of the sixteenth century, carpenters or masons earned seven to eight stuivers a day. Jan de Vries and Ad van der Woude, *The first modern economy: success, failure, and perseverance of the Dutch economy, 1500-1815* (Cambridge, 1997) 614. A guilder consisted of 20 stuivers.

¹⁷⁵ Wagenaar, *Amsterdam in zyne opkomst*, 157. When someone tried to become a citizen by some tricky means the magistrates would react, however. J.G. van Dillen, *Bronnen tot de geschiedenis van het bedrijfsleven en het gildewezen in Amsterdam, first part (1512-1611)* (The Hague, 1929) 308.

New citizens had to swear an oath in which they promised to ‘be obedient to the burgomasters and the government (*regeerders*) of the city...warn them of any evil, and aid them to their full potential...doing things and refraining from things as a good citizen should’.¹⁷⁶

The legal rights citizens enjoyed were very attractive to most newcomers. Access to the guilds, the so-called “burgher trades” (*poortersneringen*), was restricted to citizens, only citizens were eligible for public offices, and only the orphans of burghers were entitled to admission in the citizen’s orphan house (*burgerweeshuis*). Citizens could only forfeit a part of their property when convicted – in Amsterdam 100 and in Leiden and Delft 60 pounds – and citizens were entitled to a ‘trial by their peers’ before a local court.¹⁷⁷ As we will see, mostly the privileges of the *jus de non evocando* and the maximum amount of a citizen’s property that could be confiscated caused a lot of tension between the local and higher levels of government.

A distinction is made between citizens and non-citizens or strangers (the word contemporaries used was *vreemdelingen*) when analysing the influence of being a *poorter* on the punishments imposed on Anabaptists, for the position of inhabitants in early modern Dutch cities is not entirely clear. In one *keur* proclaimed by Amsterdam’s magistracy we read that it is absolutely forbidden to sell bread to strangers, as opposed to inhabitants and citizens.¹⁷⁸ But when in April 1534 the city fathers of Amsterdam were warned that ‘two ships full of rebaptized heretics’ were on their way to Amsterdam, all the Anabaptists that were not citizens had to leave the city before 5 p.m., conflating inhabitants and strangers as one group.¹⁷⁹ Besides that, from the examples we have we know that magistrates came into action to safeguard the rights of their citizens, not of inhabitants. In this research, therefore, one group consists of the full members of an urban community (citizens or burghers) and the other group are the non-citizens (grouped under the header “strangers”).

Citizens had certain rights, but some obligations as well, such as the ones included in the *poortereed*. And even if citizens were members of a guild, lived peacefully among other citizens in a particular neighbourhood (*wijk* or *buurt*) and perhaps were acquainted with some of the magistrates, we should not assume this did automatically lead to a mitigation of the punishments imposed on Anabaptists, or on criminals in general. It was harder to try citizens, because before a citizen with ‘a good name and a good reputation could be arrested, the

¹⁷⁶ Wagenaar, *Amsterdam in zyne opkomst*, 157.

¹⁷⁷ Prak, ‘The policics of intolerance’, 161. Van Dillen, *Bronnen tot de geschiedenis*, XXIII. Wagenaar, *Amsterdam in zyne opkomst*, 142. RAL, arch. nr. 508, inv. nr. 3-1, f. 62r. Grosheide, *Bijdrage tot de geschiedenis der Anabaptisten*, 262, 272-87.

¹⁷⁸ Van Dillen, *Bronnen tot de geschiedenis*, 101

¹⁷⁹ Tracy, *Holland under Habsburg rule*, 163. For the *keur* see *DAN V*, 37-8.

sheriff first had to investigate the credentials of the witnesses'.¹⁸⁰ This process of preliminary enquiry (*informatie precedente*) thus protected citizens from willful allegations or accusations and ultimately prevented that judicial prosecution would turn into religious violence with other means.¹⁸¹ This could easily happen; in Delft, Gouda and Amsterdam successful pastors were accused of heresy by their less-successful colleagues.¹⁸² However, if the evidence was sound citizens were probably as vulnerable as non-citizens. It is a possibility that in some cases citizens were punished more severely than non-citizens, for citizens took an oath and therefore knew how they should behave and swore to conform to this. In Zurich the Anabaptist Felix Mantz, a friend of Conrad Grebel and a citizen, was drowned, whereas another prominent Anabaptist leader, Jörg Blaurock, a non-citizen, was publicly beaten and banished.¹⁸³

When examining the prosecution in the three Holland cities, it seems that – contrary to received wisdom – being a *poorter* did *not* significantly mitigate the penalties Anabaptists received, as the tables below show.

Table 3.1: Punishments imposed on Anabaptist citizens and strangers¹⁸⁴

	Total		Capital		Non-Cap.		Banishment		Penance	
	No.	%	No.	%	No.	%	No.	%	No.	%
Amsterdam										
Citizens	72	100	42	58,3	30	41,7	29	96,7	1	3,3
Strangers	82	100	58	70,7	24	29,3	23	95,8	1	4,2
Unknown	22	100	9	40,9	13	59,1	7	53,8	6	46,2
Delft										
Citizens	6	100	6	100	0	0	0	0	0	0
Strangers	24	100	24	100	0	0	0	0	0	0
Unknown	2	100	2	100	0	0	0	0	0	0
Leiden										
Citizens	6	100	4	66,7	2	33,3	2	100	0	0
Strangers	41	100	36	87,8	5	12,2	4	100	0	0
Unknown	3	100	3	100	0	0	0	0	0	0

¹⁸⁰ Duke, *Reformation and revolt*, 159.

¹⁸¹ About accusations used to prosecute minority groups, sometimes described as “judicial persecution”, see David Nirenberg, *Communities of violence; Persecution of minorities in the Middle Ages* (New Jersey, 1996), esp. 93-126. On “street level” enmity could arise because people were accused of being Anabaptists. ARA, arch. nr. 3.03.01.01, inv. nr. 3351 (Interinementen van remissies, 3 Sept. 1534 – 27 Sept. 1546) f. 160r-163r.

¹⁸² Grosheide, *Bijdrage tot de geschiedenis der Anabaptisten*, 277.

¹⁸³ Gregory, *Salvation at stake*, 202.

¹⁸⁴ I have opted to make a distinction between banishment and penance in this table, for although the were both “minor” punishments, banishment was more severe compared to penance. In Amsterdam their was no difference between the number of citizens and strangers who were sentenced to do penance.

Sources: DAN II, V; GAA, arch. nr. 5014 (Stadsrekeningen), inv. nrs. 1 – 22; RAL, arch. nr. 508, inv. nr. 3-1; arch. nr. 501, inv. nr. 21 (Poorterboek “C”, 1459-83, 1509-32), inv. nr. 22 (Poorterboek “D”, 1532-74); GAD, arch. nr. 13, inv. nr. 46; ARA, arch. nr. 3.03.01.01, inv. nr. 5654.

In all these cities more Anabaptist strangers forfeited their life when tried by the local authorities compared to citizens. Especially in Amsterdam the differences, however, are not as big as one might have expected (when looking to the number of citizens and stranger convicted and the percentage of them that received non-capital punishments). Probably this had something to do with the crimes both citizens and strangers committed. In 1534 in Amsterdam, for instance, all the Anabaptists that were executed were citizens. Three of them were leaders (so-called *principaelen*) while the only woman that was sentenced to death, Griete Arentsdr., was banished but refused to leave the city and eventually was drowned.¹⁸⁵ Of the four citizens that were executed in Leiden, one was captured in the house of Jan Beukelsz. in January 1535, and the other three were rebaptized and present at secret meetings.¹⁸⁶ One of the two citizens from Leiden that were banished was Lambrecht Jansz., who secretly harboured Anabaptists in his house and read forbidden books, but was, as far as we know, not rebaptized himself.¹⁸⁷ Citizens or not, their actions legitimated their death in the eyes of the judicial officers.

Even when imposing non-capital punishments the actions of Anabaptists mattered most. As table 3.1 shows, more Anabaptist citizens than strangers were banished in Amsterdam. Banishment, although not a capital punishment, was still a heavy penalty. Often people were not allowed a period of time to sell their property and had to leave everything behind. Ousted from their social network, it could really be hard to build up one's life again.¹⁸⁸ Most of those who were banished had been present at conventicles or had provided shelter to Anabaptists, whereas those who had to do penance had committed lesser crimes, such as in the case of Alijdt Barentsdr., who did not baptize her child and already was very “suspect” because she was the wife of Jan Claesz., an Anabaptist leader.¹⁸⁹

Another factor that can explain the lack of discrimination between citizens and strangers is the proportion of men related to women. The authorities were in general focused

¹⁸⁵ DAN V, 40, 91-2.

¹⁸⁶ For Jan Dircksz., see K. Vos, ‘De in 1535 te Leiden ter dood gebrachte Anabaptisten’, 25 and RAL, arch. nr. 501, inv. nr. 21, 15-6-1529. Another of them, Adriaen Cornelis probably refused to recant for he is included in the *Martyr's Mirror*. Van Bragh, *Martyr's Mirror, part II*, 133.

¹⁸⁷ Knappert, *Opkomst van het Protestantisme*, 200.

¹⁸⁸ In some cities, such as in Haarlem, people who were banished because of religious crimes could not become a citizen. RAL, arch. nr. 501, inv. nr. 370 (Keuren van Delft en Haarlem) f. 1r.

¹⁸⁹ For her verdict, see DAN II, 67-8.

on catching male Anabaptists, for most of the leaders were males. The initial equality of men and women within Anabaptist groups deteriorated as a number of these groups moved from spiritualism to biblicism.¹⁹⁰ The restriction of lay empowerment by Reformers in combination with the fact that ‘men still understood themselves as interpreters and guardians of the true word of Christ’, changed the position of women in Anabaptist groups.¹⁹¹ Because of the role of women within Anabaptism and because a gender bias influenced the punishment imposed on women, it was easier for women to get away with “minor” penalties.¹⁹² Thus, if the group of strangers largely consisted of women, this can partly explain the virtual lack of difference between the punishments imposed on citizens and strangers.

Table 3.2: Number and percentage of men and women among Anabaptist citizens and strangers

	Male		Female	
	No.	%	No.	%
Amsterdam				
Citizens	53	73,6	19	26,4
Strangers	51	62,2	31	37,8
Unknown	4	18,2	18	81,8
Delft				
Citizens	5	83	1	17
Strangers	14	58,3	10	41,7
Unknown	2	100	0	0
Leiden				
Citizens	5	83	1	17
Strangers	28	68,3	13	31,7
Unknown	3	75	1	25

Sources: DAN II, V; GAA, arch. nr. 5014, inv. nrs. 1 – 22; RAL, arch. nr. 508 , inv. nr. 3-1; 501, inv. nrs. 21-22; GAD, arch. nr. 13, inv. nr. 46; ARA, arch. nr. 3.03.01.01, inv. nr. 5654.

As this table makes clear, the number (and percentage) of women among convicted strangers is a bit higher, but too insignificant to significantly influence the percentage of strangers on whom non-capital punishments were imposed (in Delft it actually could have made a difference if not every Anabaptist was killed without discrimination). In Amsterdam many Anabaptists with an “unknown” status were women. They could have been “mere” inhabitants, and if so this would be significant, for this would further enlarge the gap between

¹⁹⁰ Sigrun Haude, ‘Gender roles and perspectives’, in: Roth and Stayer eds, *A companion to Anabaptism and Spiritualism*, 431, 437, 444. Clasen, *Anabaptism. A social history*, 207-8.

¹⁹¹ Idem, 432-3.

¹⁹² Idem, 455-6. I will discuss the role of women within Dutch Anabaptism and the punishments inflicted on them in the fourth chapter.

the number of non-citizen female Anabaptists involved compared to their citizens counterparts. Then the number of female Anabaptists would make a difference, but since we do not know the status of many female Anabaptists, this remains to be a hypothesis.

It should be noted that the number of Anabaptist strangers who were convicted was - at least in Delft and Leiden - much higher than their citizen counterparts. Possibly, strangers tended to be the main target of the local courts. This is hard to prove, since it is very difficult to determine the total size of the Anabaptist communities in these cities and, in turn, the proportion of strangers and citizens within these communities – certainly in the cities where the interrogations were not documented or are no longer extant. In addition to that, the proportion of citizens and non-citizens living in Amsterdam, Delft, and Leiden might have influenced the number of Anabaptists citizens and Anabaptists strangers (e.g., if there were living twice as many strangers as citizens in Amsterdam, it is to be expected that more Anabaptists were strangers instead of citizens, increasing the chance that a convicted Anabaptist was a stranger).

The fact that many strangers belonged to the Anabaptists probably was the result of the bad economic situation in which a lot of people found themselves in the 1530s. The *vroedschap* of Leiden, for instance, did not stop complaining about poverty and famine among Leiden's populace and the hardship (*sobere neringe*) of Leiden's draperies.¹⁹³ As a result, many people roamed from city to city, trying to find a job and a place to live. The largest part of these immigrants went to Amsterdam 'because of its singular economic growth'.¹⁹⁴ For Anabaptists, many of them being artisans, Amsterdam was even more attractive, for leaders declared this city to be the "New Jerusalem", and the policy of the ruling magistrates was relatively tolerant compared to other cities.¹⁹⁵ Because some Anabaptist groups within Amsterdam embraced an economic reform program similar to the Munsterites (communal ownership of property), moving to Amsterdam and converting to Anabaptism was appealing to jobless non-Anabaptists as well.¹⁹⁶

Why, then, when there was a lack of discrimination between Anabaptists citizens and Anabaptists strangers, such as fuss about privileges such as the *jus de non evocando*?

¹⁹³ RAL, arch. nr. 501, inv. nr. 384, f. 2v-3v (1-12-1530), f. 13r (1-3-1536), f. 84r-v (22-8-1540). See also Tracy, 'Habsburg grain policy', 311.

¹⁹⁴ Waite, 'The Anabaptist movement in Amsterdam and the Netherlands', 260.

¹⁹⁵ One Anabaptist declared that many of his brothers went to Amsterdam because the population of this city was 'merciful and would receive them with open arms'. (...mits hier een barmhartich volck was, ende zouden hier allegader ontvangen worden...). *DAN V*, 226. Hamilton, 'The development of Dutch Anabaptism', 9, 11.

¹⁹⁶ Waite, 'The Anabaptist movement in Amsterdam and the Netherlands', 258-260.

Conflicts over this privilege started in the 1520s and continued well into the 1550s.¹⁹⁷ Do these conflicts suggest that often magistrates were not interested in defending the rights of their citizens as such, but were overly dedicated to defending the privileges and the communal autonomy the city enjoyed?

Privileges and conflicts

Originally and contrary to the notions of the cities' magistracy the *jus de non evocando* was a privilege granted to the States of Holland and Friesland and not to the individual cities of these provinces. People living in one of these provinces could not be tried outside these lands (*buyten den Palen van onsen voorseyde Landen*), although in a few cases, for instance if a dispute arose between two cities from one province, the Great Council (*Grote Raad*) of Mechelen was allowed to intervene.¹⁹⁸ Over time, however, the city magistrates considered this to be a privilege of the cities themselves, even if it was never enacted as such.¹⁹⁹ This would not have been a problem if Charles V did not see heresy as high treason, a crime that could not be dealt with by the local courts, but unfortunately he did see it that way.²⁰⁰ The crime of high treason, such was the reasoning of the Habsburg overlord, rendered every privilege null and void. Therefore every officer that had to deal with heresy, such as the inquisitors and the officers of the provincial and national courts, should not be hampered by them.

Most magistrates did not agree with Charles' interpretation and protested loudly when some of their citizens were summoned to appear before the *Hof van Holland* in The Hague. The magistrates defended this privilege, and not only in cases of heresy. In 1538, when a burgomaster was insulted, the secretary of Amsterdam went to Brussels to deliver the documents regarding the trial, but he was sent with the clear instructions that he had to mention that this case was in the hands of Amsterdam's local court.²⁰¹ A number of times cities were successful in defending their privilege, such as in 1544 when Leiden's sheriff was allowed to retrieve an Anabaptist who was locked away in The Hague.²⁰² Sometimes cities had to accept defeat, proving that privileges were not unchangeable laws but legal principles whose status and influence were in a constant process of negotiation.

¹⁹⁷ Grosheide, *Bijdrage tot de geschiedenis der Anabaptisten*, 274-6.

¹⁹⁸ Grosheide, *Bijdrage tot de geschiedenis der Anabaptisten*, 272-3.

¹⁹⁹ About the various privileges and their legal status, see J.J. Woltjer, 'Dutch privileges, real and imaginary', in: J.S. Bromley and E.H. Kossmann eds, *Britain and the Netherlands, volume 5* (The Hague, 1975) pp. 19-35.

²⁰⁰ Grosheide, *Bijdrage tot de geschiedenis der Anabaptisten*, 274, 280.

²⁰¹ *Idem*, 275.

²⁰² *Idem*, 278.

Charles V and his officers were also hindered by the States of Holland, who actually did enjoy the privilege of the *jus de non evocando*, for this political body resisted attempts of inquisitors who tried to sentence some pastors outside the province of Holland. In the end the president of the *Grote Raad* acknowledged that the actions of the inquisitors were illegitimate and in December 1556 a placard was issued prohibiting inquisitors to transport heretics outside of Holland.²⁰³

Another privilege that was heavily debated was the confiscation of the goods of convicted heretics. Unsurprisingly, both the local and national authorities were keen on this extra source of income. Citizens were partly shielded from the greedy paws of the authorities because not all their possessions could be confiscated, especially in times when placards allowed heretics to recant and to remain in possession of their property. People were not afraid to claim their rights (real or imaginary), as the following example illustrates. Margriete Maertensdr., inhabitant (*ingesetene*) of Nyenwe Nyecop (Nieuwkoop), appeared before the *Hof* because the goods of her sister, an Anabaptist, were confiscated. Her sister and her husband, also an Anabaptist, recanted and went to a church to go to confession. Afterwards her sister's husband went to the *Hof* to show that he and his wife 'received the holy sacrament' and to provide the councillors with an inventory of their goods. Margriete's sister thought the case was finished but apparently she had to appear before the *Hof* to prove that she had recanted as well. Sadly she was not able to do this because she fell ill and died. Margriete, who brought the evidence that her sister indeed 'did receive the sacraments of the holy church as a good Christian', argued that the goods of her sister should not have been confiscated. The councillors of the *Hof* agreed and placed the property of her sister in her hands (she was the heiress) if she would pay a fine of 36 guilders. Margriete surely could use the property of her sister, because shortly afterwards (maybe even on the same day), she was convicted by the same *Hof* for she travelled with Anabaptists and joined them in their "secret meetings". She had to beg the *Hof* for forgiveness and she had to pay another fine of 36 guilders.²⁰⁴ This example shows that people were not reluctant to go to the authorities to claim what they thought was rightfully theirs, even when prosecuted by the same authorities.

On 26 February 1538 a couple of emissaries (*gevouchden*) from Amsterdam defended the privileges of the city when the *Hof* wanted to confiscate the goods of two convicted Lutherans (Aefgen and Geryt Listincx). The emissaries stated that the city of Amsterdam enjoyed the privilege 'without any infraction...for the time of 10, 20, 30, 40, 100 years and

²⁰³ Grosheide, *Bijdrage tot de geschiedenis der Anabaptisten*, 286.

²⁰⁴ ARA, arch. nr. 3.03.01.01, inv. nr. 5653, f. 127v-129r.

even very much longer, so that no one could remember this had been different (*dat geen memorie van menschen ter contrarie en gedochte*).²⁰⁵ The attorney-general argued that this privilege could only be claimed when people forfeited their life and were executed with the sword, which was not the case since the Lutherans had fled. Besides that, this privilege could not be invoked when dealing with Lutheranism or heresy in general.²⁰⁶ Then the councillors of the *Hof* came with new charges: both of the “Lutherans” had been present at large meetings with Anabaptists, had made treacherous plans, had travelled to Münster and resisted the attempts of the prince-bishop to regain control of the city. When the bishop succeeded, Aefgen was jailed, for she was seen as a prophetess. In the end the *Hof* decided that both of them were banished for the rest of their lives and all their goods were confiscated in the name of his royal majesty.²⁰⁷ Whereas Amsterdam tried to claim its privilege, the *Hof*, in this case successfully, defended what they believed to be their rights. On various institutional levels, then, ranging from individuals to the national court, a battle over privileges was going on. Often different parties were involved, and the relationships between these parties were dynamic and changed as the circumstances changed.²⁰⁸

Not only common people but also some vassals of Charles V tried to defend their rights. The count of Buren, who already had some problems with Charles because he wanted to protect his jurisdiction over heretics, refused to give in to the demands of the emperor regarding the confiscation of the goods of convicted heretics. The *Hof* feared that other members of the high nobility would follow his example, which could lead to enclaves of heretics living under the protection of the nobility.²⁰⁹ According to Grosheide, after a struggle that lasted two years, the count of Buren decided to call it a day and conformed to the demands of the government.²¹⁰ Similar to the nobles, many cities such as Amsterdam eventually had to acknowledge the superiority of the central government: on 6 March 1549 it

²⁰⁵ Idem, f. 322v.

²⁰⁶ ARA, arch. nr. 3.03.01.01, inv. nr. 5653, f. 323r-v.

²⁰⁷ Idem, f. 324v-325v. A number of Anabaptist women were pardoned after the prince-bishop recaptured the city. That is probably why Aefgen was set free after being imprisoned. R. Po-chia Hsia, *Society and religion in Münster, 1535-1618* (New Haven; London, 1984) 11-12. About a similar conflict between the Court of Holland and the city of Delft, see ARA arch. nr. 3.03.01.01, inv. nr. 5654, f. 1v-3r.

²⁰⁸ For instance, when in 1523 certain citizens of Amsterdam were summoned to appear before the “spiritual judge” (*geestelijke rechter*) of the bishop of Utrecht, Amsterdam pointed at the *jus de non evocando*. In this case their claim was supported by the Habsburg government, for Utrecht (and the bishop in his quality as a profane ruler) were opponents of the central government. Mellink, *Amsterdam en de wederdopers*, 12.

²⁰⁹ This is one of the reasons why Anabaptist tried to capture Hazerswoude in 1535 as it was an ‘enclave of private jurisdiction’. Gary K. Waite, ‘The Dutch nobility and Anabaptism, 1535-1545’, *SCJ XXIII/3* (Autumn, 1992) 460.

²¹⁰ Grosheide, *Bijdrage tot de geschiedenis der Anabaptisten*, 85-7. In 1536 a verdict by the Great Council was needed to confiscate the goods of convicted Anabaptists who lived under the jurisdiction of Joost van Crujningen, Lord of Hazerswoude, who resisted earlier attempts. Van Nierop, *Van ridders tot regenten*, 190.

was determined that heretics ‘not only cut themselves off their community, but off Christianity as a whole (*geheelder Christenheyt*)’.²¹¹ From that day onward all the goods of the heretics – not from other criminals – were confiscated in favour of Charles V. The city of Delft lost this privilege already in 1538.²¹²

A battle over privileges?

Should we then conclude that magistrates were in general not so much concerned about the fate of their citizens? This is a question that is hard to answer, for the sources can be interpreted in many ways. For example, the municipal authorities of Deventer and Dordrecht sent letters to Leiden in which they asked whether any of their citizens or inhabitants were among the group of Anabaptists captured in January 1535. If so, they would like to know it and they would reciprocate sending word to Leiden if they had captured any of Leiden’s burghers or inhabitants.²¹³ Why? It is possible that citizens were punished less severely in their own town or city, but our data indicated that this did not happen most of the time. Therefore it is more likely that these letters should be seen as an attempt of the magistrates to safeguard their jurisdiction over the people living in their city.

Magistrates, however, were no cold-hearted rulers who did not have any compassion for the population of their city. But predominantly their stance towards heretical burghers depended on their own religious outlook, one of the topics addressed in chapter five. Luckily for Anabaptists their fate was not only dependent on the religious views of the city fathers, for sometimes they were aided by fellow citizens. Public executions, their main function being to show the power of justice and to deter other people from committing crimes, could be and were used by the local population as a platform to show their misgivings about the policy of the municipal authorities. For instance, according to a *keur* of 28 July 1535, Amsterdam’s citizens protested during public executions and resisted attempts of local militias (*schutterijen*) who tried to restore order and peace.²¹⁴

Even more remarkable is an event that occurred in October 1534, when Reynier Brunt, the attorney-general of the *Hof* arrested two of Amsterdam’s citizens and wanted to take them

²¹¹ Grosheide, *Bijdrage tot de geschiedenis der Anabaptisten*, 266.

²¹² Grosheide, *Bijdrage tot de geschiedenis der Anabaptisten*, 265.

²¹³ RAL, arch. nr. 501, inv. nr. 1185, letter from Dordrecht to Leiden (25-1-1535); letter from Deventer to Leiden (Shrove Tuesday – dinxdach op den vastenavond – 1535). In the first letter citizens were called “*inwoonders*” and inhabitants were called “*ingesetenen*”. These letters suggest, contrary to other examples, that citizens and inhabitants constituted one group.

²¹⁴ DAN V, 231-2. In January 1545 the *Hof* stopped with the public executions because this often led to unrest among those attending. Grosheide, *Bijdrage tot de geschiedenis der Anabaptisten*, 191.

to The Hague. Soon rumours spread that he wished to take 200 other citizens to The Hague, leading to great unrest among Amsterdam's population. When hearing this, two Anabaptists, Jan van Scellincwoude and his neighbour Jan van Wijde, went to the home of Claes Jeroens, an officer (*overman*) of one of Amsterdam's militias. Jan van Scellincwoude, a militiaman (*schutter*) himself, instigated the *schutterijen* to hold a meeting and to prevent Brunt from carrying out his wicked scheme. An armed group of citizens and *schutters* marched to the house in which Brunt and stadholder Hooghstraten were spending the night, seeing to it that they would not lay their hands on other citizens. Eventually the alderman Joost Buyck was able to convince them to leave. In the meantime Jan van Scellincwoude and Jan van Wijde were summoned to the city hall. When deliberating the situation with the burgomasters, Van Scellincwoude explained the reason of their gathering, defiantly adding that they had assembled around 1500 men (*zij wel 1500 sterck wairen*). Afraid that the situation would escalate, the mayors decided to let them go.²¹⁵ Afterwards Jan van Scellingwoude declared that he went home, comforted (*getroest*) by the answer of the burgomasters who promised that no other citizens would be taken into custody.²¹⁶

When the new sheriff Claes Gerritsz. Mattheus imprisoned Jan van Reenen, another Anabaptist, tensions among Amsterdam populace were running high again.²¹⁷ But when the *naaktlopers* appeared in February 1535 the citizens immediately grabbed their arms, took control of the market and brought the *naaktlopers* to the city hall, thinking they had to do with an Anabaptist attack.²¹⁸ Clearly, just like their magistrates, the tolerance of Amsterdam's population had its limits. When overstepping the line, criminals could not count on the help of their fellow citizens.

The fact that both Anabaptists still were part of a larger social network – a topic further examined in the fifth chapter – became clearly visible in the previous examples. Jan van Scellincwoude even was a member of a *schutterij*, despite all the objections of most Anabaptist leaders against violence and the use of weapons.²¹⁹ This episode also shows that Anabaptists could, to a certain extent, expect help from other citizens, for they were still

²¹⁵ ARA, arch. nr. 3.03.01.01, inv. nr. 5653, f. 216v-222v. Also reprinted in *DAN V*, 237-242.

²¹⁶ ARA, arch. nr. 3.03.01.01, inv. nr. 5653, f. 220v; *DAN V*, 241, 279. Mellink, *De wederdopers in de noordelijke Nederlanden*, 111-12. See the sixth page of this essay for the verdicts of Jan van Scellingwoude.

²¹⁷ *DAN V*, 259. However, the armed citizens were willing to assist the burgomasters in chasing away the preachers (*religieuze predicanten*) from Amsterdam.

²¹⁸ Mellink, *De wederdopers in de noordelijke Nederlanden*, 111-2, 123.

²¹⁹ Maybe the fact that Jan was a *schutter* can be partly explained because of the different attitude of Dutch Anabaptists towards the government. Alistair Hamilton argues that because of the relative tolerant policy of many magistrates Anabaptist saw the authorities as allies. Polarization started when the government forcefully reacted to the violent acts of the Anabaptists. Hamilton, 'The development of Dutch Anabaptism', 14.

members of an urban community. An arrangement which made this possible was the option for those who had ‘problems (*zwaarigheid*) to take an oath because of their religion (*wegens hun Geloofsgezindheid*)’ were allowed to make ‘a promise of loyalty and obedience’ instead of the *poorterseed*.²²⁰ The rest of society was willing to keep the Anabaptists in their midst and did have the idea that Anabaptists could be good citizens, even without taking an oath. It is, however, not clear when this arrangement came into being.

The picture that emerges when looking at the number of citizens receiving capital punishments related to the number of strangers who forfeited their life, is that magistrates often did not make a distinction between citizens and strangers when determining the penalty for their crimes. This suggests that all the controversies concerning the privileges had more to do with magistrates defending their jurisdiction and the autonomy of the city than with their solidarity with the city’s citizens. However, the many examples of magistrates protecting their citizens, sometimes even obstructing the administration of justice (see chapter five), nuance this image. Citizens, even when they were Anabaptists, still belonged to an urban community, and magistrates could nor would just plainly outlaw them, something the central government demanded. This is a topic that has been largely neglected by the older Mennonite historiography. When it was addressed, it was mainly done from the perspective of the Anabaptists themselves: focal point was their “turning to the world” (*wending naar de wereld*) at the dawn of the “Golden Age of the Mennonites”.²²¹ The fact that the rest of society at times defended the Anabaptists in their midst - because of the “web of ties” that connected them to Anabaptists - and did so even before the presence of Mennonites became widely accepted and appreciated in Dutch society, is not addressed by scholars such as Zijpp and Kühler.²²²

According to the historian Boomgaard, who investigated the penalties dealt out by Amsterdam’s local court between 1490 and 1552, it did matter whether someone was a citizen

²²⁰ Wagenaar, *Amsterdam in zyne opkomst*, 157. Wagenaar does not tell us when it became allowed to make a promise instead of swearing a *poorterseed*.

²²¹ For instance, see Zijpp, *Geschiedenis der Doopsgezinden*, chapter 8 (pp. 133-56).

²²² About the steady rise of Mennonites into the higher strata of society in Amsterdam, see M. Sprunger, ‘Hoe rijke mennisten de hemel verdienden. Een eerste verkenning van de betrokkenheid van de aanzienlijke doopsgeziden bij het Amsterdamse zakenleven in de Gouden Eeuw’, *DB* 18 (1991) pp. 39-52; M. Sprunger, ‘Iemand burgermeester maken. Doopsgezinden en regentengeslachten in de Gouden Eeuw te Amsterdam’, *DB* 32 (2006) pp. 75-121. I borrowed the phrase ‘the web of ties’ from Max Gluckman. See his ‘The peace in the feud’, *Past and present* 8 (1955) pp. 1-14. The Reformed minister Coolhaes noticed the fact that most of the Leiden’s government (*stadsregering*) consisted of Mennonites (*van Menmos gevoelen*), showing the upward social movement of Anabaptists (Mennonites in this cases). Karel Boestoen, *Hart voor Leiden. Jan van Hout (1542-1609), stadssecretaris, dichter, vernieuwer* (Hilversum, 2009) 59.

or stranger. In some cases the judicial officers even made a distinction between strangers ‘who came to the city with a clear goal and those who did not’.²²³ In case of religious crimes, however, ‘the verdicts were less diverse’. After 1535 the judges were not so flexible when dealing with religious criminals ‘and citizenship did not constitute a measure of protection anymore’.²²⁴ Maybe it was harder to try citizens, but in case of religious crimes the local judges would investigate the behaviour and actions of those captured and to a large extent base their verdict on what they did, not for what they were (although a gender bias would continue to play a role). Contrary to Boomgaard, however, already in 1535 citizenship ceased to provide some protection as the table below shows. Possibly the Anabaptist attack was interpreted as a concrete example of the idea that God would punish the whole community when heretics were not eradicated. This might have constituted an incentive for magistrates to punish heretical citizens as well.

Table 3.3: Verdicts of Anabaptists in Amsterdam in 1535

	Total	Capital	Decapitated	Drowned	Other	Non-cap	Banished	Penance
Citizens	33	28	20	1	7	5	5	0
Strangers	41	27	7	8	12	14	14	0
Unknown	12	7	0	7	0	5	4	1

Other = the most severe punishments, usually consisting of a combination of other punishments, such as being strangled and burned afterwards.

Sources: DAN V; GAA, arch. nr. 5014, inv. nrs. 1 – 22.

When trying to explain the differences in this table, it immediately becomes clear that the deeds of the convicted Anabaptists mattered most. For instance, among the 33 convicted citizens there were 8 women (18 among strangers). Most of the time the capital punishment for women was drowning, but now a number of women received “other” penalties because of their deeds. Aechen Jansdr., for instance, one of the *naaktlopers*, was ‘publicly hanged in front of her house, then strangled and killed’.²²⁵ Why she was hanged in front of her house, instead of in front of the local court (*vierschaar*) as happened to Fye Daenen, who aided the Anabaptist bishop Jacob van Campen, is not entirely clear.²²⁶ Possibly in case of Aechen Jansdr. this was done to show her neighbours and other people who lived in the neighbourhood (*buurtbewoners*) that the strong arm of the law could reach every part of Amsterdam. Besides warning the neighbourhood, the ‘ritual cleansing of the location through

²²³ Boomgaard, *Misdaad en straf*, 216.

²²⁴ Boomgaard, *Misdaad en straf*, 224.

²²⁵ DAN V, 203.

²²⁶ DAN V, 218. The only difference was that she was publicly hanged in front of the local court (*vierschaar*).

the shedding of blood' might have been another aim of the magistrates, for some conventicles were held at Aechen's house, further stressing the link between the crime and the punishment.²²⁷ Also a judicial ritual, these public executions were a political ritual, ceremonies 'by which power is manifested'.²²⁸ As crimes were a personal attack on the sovereign, from which law and justice originated, public executions were meant to redress and to restore the sovereignty of the ruler, and it did so by 'manifesting it [the ruler's sovereignty] at its most spectacular'.²²⁹ The severity of the punishment thus was the result of a calculation that included the multiple aims an execution had to achieve: it had to be proportional to the crime committed, it had to set a clear example for the rest of the population, and it had to redress the injury done to the victims of the crime and to the sovereign (who was a victim as well).

These and other examples make clear that the punishment depended on the actions of Anabaptists (as their deeds in turn determined the extent of the redress that was needed). Soon their religious crimes brought an end to the protection the normally enjoyed as citizens, although there are signs (such as the higher number of convicted "strangers") that it was more difficult for the authorities to capture Anabaptist citizens or that they were more focused on trying Anabaptist non-citizens. The deeds of Anabaptists were partly the result of their role within Anabaptist groups. This connection will be analysed in the next chapter.

²²⁷ Muir, *Ritual in early modern Europe*, 117. For the link between the location of the crime and the execution, see Michel Foucault, *Discipline and punish. The birth of the prison* (paperback edn, London, 1991) 44.

²²⁸ *Idem*, 47.

²²⁹ *Idem*, 47-8.

4. Taking the sting out of Anabaptism: the prosecution of the principaelen

An object with great symbolic value used in the execution of the Anabaptist Jacob van Campen (see p. 6) was the mitre, for it symbolized the leading role of Jacob: he was a bishop and was authorized to baptize people. Anabaptism had an episcopal structure; bishops (or elders) formed the top of the pyramid, the middle parts consisted of preachers or teachers, followed by the deacons. The largest part of the pyramid, the bottom, was made-up of “plain” believers.²³⁰ The “ministry”, the bishops, teachers and deacons, ‘watched over the morals of the congregation and administered discipline’.²³¹ For example, during interrogation a couple of Anabaptists from Amsterdam told that their leaders forbade them to go to churches. Drunkenness and cursing was prohibited as well.²³²

For the authorities the bishops constituted the gravest danger, for they maliciously deceived people and led them astray. They were the ones who spread the poison of heresy. Charles V issued a placard in 1534 that was specifically directed against the ‘seducers and impostors, who rebaptize people and teach evil, infected errors and sects’, such as Melchior Hoffmann, Jacob van Campen and Obbe Philipsz. It was strictly forbidden to aid these teachers (*leeraars*) and every one of them was worth a bounty of 25 guilders (not including the expenses of capturing and transporting hem).²³³

Besides bishops other Anabaptists were capable of spreading the errors of Anabaptism by printing and selling heretical books. This was something that was hard to contain for the authorities, since borders between countries could not be sealed off hermetically, as far as they existed. Jan Claesz. and Lucas Lambertsz. cunningly printed around 600 books written by Menno Simons in Antwerp and sold around 200 of them in Holland. The rest was sent to Friesland.²³⁴ Being actively engaged with books in general could be dangerous, even if these books were not heretical. Dirck Jacobz. Paeuw was banished from Amsterdam for the rest of his life because he read and made notes in books that ‘were not forbidden in itself’.²³⁵ The reasoning behind this was that simple people easily fell victim to all kinds of errors, also when

²³⁰ Visser, ‘Mennonites and doopgezinden’, 329. In one verdict a deacon was called a chaplain (*aelmoesenyer*). ARA, arch. nr. 3.03.01.01, inv. nr. 5654, f. 374v.

²³¹ Visser, ‘Mennonites and doopgezinden’, 330.

²³² DAN V, 20.

²³³ ‘...verleyders oft bedriegers...die luyden wederdopen ende quade geinficeerde dwalinghen ende secten leeren...’. DAN I, 10-11. On 2 March 1535 a *keur* was proclaimed by Amsterdam magistracy, in which all citizens and inhabitants were urged to provide the local court with information about two Anabaptist leaders. DAN V, 117.

²³⁴ DAN II, 47-8.

²³⁵ DAN II, 69.

reading non-heretical books, for they missed the intellectual capacities to fully understand theological dissertations or other books dealing with religion. Even speaking of ‘dark matters’ (*duystere materien*) in sermons, regardless if this was done in order to combat wicked doctrines, was therefore forbidden by Charles V.²³⁶

Together the Anabaptists who spread their errors in a variety of ways and those involved in acts of sedition, riots and scandals were called *principaelen* by the authorities. Regarding the punishment of this group the national and local authorities were very much on the same line: death for all of them. In Amsterdam 42 of the 44 *principaelen* were executed and in Leiden 21 of the 22 *principaelen* had to face the death penalty. One of these *principaelen* had fled the city and thus was banished, another one was not branded as a leader by the local authorities (and was banished), but according to the attorney-general of the *Hof* he was a leader. Anthonis Hugensz. was seen as a leader by Leiden’s sheriff but contrary to his demands - the death penalty - Anthonis was banished for the period of 50 years. An interesting case that will be analysed in more detail in the next chapter.

In general Anabaptist leaders were punished more severely than their followers; the harshness of the penalties was related to the severity of their crimes.

Table 4.1: Penalties imposed on *principaelen* and non-*principaelen*

	<i>Principaelen</i>						<i>Non-principaelen</i>					
	Burned	Decap.	Drowned	Other	Ban.	Pen.	Burned	Decap.	Drowned	Other	Ban.	Pen.
A'dam	1	19	2	20	2	0	19	24	19	5	57	7
Delft	0	0	0	0	0	0	0	21	11	0	0	0
Leiden	18	3	0	1	1	0	0	5	9	8	5	0

Decap. = decapitated, ban. = banished, pen. = penance.

Sources: DAN II, V; RAL, arch. nr. 508, inv. nr. 3-1; GAD, arch. nr. 13, inv. nr. 46; ARA, arch. nr. 3.03.01.01, inv. nr. 5654.

In Amsterdam this is clearly visible: compared to non-*principaelen*, far more *principaelen* received capital punishments categorized under the header “other” – including hanging, strangling, quartering and some creative combinations of various punishments. Local judges even made a distinction between the different actions of the *principaelen*. The Anabaptists involved in the attack on the city hall, for instance, were cut open and their hearts were taken out, whereas the Anabaptists who ‘held a secret meeting, set something on fire and caused great tumult and commotion’, were decapitated.²³⁷ It is remarkable that in Amsterdam only

²³⁶ RAL, arch. nr. 501, inv. nr. 451, letter from Charles V to Leiden (26-9-1539).

²³⁷ DAN V, 113-4.

one *principael* was burned. This was Quirijn Pieterssen, who actively rebaptized other people. All the 19 non-*principaelen* that were burned refused to recant their heretical beliefs and were executed as staunch heretics. In Leiden the pattern is different, for there the *principaelen* were directly burned whereas in 1552 the Anabaptists who stuck to their errors were first strangled and then burned.

The difference speaks volumes: *principaelen* were chiefly executed for their seditious and treacherous behaviour. The fact that they rebelled or spread heresy was for the authorities more important than that they were heretics themselves. However, this was no general rule. In Leiden all the Anabaptists involved in the “planned attack” were burned at the stake, for instance. Regardless of the differences in punishments between the cities, it is clear that the willingness to execute *principaelen* was widely shared among magistrates.

Table 4.2: Numbers and percentage of Anabaptists *principaelen* and non-*principaelen* who received capital and non-capital punishments

Principaelen					
	Total	Capital	%	Non-Cap	%
Amsterdam	44	42	95,5	2	4,5
Delft	0	0	0,0	0	0,0
Leiden	22	21	95,5	1	4,5

Non-principaelen					
	Total	Capital	%	Non-Cap	%
Amsterdam	131	67	51,1	64	48,9
Delft	32	32	100	0	0
Leiden	28	22	78,6	6	21,4

Sources: DAN II, V; RAL, arch. nr. 508, inv. nr. 3-1; GAD, arch. nr. 13, inv. nr. 46; ARA, arch. nr. 3.03.01.01, inv. nr. 5654.

This willingness to kill extended itself over the non-*principaelen*, as the table above shows. In Amsterdam and Leiden, not to mention Delft, more than 50% of the non-*principaelen* forfeited their life. As mentioned earlier, three of the four Anabaptists executed in Amsterdam in 1534 were *principaelen* and one refused to leave the city after she was banished. If the Amsterdam magistrates would have stuck to this policy of only executing *principaelen* far less Anabaptists would have had to face death. The first Anabaptists who were executed in 1535 also were *principaelen*. On 6 March 1535, however, nine Anabaptists were executed, only one of whom, Jan Paeuw, was a leader. The rest was merely

rebaptized.²³⁸ Thus even before the attack of 10 May the distinction between *principaelen* and non-*principaelen* broke down, and although the differences in harshness of the punishments remained, being rebaptized was now considered to be a capital offence to the local court of Amsterdam.

This was probably the result from developments inside and outside Amsterdam. Preceding the decapitation of Jan Paeuw and the other Anabaptists, the *naaktlopers* and the Anabaptists who instigated a fire caused commotion in Amsterdam. Outside Amsterdam the conspiracy of the Anabaptists in Leiden was discovered and the Anabaptists in Münster were causing havoc. Soon this has led to a somewhat distorted, but not completely unjustifiable image of Anabaptism or heresy in general: 'For at least a decade heresy in Holland was equated with Anabaptism, and Anabaptism in turn with disorder, even rebellion'.²³⁹ The Anabaptist attack in May 1535 would do nothing but confirm the correctness of this equation.

Violently quashing a rebellion, as happened in Germany in 1525 (the Peasant's Revolt), in 1535 (Münster), and in the northern Netherlands in 1535 (Oldeklooster), was widely accepted in early modern societies. A *keur* from another city in Holland, Haarlem, is particularly instructive: 'In cases of commotion and riots that lead to great danger' the sheriff was allowed to skip the normal judicial procedure and to decapitate the first rioter he captured, as order had to be restored swiftly.²⁴⁰ In Leiden, as far as we know, the Anabaptists that were suspected of plotting an attack on the city, were immediately executed. However, Peter Gael, an Amsterdam citizen who was involved in the attack on the city hall, was interrogated twice (on 11 and 13 May) before he was executed on 14 May.²⁴¹ Interrogating those involved in the attack was probably not to check whether they were really guilty, but to gain information about other (rebellious) Anabaptists. Nevertheless, the local judges at least partly adhered to the standard judicial procedure, not wanting to administer justice without a

²³⁸ DAN V, 118. Although, of course, being rebaptized had to be punished by death according to the placards of Charles V.

²³⁹ Duke, *Reformation and revolt*, 89. In 1538 councillors of the *Hof* maintained that 'all Anabaptists tried to raise tumult and revolt'. (...*dat alle dese doepers tumulte ende uproer poechden te maicken...*). ARA, arch. nr. 3.03.01.01, inv. nr. 5654, f. 2r.

²⁴⁰ RAL, arch. nr. 501, inv. nr. 370. 'In materien van commocien ende beroerte van volcke daer groet dangier apparant es en es gheen noet enich proces te maeckene maer sal de scouten rigoreuselick vangen d'eerste die hij daer van *gerrigen* can ende ter stont de hals of doen houden ende dan dair naer maecken hoerluyden proces want in sulcke saeken geen oerdene te houden es oerdene gehouden.'

²⁴¹ DAN V, 130-1, 135, 140. Other Anabaptists were also interrogated before they were executed.

due process. This policy would be continued in the following decades: Anabaptists were given a formal trial before they were punished and were not automatically executed.²⁴²

From 14 to 21 May 1535 32 Anabaptists were executed in Amsterdam. Three days later, on 24 May, the first Anabaptist who got away with a minor punishment was Rem Garbrantsz., who had close contact with the leader Jan van Scellincwoude and was convicted for supporting Anabaptists. He was banished from Amsterdam for 10 years.²⁴³ On the same day Anna Baelhuys was banished from Amsterdam, albeit for eternity. Her husband was involved in the Anabaptist attack, but apparently she did not know this.²⁴⁴ The magistrates moved a bit to the position of Charles V, by executing not only the leaders but also the people who were “just” rebaptized. But as these examples show, putting mere followers to death was still a bridge too far for them. In Leiden the same pattern is visible. Walich Wijnantsz. was present at the meeting of the Anabaptists who plotted to take over Leiden, but when he was tortured he revealed that he was not rebaptized and ‘did not feel badly’ about the holy sacrament. He was sentenced to walk in a procession with the “city’s barrel” (*stede tonne*) around his neck, and to stand on a platform (*up een hoechte*) before the house in which he was captured after which he was banished from Leiden for the period of 100 years.²⁴⁵

Being present at an Anabaptist meeting was thus not seen as a severe criminal offence that merited death. Of course, exceptions were made. Albert Reyersz, for instance, had lived among Anabaptists for years, organized conventicles in his own house, felt badly of the holy sacrament and was executed.²⁴⁶ Thus, not every follower of the Anabaptists was executed, as Charles V wished, but the closer the connection to the Anabaptists the more magistrates were inclined to impose harsh punishments. This, and the fact that after 1535 recantation only served to change the way an Anabaptist was executed (e.g., decapitation instead of burning), makes clear that the policy of the magistrates became more stringent, but never completely coincided with the policy advocated by Charles V.

²⁴² This bears resemblance to the policy advocated by magistrates in other parts of Europe. See, for instance, Claus-Peter Clasen, ‘Nuernberg in the history of Anabaptism’, *MQR* XXXIX/1 (January 1965) pp. 25-39, esp. 34.

²⁴³ *DAN V*, 193-4.

²⁴⁴ *DAN V*, 194.

²⁴⁵ RAL, arch. nr. 508, inv. nr. 4, f. 107r, 23-3-1535. For the use of the city’s barrel see Knappert, *De opkomst van het protestantisme*, 21.

²⁴⁶ *DAN II*, 9.

Punishing female Anabaptists

Although the figures in the table below gives the impression that male Anabaptists were not punished more severely than their female counterparts, this is misleading, for another picture emerges when relating the numbers in table 4.3 to the total number of convicted male and female Anabaptists, as is done in table 4.4.

Table 4.3: Non-capital punishments imposed on Anabaptists in Amsterdam and Leiden

	Banished		Penance		Total
	Men	Women	Men	Women	
Amsterdam	29	30	2	6	67
Leiden	6	0	0	0	6

Sources: DAN II, V; RAL, arch. nr. 508, inv. nr. 3-1.

Table 4.4: Percentage of non-capital punishments related to total number of Anabaptist men/women convicted

	Non-Capital		Banished		Penance	
	Men	Women	Men	Women	Men	Women
Amsterdam	28,7	52,9	26,9	44,1	1,9	8,8
Leiden	17,1	0	17,1	0	0	0

Sources: DAN II, V; RAL, arch. nr. 508, inv. nr. 3-1.

In the end 36 of the 68 convicted Anabaptist women (52,9%) received non-capital punishments. This probably had something to do with their activities, although we should not downplay the role of women because ‘despite their generally inferior position, women were essential for the maintenance, growth and survival of the religious movements – particularly since the communities lived under persecution’.²⁴⁷ In the case of Anabaptism, women often provided shelter to Anabaptists and sometimes acted as messengers, warning their co-religionists in times of danger.²⁴⁸ Some of them organized conventicles in their house, or they allowed Anabaptists to hold their meetings in it. Women thus contributed to some sort of religious infrastructure that was important for the survival and expansion of Anabaptism. In a few cases Anabaptist women of noble lineage were able to convert their husbands, and in

²⁴⁷ Haude, ‘Gender roles and perspectives’, 431.

²⁴⁸ DAN V,194-5, 213, 223,287. These tasks were not solely confined to women, however. See the example of Daniël Jansz. Knappert, *De opkomst van het protestantisme*, 173.

Freckenhort, close to Münster, countess Agness von Limburg ‘was reputed to take in only Jorists [followers of David Joris] in her service’.²⁴⁹

Many of the women who aided the Anabaptists were not rebaptized themselves and could sometimes feign, as Marie Jorysdr. did, that they did not know that the people living in their house were Anabaptists.²⁵⁰ Not being rebaptized was of crucial importance, both for men and women. In Amsterdam in 1553 one man and three women were banished; they were present at conventicles and discussed matters of religion with Anabaptists, but without being rebaptized.²⁵¹ Only 4 days earlier, on 16 January 1553, three men were executed with the sword because they were rebaptized.²⁵²

The gender-bias earlier signalled was sometimes explicitly articulated, for instance in a letter from Amsterdam to the *Hof* (1 December 1534). According to Amsterdam’s aldermen, ‘it would not be reasonable to punish women harder than men when having committed the same crime’.²⁵³ This does not say that women should be punished less severely than men, but it is telling that one will never encounter the opposite statement (that it would be unreasonable if men were punished harder than women). This will have had something to do with the fact that most women were seen as being ‘incapable of independent action’.²⁵⁴ Women did not make a conscious decision to join the Anabaptists, but were lured into this false sect. In case their husband was a heretic, the position of women in households made them even more liable to fall victim to heresy as a household was traditionally headed by a man. Therefore, ‘their ignorance preserved their innocence...and punishment was meant to deter them from falling prey to such doctrinal error again’.²⁵⁵ However, not all women were clean-handed, and many of them proved to master the act of pretending to be weak, ignorant and innocent in order to mitigate the punishment.²⁵⁶

One of the other factors that could reduce the severity of the punishment was illness (*cranckheyt*), especially when someone lost his senses (*geheel cranck van sinnen, verstande ende memorie*). People with an unsound mind were deemed to be irresponsible of their actions, and the answers they gave during their interrogations could not be taken at face value,

²⁴⁹ Thiessen, ‘Enclaves of tolerance’, 366-7. According to Waite ‘several of Joris’ closest supporters were women’. Waite, ‘Dutch nobility and Anabaptism’, 484.

²⁵⁰ *DAN V*, 236-7. It did matter who the women aided. The two women helping Jacob van Campen were gruesomely put to death. *DAN V*, 217-18.

²⁵¹ *DAN II*, 227.

²⁵² *DAN II*, 226. They were not burned because they recanted.

²⁵³ *DAN V*, 77.

²⁵⁴ Haude, ‘Gender roles and perspectives’, 455.

²⁵⁵ *Idem*, 456.

²⁵⁶ *Idem*, 456-7.

not even when heretical statements were made.²⁵⁷ In some cases the trial of women was postponed because they were pregnant, but this did not necessarily mitigate the punishment.²⁵⁸ The age of the convict did matter sometimes, as is proven by the case of Jan Gerytsz. for whom the officers of the court were inclined to be merciful because of his youth.²⁵⁹ In a very few cases economic factors could play a role. For example, Willem Hugenz. wrote an heretical letter and distributed it among some of Amsterdam's citizens. The judicial officers, however, decided that he did this 'predominantly because he was poor and wanted to make some money, instead of trying to entice someone into error'.²⁶⁰ Apart from the deeds, role and gender of Anabaptists, a whole array of factors thus could influence the penalty imposed on Anabaptists and caused a wide variety of punishments.

According to Brad Gregory, 'ecclesiastical and secular authorities wanted to correct the heterodox, not to kill them'.²⁶¹ The fact that clergymen went to capture Anabaptists to refute their wicked doctrines, trying to convince them to return to the holy church, bears witness to this. Genuine efforts were undertaken to prevent heretics from dying as heretics. Even Charles V stated in the late 1520s that 'he was not seeking the death of our subjects...nor their goods, but only the maintenance of the faith and of the statutes, ordinances, and constitutions of the holy Church and of our ordinances, and the suppression and reformation of errors, abuses, and endeavours to the contrary'.²⁶²

However, in 1535 Charles V had trodden another path, by demanding the execution of Anabaptists and of their followers. In spite of this many of the verdicts in Amsterdam in the 1540s and 1550s still made explicit that the convicted Anabaptist refused to recant. These Anabaptists will have had an option to return to the Catholic faith, but since recantation ceased to be a means to avoid death from 1535 onwards (both in Charles V's placards and in the policy of the local courts), to correct was not the aim of the magistrates anymore.²⁶³ Correction was almost exclusively reserved for those who supported Anabaptists and had contact with them, and for those who benefited from the periods of grace as stipulated in earlier placards of Charles V. Only this group could profit from the various factors that could mitigate the punishment, such as gender and age. This in spite of a *keur* issued in 1537

²⁵⁷ For an example see *DAN II*, 74-5.

²⁵⁸ *DAN V*, 233. Grosheide, *Bijdragen tot de geschiedenis der Anabaptisten*, 28.

²⁵⁹ '...ten waere mijn heeren van den gerechte overmits zijn jonckheyt tot gracie genegen waeren...'. *DAN II*, 11.

²⁶⁰ '...es bij hem gedaan te wesen meer uuyt armoede omme een teerpenninck van den luden te practizeren dan omme yemant tot dwalinge te verwecken...'. *DAN II*, 43.

²⁶¹ Gregory, *Salvation at stake*, 81.

²⁶² *Idem*, 79.

²⁶³ Of course there are always exceptions that prove the rule. See, *DAN V*, 225.

prohibiting providing shelter to Anabaptists on the penalty of death, a punishment too heavy for these transgressions in the eyes of the magistrates of Amsterdam.²⁶⁴

As time passed an increasing amount of roles Anabaptists could fulfil within their movement were punished by death. Not only the *principaelen*, but also those who were rebaptized but did not fulfil leading roles within Anabaptists groups were executed. Varieties in the punishments they received marked the different role of the executed Anabaptists. Women were less liable to be put to death, because of their position and role within Anabaptism and because of a gender-bias.

Although from 1535 onwards non-*principaelen* had to face the death penalty as well, magistrates did not follow Charles' placards to the letter and kept adhering to some sort of a golden rule: the closer the connection with Anabaptists or Anabaptist groups, the heavier the penalty, and vice versa. According to the magistrates not everyone connected to Anabaptists deserved to be killed. Different punishments were meted out by them, as a range of variables continued to influence their judgement and their final verdict.

²⁶⁴ For the *keur* see Grosheide, Bijdrage tot de geschiedenis der Anabaptisten, 203-4. Also In Utrecht magistrates often punished milder than they should according to their *keuren*. J. van Beurten, Ham met mosterd: de 'kracht' van de Utrechtse wereldlijke overheden bij de bestrijding van ketterij (unpublished MA-thesis, Utrecht University, 2007) 48-9.

5. Other variables: “weak” magistrates and status

Whereas in the two preceding chapters the legal status (citizen – non-citizen) and judicial status (*principael* – non-*principael*) and their influence on the punishment inflicted on Anabaptists is analysed, two less tangible variables and the extent to which they have mitigated the penalties meted out to Anabaptists is examined in this chapter. These are the make-up and policy of the cities’ magistracy and the status (*aanzien*) Anabaptists enjoyed in the (urban) communities they lived in. Although the data used in this chapter are mainly the same judicial sources used in the other chapters, they are used differently. Instead of a running statistical analysis, multiple examples are used to create an image of how and why people acted as they did.

The magistracies and their anti-heresy policy

Although *de jure* the sheriff and aldermen were responsible for the administration of justice in cities in Holland, *de facto* the burgomasters were involved in it as well. Traditionally the job of the burgomasters was restricted to the governance of daily life, but as they started to play a more important role in the local political community from the late fourteenth century onwards they encroached on many activities that were hitherto strictly confined to the sheriff and aldermen.²⁶⁵ In the fourteenth century, for instance, the burgomasters of Amsterdam began issuing *keuren* and took control of regulating the life of the city’s populace. The *vroedschap*, a college of citizens elected for life and which renewed itself through co-optation, assisted the burgomasters in their job.²⁶⁶

However important the role of these assisting bodies, the “big men” of the local politics were the burgomasters and sheriff and to a lesser extent the aldermen, for ultimately they carried out the policy of the local authorities on a daily basis. The Habsburg government was screening the activities of the people who held these offices in particular, for if they wanted their policy to materialize in practice, they had to make sure these “big men” did not follow their own agenda.

Stadholder Hooghstraten openly accused the authorities and citizens of Amsterdam of being ‘contaminated by heresy’ in 1528, and in the same year burgomasters Pieter Colijn and

²⁶⁵ Boomgaard, *Misdaad en straf*, 23, 31.

²⁶⁶ Aldermen did not have to be a member of the *vroedschap*, but many of them ‘sooner or later entered the *vroedschap*’. Jonathan I. Israel, *The Dutch Republic. Its rise, greatness, and fall, 1477-1806* (paperback edn, Oxford, 1998) 126. J. L. Price, *Holland and the Dutch Republic in the seventeenth century. The politics of particularism* (Oxford, 1994) 8, 20.

Cornelis Benninck and sheriff Jan Hubrechtsz. were summoned to appear in The Hague, among others because they allowed conventicles to be held in the city.²⁶⁷ The dissatisfaction of the central government with Amsterdam's magistracy continued and it did not stop raining complaints about the spread of heresy in Amsterdam. This is clearly shown in a number of documents that originated in the period 1534-6. The main complaint of the Habsburg authorities was the weakness of justice (*slapheyt van der justicie*): heretics were only punished mildly or not punished at all; some plays of the rhetoricians were still not prohibited; suspect preachers were still in charge, and the bailiff of Waterlant – supposedly made of sterner stuff – was not allowed to enter the city.²⁶⁸ 'Burgomaster Pieter Colijn, Willem Dircksz. and all the Beninghen with their friends' were suspect, as they preferred to spend Sundays and holy days sitting in front of the house of burgomaster Ruysch Jansz. instead of going to the church.²⁶⁹

In January 1536 two memorandums that assessed the policy and behaviour of the rulers (*regierders*) of Amsterdam and their stance towards heresy were drafted. The list of complaints include: some burgomasters were reputedly not "sincere" in their religion; Anabaptists were warned by the sheriff's wife, enabling them to flee; suspects preachers were appointed and were in close contact with the burgomasters and with Jan Benning, councillor of the *Hof*; the same Jan Benning was unwilling to prosecute heretics; magistrates attended heretical sermons on a regular basis; burgomaster Ruysch Jansz. was unwilling to prosecute everyone who thought or spoke evil of the holy sacrament, Jan Boekelsz., later king of Münster, once had dinner with burgomaster Allart Boelez. who was also seen in the company of bishop Jacob van Campen; Ruysch Jansz. allowed armed Anabaptists to travel to Münster, et cetera.²⁷⁰ Especially painful were the direct links between magistrates and Anabaptists. For instance, when some of the *naaktlopers* were interrogated, they pointed at the three burgomasters Heyman Jacobsz., Pieter Colijn and Goessen Recalf and said 'these are our brothers'.²⁷¹ Although it is not clear whether these Anabaptists knew the burgomasters

²⁶⁷ Grosheide, *Bijdrage tot de geschiedenis der Anabaptisten*, 89.

²⁶⁸ *DAN V*, 46, 48-51.

²⁶⁹ *DAN V*, 53. Mellink, *Amsterdam en de wederdopers*, 24. Spies provided them with information about the content of the sermons of "sincere" pastors. Willem Dircksz. Baerdes was alderman in 1529 and became sheriff in 1542. The Beningh or Banning family was an important family in Amsterdam, many of its members being regents. Ruysch Janssen was a burgomaster of Amsterdam for four times.

²⁷⁰ *DAN V*, 251-260. Tracy, *Holland under Habsburg rule*, 160-2. The Habsburg overlords complained as well. Grosheide, *Bijdrage tot de geschiedenis der Anabaptisten*, 189, 191-2, 196.

²⁷¹ Mellink, *Amsterdam en de wederdopers*, 48. *DAN V*, 260.

personally, their stance towards heresy was probably widely known, as their relatively tolerant policy constituted an incentive for Anabaptists to go to Amsterdam as we have seen.²⁷²

In some cases magistrates obstructed the administration of justice. In 1531 one of the burgomasters said to a Habsburg official that he refused to ‘deliver any prisoners or innocent Anabaptists to the butcher’s block’.²⁷³ A number of times magistrates kept judicial documents of Anabaptists to themselves, thus preventing Habsburg officials from starting a prosecution.²⁷⁴ Eventually this led to a negative view of Amsterdam’s magistracy as expressed in 1536: The magistrates would have chased away the good Christians from their city and welcomed the “Lutherans” who shared their ideas and religious beliefs.²⁷⁵

As was to be expected the Habsburg government did not remain inactive and interfered. In 1536 Mary of Hungary appointed seven new aldermen, something which had never happened before.²⁷⁶ According to attorney-general Brunt, the new aldermen were not ‘suspect of any errors’ and were the utmost qualified to deal with heretics.²⁷⁷ After the term of these aldermen had ended, they would take place in the “Old Council” (consisting of former burgomasters and aldermen) and thus could influence the election of the new burgomasters, the second aim of Mary of Hungary.²⁷⁸ As a result a ‘sincere and Catholic’ party gained more political influence and in 1539 Hendrick Dircksz., the main protagonist of this group, was appointed as burgomaster.²⁷⁹

Not only the magistrates of Amsterdam were criticized, to be sure. The councillors of the *Hof* thought that the magistrates of Leiden were weak (*slap volck van regierders*) when they heard the prosecution of Anabaptists in Leiden came to an end after they had returned to The Hague.²⁸⁰ A way to find out whether in Delft and Leiden the public offices were purged of any suspect persons, is to discern patterns of continuity and change in the make-up of the group of people that held public offices. We should not immediately assume, however, that if

²⁷² See p. 51 of this essay. Hamilton, ‘Development of Dutch Anabaptism’, 14. Some Anabaptists were acquaintances of burgomasters. Mellink, *Amsterdam en de wederdopers*, 56.

²⁷³ ‘...nyet meer en zouden leveren die gevangen ende dat onnoezel bloot van die wederdoopers up die vleeschbanc brengen.’ *DAN V*, 257, 264.

²⁷⁴ Mellink, *Amsterdam en de wederdopers*, 42. Mellink, *De wederdopers in de noordelijke Nederlanden*, 116. This was a tactic that was used more often by Amsterdam’s magistrates.

²⁷⁵ *DAN V*, 263.

²⁷⁶ Wagenaar, *Amsterdam in zyne opkomst*, 336.

²⁷⁷ *DAN V*, 106.

²⁷⁸ Tracy, ‘Habsburg grain policy’, 294 (footnote 2). Institutional differences existed between Dutch towns. In some towns an “old council” existed next to the *vroedschap* that consisted of former burgomasters and aldermen. This distinction between the old council and *vroedschap* would disappear near the end of the sixteenth century. Price, *Holland and the Dutch Republic*, 20.

²⁷⁹ Woltjer, ‘Het conflict tussen Willem Bardes en Hendrick Dirkszoon’, 180. Brunt warned the stadholder that it would take some time before sincere burgomasters would rule Amsterdam, because burgomasters were chosen by former aldermen. *DAN V*, 106.

²⁸⁰ Kühler, *Geschiedenis der Nederlandsche doopsgezinden* 156.

many new office holders entered the political arena this was because their predecessors were suspected of heresy. For example, Mary of Hungary claimed her right to appoint the new burgomasters, aldermen and treasurer of Delft in 1550. This move was directly related to a conflict between small and larger brewers - many of the latter being magistrates as well - who had a quarrel over the quantity and quality of beer brewed in Delft (a very serious matter indeed).²⁸¹

Both in Delft and Leiden no great ruptures are to be seen, although in 1533 six new aldermen who never had been burgomaster or alderman before were appointed in Leiden, whereas in most years between one or three new aldermen were introduced (see table 5.1 on the next page). This was a mixed success, since three of them served only for one year and never got another public office again. Two of them were appointed aldermen for more than two terms. After 1534 the number of new men that were elected for political offices decreased as the table shows.

After the election of new “Catholic” burgomasters in Amsterdam in 1539, fewer new aldermen were introduced because the need of many former aldermen in the Old Council who would support the election of “sincere” burgomasters was no longer needed. In Delft relatively few new magistrates were appointed compared to Amsterdam and Leiden in the period 1530-40. At the end of the 1530s the pace of renewal in Amsterdam and Leiden slackened considerably and remained fairly constant in the following decades.

From the late 1530s, then, at least Amsterdam had a staunchly Catholic government. Hendrick Dircksz. and his followers, who thought that the revolt of the Anabaptists in 1535 was partly the responsibility of the weak magistrates that preceded them, clearly embraced other ideas of how to deal with heretics. For instance, after Amsterdam’s magistracy gained information about Anabaptists in 1553, Hendrick Dircksz. personally went to Hoorn and Leiden in order to prosecute them.²⁸² In spite of this Catholic dominance, the prosecution of Anabaptists did not increase in Amsterdam (nor in Delft and Leiden) in the 1540s and 1550s, on the contrary. The Habsburg government kept a close eye on the cities’ magistracy, but the quantity of the letters sent to and from the cities regarding the activities of Anabaptists and the policy of the magistrates in these decades seems to indicate that even the central authorities

²⁸¹ J.J. Woltjer, ‘Een Hollands stadsbestuur in het midden van de 16^e eeuw: brouwers en bestuurders te Delft’, in: D.E.H. de Boer en J.W. Marsilje eds, *De Nederlanden in de late middeleeuwen* (Utrecht, 1987) 266-70.

Intervention of the higher authorities could be very conservative as well. In 1535 the *Hof* appointed the magistrates (the *weth*) in Delft, a no new burgomasters or aldermen were appointed. Boitet, *Beschrijvinge der stad Delft*, 123.

²⁸² Woltjer, ‘Het conflict tussen Willem Bardes en Hendrick Dirkszoon’, 186.

were not as focused on catching heretics anymore compared to the 1530s.²⁸³ Now and then Habsburg officials attempted to enforce their policy; stadholder William of Orange sent a letter to Delft in September 1559, urging them to proclaim and enforce the placards that dealt with religion. In addition to that, magistrates should be ‘wholly sincere and good Catholic people’ and it had to be checked whether the schoolmasters were ‘contaminated by any sect’, for only schoolmasters who were unquestionably Catholic (*notoirlyk catholyck*) should be admitted.²⁸⁴

Table 5.1: New burgomasters and aldermen in Amsterdam, Delft, and Leiden, 1532-40.

	1532				1533				1534			
	burgomasters		aldermen		burgomasters		aldermen		burgomasters		aldermen	
	New	F.t.	New	F.t.	New	F.t.	New	F.t.	New	F.t.	New	F.t.
A'dam	1	0	4	3	0	0	4	3	1	0	4	4
Delft	1	0	1	1	1	0	2	2	1	0	1	0
Leiden	3	0	5	3	3	1	6	6	3	2	4	3

	1535				1536				1537			
	burgomasters		aldermen		burgomasters		aldermen		burgomasters		aldermen	
	New	F.t.	New	F.t.	New	F.t.	New	F.t.	New	F.t.	New	F.t.
A'dam	2	0	5	4	2	1	7	7	1	0	5	5
Delft	0	0	0	0	0	0	3	3	0	0	3	2
Leiden	0	0	2	0	1	0	2	1	2	1	2	2

	1538				1539				1540			
	burgomasters		aldermen		burgomasters		aldermen		burgomasters		aldermen	
	New	F.t.	New	F.t.	New	F.t.	New	F.t.	New	F.t.	New	F.t.
A'dam	2	0	5	5	2	0	3	3	1	0	3	3
Delft	0	0	1	1	0	0	1	1	1	0	1	0
Leiden	2	0	3	2	0	0	3	3	0	0	1	0

New = newly elected compared to the previous year. F.t. = “first time”, for the first time appointed as burgomaster or aldermen (although some of them were not entirely newcomers and had held other offices before).

Sources: Jan Wagenaar, *Amsterdam in zyne opkomst*, 299-300, 335-6; Reinier Boitet, *Beschrijvinge der stad Delft*, 122-4; P.U. van der Laaken, *Magistraatlijsten, 1260-1641* (Gemeentelijk archiefdienst Leiden, 1987) 53-57.

The sheriffs of the cities constituted another problem for the central authorities, as we already have seen. Already in 1524 the renewal of the term of sheriff Jan Hubrechtsz. caused some troubles, and only the admission of a new tax and the fact that he openly

²⁸³ In the period 1544-50 there was ‘hardly any mention of heresy’ in the correspondence between The Hague and Brussels. Tracy, *Holland under Habsburg rule*, 171.

²⁸⁴ Gemeentearchief Delft (GAD), arch. nr. 1, inv. nr. 23a, letter from stadholder William of Orange to Delft (15-9-1559).

admitted that he had read forbidden books by Melancthon secured his position.²⁸⁵ His term was not renewed in 1534 and he was expelled from office. In 1540 he was arrested and taken to the *Hof*. The charges were heavy: by neglecting the placards of Charles V and by the refusal of Jan and other magistrates to punish heretics, the ‘sects of Lutheranism, Sacramentism and Anabaptism increased in numbers’ and posed grave danger to the city of Amsterdam. Because he was a fugitive when captured no one was allowed to defend him, and the judges would not have to pay attention to documents defending Jan (the so-called *protestation* and *advertissementen*). The councillors of the Hof decided to banish Jan from Holland, Zeeland and Friesland for eternity.²⁸⁶

In 1542 the fourth successor of Hubrechtsz., Willem Dircksz. Baerdes, was appointed as sheriff. Troubles with this sheriff started in 1550 when Mary of Hungary reclaimed the right to appoint the sheriff, a right that had been ceded to the magistrate in exchange for a substantial loan in 1509.²⁸⁷ From that time onwards the sheriff was an agent working for the regent. In these years Baerdes noticeably lost his motivation to prosecute heretics, which brought him into conflict with the Catholic Dirckist government of Amsterdam.²⁸⁸ Logically the Dirckists would have been supported by the central authorities, but in this case this did not happen as Baerdes proved to be a perfect representative of the interests of the Habsburg government in the Baltic grain trade. Even when in need of money, Habsburg regent Emanuel of Savoy refused to give in to the wishes of the rulers of Amsterdam, who demanded the removal of sheriff Baerdes in return for a loan.²⁸⁹

Less is known about the sheriffs of Delft and Leiden, although we know there were complaints about Gerrit van Renesse, sheriff in Leiden for three years. When he arrested 4 female Anabaptists in 1539 he did not execute them immediately, but jailed them for a month, providing these women with a chance to escape as he travelled with them from gaol to his house multiple times.²⁹⁰ In Delft “heretic hunter” (*ketterjager*) Christiaen van der Goes was

²⁸⁵ Mellink, *Amsterdam en de wederdopers*, 11.

²⁸⁶ ARA, arch. nr. 3.03.01.01, inv. nr. 5654, f. 42v-45v.

²⁸⁷ Tracy, ‘Habsburg grain policy’, 294.

²⁸⁸ Fye Harmansdr. told the authorities that Gillis van Aken, an important Anabaptist leader active in the 1540s and 1550s was warned by letters of ‘the officer of Amsterdam’. This officer, probably Willem Baerdes, denied this and later Fye would admit these were false accusations. ARA, arch. nr. 3.03.01.01, inv. nr. 5654, f. 375r. Baerdes was obstructing justice by keeping the “confession book” to himself. *DAN II*, xxiv. In 1553 aldermen neglected the advise of the burgomasters regarding the punishment of three Anabaptists. The burgomasters protested and the aldermen had to appear before the *Hof*. Boomgaard, *Misdaad en straf*, 33.

²⁸⁹ Idem, 316.

²⁹⁰ Ter Braake, *Met recht en rekenschap*, 253. Renesse was sheriff from 1537 until 1540. He became a (non-salaried) councillor of the *Hof* and was executed by Alva because he was suspected of conspiring with Calvinists.

appointed as Delft's sheriff in 1563.²⁹¹ The lack of convicted Anabaptists in these years suggests he was not particularly successful, even though two witches were executed in 1564-5.²⁹²

Erasmianism?

Throughout the period of this study the higher authorities generally were far from pleased with the proceedings of the cities' magistrates – we should take into account that the sources tend to create this image, for letters were not sent when everything was running smoothly. But why did the magistrates behave as they did? Often historians immediately, almost reflexively, point at the influence of Erasmus. Heavily influenced by Erasmus, goes the argument, the upper strata of Dutch society was weary of persecution and advocated a moderate and relatively tolerant religious policy. To echo Sherrin Marshall, 'the frequently mentioned Netherlandish ideal of Erasmian tolerance was a real one long before the coming of the Revolt of the Netherlands'.²⁹³ The influence of Erasmus, however, is more often assumed than it is proven. This is probably because it is extremely difficult to show the history of the reception of books in general, certainly in the sixteenth century. And what can we conclude from the limited data we have? The library of Jan Dircxz. van Brouhoven, member of Leiden's *vroedschap*, for instance, included books by Melancthon, Bullinger, Coolhaes, Franck, and Calvin, but not Erasmus.²⁹⁴ However, concluding from this scrap of evidence that hardly anyone read Erasmus seems a bit far-fetched as well.

Another option is seeing tolerance as a unique characteristic of Dutch society and its people in general. Attractive as it might be, we do have many examples that tolerance often had to make way for intolerance.²⁹⁵ It would therefore be more helpful to give a number of factors that have influenced the policy of the magistrates. Firstly, magistrates wished to defend the privileges and autonomy of their city, as we have seen in the third chapter. Secondly, the religious outlook of magistrates was of great importance. In the first years of the 1530s Amsterdam's magistrates clearly had sympathy for heretical movements (as long as

²⁹¹ Spaander and Leeuw, *De stad Delft*, 109.

²⁹² *Idem*, 110.

²⁹³ Sherrin Marshall, *The Dutch gentry, 1500-1650* (New York, Westport, and London, 1987) 84. See also, H.F.K. van Nierop, *Van ridders tot regenten. De Hollandse adel in de zestiende en eerste helft van de zeventiende eeuw* (The Hague, 1984) 189. Enno van Gelder, *Getemperde vrijheid* (Groningen, 1972) 65. Knappert, *De opkomst van het protestantisme*, 102.

²⁹⁴ S.A. Lamet, *Men in government. The patriate of Leiden, 1550-1600* (PhD. Dissertation, 1979) 157. We do know that some people were admirers of Erasmus. See page 103 and footnote 426 of this essay.

²⁹⁵ For an essay about Dutch religious tolerance and the ways it has been perceived throughout the ages, see Benjamin J. Kaplan, 'Dutch religious tolerance: celebration and revision' in: Hsia et al., *Calvinism and religious tolerance*, pp. 8-26.

they behaved themselves properly). Some members of the city's elite were rebaptized: Cornelis Jansz. de Vlaminck, alderman in 1525 and member of the *vroedschap*, was rebaptized in 1534, for instance.²⁹⁶ Possibly magistrates did not mercilessly hunt down every last Anabaptist, for this would endanger the position of people from their midst who sympathized with heretics (or worse).²⁹⁷

Having sympathy for heretics also meant that it took a while before magistrates saw the dangers of heresy, or Anabaptism in particular. When burgomaster Ruysch Jansz. was warned in 1534 that Anabaptists would take over the city on 18 March, he was quite unimpressed by these mere rumours (*versierde calling*).²⁹⁸ Partly this will have had something to do with the fact that it would take some months before Anabaptists in Münster turned violent.

The religious outlook of magistrates, in combination with “mere” feelings of solidarity, could inspire them to protect heretics. When Frans Claesz. van Haerlem was jailed in The Hague, the Pensionary of Leiden together with two of Leiden's aldermen went to The Hague to gather information about this case (*om wijs te worden*). It became clear that Frans had read forbidden books and was present at forbidden conventicles, but because he was of unsound mind, he was only banished.²⁹⁹

In some rare cases magistrates even interfered in favour of convicted heretics, as the following example shows. The bailiff of Rotterdam had taken a number of Anabaptists and other “sectarians” (*sectarissen*) into custody and after they had been interrogated and tortured the aldermen decided that all of them had to be burned. All the preparations for the execution were taken: a stake was raised on a scaffold in front of Rotterdam's city hall. But when the executioner, holding a torch (*gloyschoeff*) to light the powder (*bospoeder*), wanted to set the heretics on fire, people shouted ‘beat him to death, beat him to death’ (*smyt doot, smyt doot*) and started throwing stones. In order to save their lives, the executioner and the servants of the bailiff retreated to the city hall that soon came under siege. One man grabbed a stake, maybe one that was originally to be used for the execution, and slammed it against the door of the city hall until he created a hole in it. People crawled through the hole into the city hall and when inside the building they resumed attacking the executioner and his servants. Eventually the judicial officers fled into a tower. It is not entirely clear how this episode ended, but

²⁹⁶ DAN V, 89. He was executed in Zwolle on 8 March 1535, together with 16 other, among whom other citizens of Amsterdam. DAN V, 119.

²⁹⁷ This fear inspired magistrates in Overijssel to be “tolerant”. Waite, ‘Dutch nobility and Anabaptism’, 464.

²⁹⁸ Mellink, *Amsterdam en de wederdopers*, 30.

²⁹⁹ Knappert, *De opkomst van het protestantisme*, 184.

eventually the count of Bossche and the lord of Cruyninghe with their men, who accompanied the *Hof's* councillors, aided the municipal authorities of Rotterdam to restore peace.³⁰⁰

At first glance this seems to be a riot instigated by the common people. However, as it turns out the sheriff of Delfshaven played a vital role in it. He was reported to have removed the steel chain by which a man was strangled and cut his body loose from the stake, while shouting 'kill 'em all' (*slaat doet die boel*). Then the sheriff set free a crippled woman, whereafter he and others assisted the prisoners to help them escape. With a wagon they were transported to Capelle and there they continued their journey on a boat to Dordrecht. There the story ends, but since all those involved were banished, they probably got away without being captured.³⁰¹ It is hard to say whether this sheriff purely acted out of his religious outlook or not, but clearly magistrates had their own feeling and ideas about heretics and what to do with them.

Another factor that could influence that stance of magistrates was their most important duty, namely 'maintaining the harmony within the city walls (*stadsvrede*)'.³⁰² The *stadsvrede* could be breached in many ways, one of which was if magistrates did too little – according to the citizens and inhabitants – to defend the city's privileges as we already have seen.³⁰³ Burgomasters had to swear an oath before taking office, in which they promised to 'look after and protect the city's citizens, widows, and orphans, guided by the charters and rights of the city, and not neglecting this for any reason (*om eenigherhande saken*)'.³⁰⁴ Charles V's anti-heresy laws breached this obligation in several ways: they nullified the rights and privileges of the city and endangered the well-being of the citizens and of the magistrates themselves, as 'the edicts created an offence that exposed the upper reaches of society to prosecution'.³⁰⁵ Enforcing the decrees of the Habsburg overlord to the letter would have severely affected the reputation of the city's political elite. At the same time their authority would be undermined. Already in the 1510s magistrates 'came to appreciate that the conservative religious policy of Charles V could not easily be reconciled with the imperative of peace within the local community'.³⁰⁶ As a result magistrates had to walk a thin line between the demands of the local community and of the higher levels of government, resulting in a pragmatic policy of alternating between the various interests of these pressure groups. In a way violent actions by

³⁰⁰ ARA, arch. nr. 3.03.01.01, inv. nr. 5654, f. 329v-332r. This event occurred in March 1558. Ter Braake, *Met recht en rekenschap*, 247.

³⁰¹ ARA, arch. nr. 3.03.01.01, inv. nr. 5654, f. 332r-334r.

³⁰² Duke, *Reformation and revolt*, 74.

³⁰³ For another example from the same period see, Tracy, 'Habsburg grain policy', 303.

³⁰⁴ Wagenaar, *Amsterdam in zyne opkomst*, 289.

³⁰⁵ Duke, *Reformation and revolt*, 170.

³⁰⁶ Idem, 75.

Anabaptists made it easier for the municipal authorities, for in these cases the needs of the local community virtually coincided with the demands of the Emperor.

Fourthly, heresy was not the only problem magistrates had to deal with. As we saw, economic troubles really hit hard on many towns in Holland, reducing the amount of money available for heresy prosecutions. Leiden *vroedschap* wanted to protect the city from another Anabaptist conspiracy and installed a heavy guard (*zware waeck*) on its gates, who check people entering and exiting the city around the clock. This proved to be a heavy financial burden, especially because the *vroedschap* feared that increasing the tax level could lead to riots (*uploep*) among citizens and *schutters*.³⁰⁷ In line with their financial problems the idea of stadholder Hoogstraten to raise an army of 1000 man to protect the province in case the ‘garrison of Münster’ would attack, was not loudly applauded by Leiden’s magistrates.³⁰⁸ If their king really wished to defend his lands, they argued, they were willing to deploy and maintain a pack of soldiers (*bende van crysknechten*), but at the expense of the king’s *bede*.³⁰⁹ The army never came into being.

Financial considerations have played a role in the prosecution of heretics. Of course the salary of the judicial officers had to be paid. On top of that came the salary of the executioner and his servants and the price of the materials used for the execution (wood, rope et cetera). The total costs of the decapitation of Thomas Fransz. in 1536 were 23 pounds, 19 *schellingen* and six *penningen*.³¹⁰ This is a relatively large amount of money; carpenters or masons, for instance, earned nine to ten *stuivers* a day in Holland around 1550.³¹¹ The high costs are explained at least partly by the fact that Anabaptists and other heretics were not automatically executed. Investigations, a time-consuming process, forestalled the execution

³⁰⁷ RAL, arch. nr. 501, inv. nr. 384, f. 3r-4r (meeting on 15-6-1535). The stadholder had instigated them to do so. RAL, arch. nr. 501, inv. nr. 1185, letter from the stadholder to Leiden (5-4-1535). Even the clergy contributed to the maintenance of the guard; the St. Pancras College (*Sinte Pancrats collegie*), pay 15 *karolus* guilders. RAL, arch. nr. 501, inv. nr. 384, f. 9r (meeting on 11-8-1535). Later they would ask for some tax exemptions because of their contribution, however. Knappert, *De opkomst van het protestantisme*, 160. Without the support of the *schutters* the magistrates could not do much to enforce their policy. J.C. Grayson, ‘The civic militia in the county of Holland, 1560-81: Politics and public order in the Dutch Revolt’, *Bijdragen en mededelingen betreffende de geschiedenis der Nederlanden* (BMGN) 95 (1981) 35. Price, *Holland and the Dutch Republic*, 91-5.

³⁰⁸ RAL, arch. nr. 501, inv. nr. 384, f. 59v (meeting on 20-10-1534).

³⁰⁹ Idem, f. 59v. According to Lamet economic problems mattered most to the *vroedschap* before 1566. See his *Men in government*, 71, 272.

³¹⁰ Grosheide, *Bijdrage tot de geschiedenis der Anabaptisten*, 298.

³¹¹ Vries and Van der Woude, *The first modern economy*, 614. A pound was the equivalent of the guilder. A *karolus* guilder consisted of 20 *stuivers*. Thus instead of spending almost 24 pounds on decapitating a heretic, the magistracy could hire a carpenter for almost 48 days. Charles V also complained about the large amount of money consumed by the prosecution of heretics. Grosheide, *Bijdrage tot de geschiedenis der Anabaptisten*, 198.

of heretics and increased the expenses as heretics had to be jailed and magistrates and their servants had to be paid.³¹²

Fifthly and lastly, the limits of the judicial apparatus restrained the ability of magistrates to prosecute heretics and thus influenced their policy. Gary Waite, who compared the prosecution of Anabaptists and witches in his book *Eradicating the Devil's minions*, came to the conclusion that in the years in which no Anabaptists were prosecuted, witches became the target of the authorities. This happened, among others, because 'a lack of resources or jail space could make it impossible to deal with both sets of heretics at one time...'.³¹³ Although it is remarkable that in Amsterdam in many cases witches were executed precisely in the years no Anabaptists were put to death, Amsterdam was able to jail and execute 62 Anabaptists in 1535, so why would they be unable to execute a couple of Anabaptists and some of witches in other years?³¹⁴ Nevertheless, the point that Waite makes is valid: due to the lack of resources and manpower the administration of justice was often hampered. No wonder, then, that prosecuting all the Anabaptists who tried to travel to Münster simply was not an option for Amsterdam's magistrates.³¹⁵ To give but another example, when the central government demanded that the behaviour of foreign (*uuytheemsche*) people should be regulated, the magistracy of Amsterdam responded they could not live up to this demand, since 'Amsterdam was a mercantile city (*coopstadt*)' harbouring many a foreign merchant.

Now and then the judicial apparatus with its limited resources almost collapsed under the weight of popular pressure or outright violence. Sheriffs and aldermen, even when strongly opposing heresy, had to be very careful when apprehending heretics. In Nieuwkoop the sheriff disrupted an meeting of some Anabaptists and subsequently was called a villain and a traitor. Others thought that if the sheriff did not leave the "poor (*schamele*) Lutherans" be, it would actually be a good idea to beat him to death. Somewhat earlier someone tried to stab the sheriff to death with a pitchfork while another man, armed with a stick with an iron pin in it, tried to prevent the sheriff from entering the village. The meeting of aldermen in the sheriff's house was interrupted when some men entered the room and asked to the

³¹² The central government did not pay the costs of heresy proceedings. Visser, 'Mennonites and Doopsgezinden', 316. Apart from that prosecuting heretics could harm the economy. Therefore, in order not to frighten foreign merchants the presence of Lutherans was connived at in some towns. Zijlstra, *Om de ware gemeente*, 241.

³¹³ Waite, *Eradicating the Devil's minions*, 202. Another example is Reynier Brunt, who for a period had two jobs at the same time. Grosheide, *Bijdrage tot de geschiedenis der Anabaptisten*, 48-9.

³¹⁴ For the figures of Amsterdam regarding the execution of Anabaptists and witches, see Waite, *Eradicating the Devil's minions*, 82.

³¹⁵ In Amsterdam the Anabaptist travellers were not hampered. In Overijssel most of the captured Anabaptists who were on their way to Münster were set free. Mellink, *Amsterdam en de wederdopers*, 31-2.

whereabouts of Dirck Harmansz., the ‘leader of the false verdicts’ (*‘t hooft van valsche vonnissen*). When having located him one of them grabbed a chair and tried to hit Dirck with it.³¹⁶ In Leiden in February 1535, citizens threw stones to magistrates during executions, guards were verbally and physically assaulted, and groups of people gathered in front of the prison and were trying to communicate with the prisoners.³¹⁷ Clearly, communal opposition to the administration of justice, as happened in Amsterdam in 1534, seriously hampered the authority and power of public officials. Even when wanting to enforce a strict religious policy this was simply not always an option.

The behaviour of magistrates, then, was not purely the result of some “Erasmian spirit” that continued to inspire them throughout the ages. Nor did they always act as they did, contrary to what documents drafted by governments officials want us to believe, because they were weak or heretics themselves. Having to take into account the interest of many pressure groups, magistrates were forced to political pragmatism, as changing circumstances called for different solutions. Besides the interest of the pressure groups, other factors, such as the religious outlook of the magistrates, played an important role as well. Furthermore, the power of the magistrates to enforce their policy was restrained by the limits of the judicial apparatus. As the priority of the cities’ magistracy often was to defend the interests of their city, they tended to a changing degree of unconformity towards the central authorities. In a variety of ways, ranging from peaceful inquiries to acts of outright rebellion, magistrates interfered and tried to influence or obstruct the administration of justice by higher levels of governments. Nevertheless, if the situation asked for it, magistrates were as strict as the Habsburg authorities wanted them to be.

The importance of status

The behaviour of magistrates was also influenced by the status of suspect, for in general they were far more willing to prosecute people of “inferior standing” than their “social equals”.³¹⁸ Back then as nowadays someone’s position in society was the result of many aspects: occupation, family, and wealth, to name but a few. The status or *aanzien* a person enjoyed could influence judicial proceedings or rule out an accusatory process. Before analysing the

³¹⁶ ARA, arch. nr. 3.03.01.01, inv. nr. 5654, f. 33v-35r..

³¹⁷ Knappert, *De opkomst van het protestantisme*, 153. Violence directed against those who prosecuted heretics also occurred in the Southern Netherlands. Van der Wiele, ‘De overheidspolitiek ter bestrijding van de reformatie’, 418-9.

³¹⁸ Gregory, *Salvation at stake*, 96.

protection someone enjoyed because of his status, it will be necessary to find out which strata of society were “contaminated” by Anabaptism.

The president of the *Hof*, Gerrit van Assendelft, was quite clear about this. According to him no people from the upper reaches of society were Anabaptists.³¹⁹ His colleague Brunt expressed a view many later historians would embrace: Anabaptists were poor people, all members of the lower classes. Samme Zijlstra has recently argued this was not the case; Anabaptism was a broad movement, its members coming from all layers of society.³²⁰ There is some evidence that supports his view. For example, some members of the nobility were Anabaptists or supported them. Pieter van den Binchorst, the bailiff of Gravezande (a town just below The Hague) tried to take control of the small village of Hazerswoude in December 1535. The Lord of Hazerswoude, Joost van Cruijningen, protected Anabaptists while another nobleman, Jan van Batenburg, became the notorious leader of the violent Batenburgers.³²¹ David Joris received support from noble families and some members of the higher nobility, such as the former stadholder of Groningen, were suspected of being Anabaptists.³²²

Besides these nobles, some of the political elite will have been Anabaptists. The connection with and sympathy for Anabaptists by a number of Amsterdam’s magistrates has already been examined. Economically, a number of Anabaptists did belong to the wealthy part of society.³²³ However, when analysing all the verdicts of the convicted Anabaptists, it immediately shows that Anabaptist overwhelmingly were artisans. The occupation of Anabaptists ranged from cabinetmakers to tailors, from cobblers to bookbinders and so forth (see table 5.2 on the next page).³²⁴

What does the occupation of the Anabaptists say about their social-economical position in society? On the one hand, most of them were craftsmen, and were trained to acquire the necessary skills. Some of them, such as a goldsmith, worked with valuable materials and made products destined for the upper reaches of society with whom the goldsmith will have had contact on a regular basis. Moreover, we should be careful when judging the status attached to a certain profession. For instance, if a verdict calls someone a tailor, we do not know what kind of products he made, to whom he sold them, the scale of his workshop, whether his business flourished, et cetera. It is beyond the scope of this essay to

³¹⁹ Brugmans, *Geschiedenis van Amsterdam*, I, 273.

³²⁰ Zijlstra, *Om de ware gemeente*, 103.

³²¹ Waite, ‘Dutch nobility and Anabaptism’, 460-1.

³²² Idem, 466-8.

³²³ Grosheide, *Bijdrage tot de geschiedenis der Anabaptisten*, 226-8.

³²⁴ In other areas of Europe this seems to have been the case as well, certainly in the cities. See, for instance, Clasen, *Anabaptism. A social history*, 432-4, 436.

study the position and status of artisans in the sixteenth century, but most of them will have belonged to the middle-class of society, some of them to the upper-middle-class. On the other hand, because of the economic hardship a number of Anabaptists will have lost their job. Certainly the jobseekers who travelled to other cities will have immediately lost status, as they were jobless and a stranger on top of that.

Table 5.2: The occupation of convicted Anabaptists in Holland

Intellectuals	6	Wood	31
Surgeon	1	Carpenter	4
Schoolmasters	5	Cabinetmaker (incl. <i>scrienwercker</i>)	9
Notary	1	Comb-maker	1
		Wood-piler (<i>houtsager, houtstapelaer</i>)	4
Textiles	35	Cooper	11
Tailor (<i>synder, cledermaiker</i>)	18	Furniture maker (<i>stoeldrayer</i>)	1
Fuller	3	Ship maker	1
Weaver	8		
Furrier (<i>droochscheerder</i>)	2	Stone and construction	1
Hatmaker	1	Blockmaker	1
Tailor's mate (<i>snydersgezel</i>)	1		
Linen carrier (<i>lyndrager</i>)	2	Others	29
		Bookbinder	2
Metals	23	Basketweaver	1
Armourmaker	4	Painter	1
Knifemaker	2	Barber	2
Smith	7	Glassmaker	8
Goldsmith	1	Bargemen	2
Kettlemaker	2	Sexton	1
Lockmaker	3	Bookseller	1
Wheelmaker	1	Boatswain (<i>schuytvaerder</i>)	2
Kettlemaker's mate	1	Cooper/bookbinder	1
Metal worker (<i>schaerslyper</i>)	1	Tailor/barber	1
Tin moulder (<i>tinnegieter</i>)	1	Captain (<i>scipper</i>)	1
		Seaman	1
Leather	12	Sheriff/former sheriff (<i>oudtschout</i>)	2
Shoemaker and cobbler	9	Broommaker (?) (<i>Boezemaker</i>)	1
Shoelacemaker	1	<i>Aleyschieter</i>	1
Chamois maker (<i>zeemaker</i>)	1		
Saddle maker (<i>saelmaker</i>)	1	Total	144
Foods	7		
Baker	2		
Miller	1		
Butcher (<i>vleyshouwer</i>)	2		
Fish merchant (<i>viscooper</i>)	1		
Dairy merchant (<i>zuvelcooper</i>)	1		

Sources: DAN II, V; RAL, arch. nr. 508, inv. nr. 3-1; 501, inv. nrs. 21-22; GAD, arch. nr. 13, inv. nr. 46; ARA, arch. nr. 3.03.01.01, inv. nrs. 5653-5654. I have copied the headers used by Gary Waite in his article 'Anabaptists genesis and social dynamics', p. 251.

Two aspects of this table are especially noteworthy. One is the low number of intellectuals among the Anabaptists. Gary Waite has already concluded that in Amsterdam in the period 1531-5 there were hardly any intellectuals involved in the Anabaptist movement, but apparently this trend continued throughout the period under study in this essay.³²⁵ Artisan leadership explains at least partly why so many artisans joined the Anabaptists, for their peers must have been a receptive audience to the message they spread.³²⁶

The second thing that catches the eye is the fact that, apart from a sheriff and an old sheriff, no members of the upper reaches of society are included in this list. Apparently, as mentioned above, the political elite was not keen on prosecuting their peers, and/or members from the upper strata of society were protected by their status, position and social network. The following examples underscore this, but also make clear that “archetypical Anabaptists”, those who belonged to the artisans class, could benefit from their ties with the urban community.

The case of Cornelis Jansz. de Vlaminck, a former aldermen and patrician of Amsterdam, shows how magistrates tried to defend their peers (and themselves, to a certain extent). When the Anabaptist leader Jan Paeuw said during his interrogation that Cornelis and other influential people were also ‘of the bond’ (*mede van de bonde te wesen*), magistrates thought it wise to keep these records out of the hands of Reynier Brunt.³²⁷ Cornelis had left the city in 1534, travelling with other Anabaptists, and was taken into custody in 1535 as he was suspected of plotting an attack on the city of Deventer. He was subsequently executed. Four or five learned men, among whom a licentiate in Theology from Haarlem, had tried to persuade him to recant. Influential friends of Cornelis tried to convince the stadholder that Cornelis was a respected but deceived man. Both the stadholder and Mary of Hungary urged the magistracy of Deventer not to ‘treat wealthy people differently than the poor’, although ‘they should not rush things and judge too quickly’.³²⁸ In the end, because Cornelis refused to recant and the evidence against him was overwhelming, his friends were not able to rescue him. However, if matters would have been less serious, we can not rule out the possibility that Cornelis could have been saved because of his powerful network.

³²⁵ Waite, ‘Anabaptist genesis and social dynamics’, 250-1.

³²⁶ Idem, 252. As artisans belonged to the same social class, many of them lived together. See for instance the interrogation of neighbours of suspected Anabaptists and pay attention to their occupation. RAL, arch. nr. 501, inv. nr. 1185, interrogation of Cornelis Dirxcs and Heynrick Jansz. and others, 16-11-1535.

³²⁷ Mellink, *De wederdopers in de noordelijke Nederlanden*, 116.

³²⁸ Idem, 82, 287. The rulers of Amsterdam supported the family of Cornelis and obstructed the attorney-general who tried to confiscate his goods. *DAN V*, 260. Fye Harmansdr. maintained that wealthy people who were suspected of heresy surely would evade the law. ARA, arch. nr. 3.03.01.01, inv. nr. 5654, f. 374r.

In the following examples people from the elite are accused of being Anabaptists, but to no avail. In May 1542 Cornelis Jansz. van der Wilde and his son Claes (an alderman) were jailed, because according to the *Hof* they and an ‘evil woman’ were contaminated by the ‘new sect’.³²⁹ Several times the magistrates of Leiden travelled to The Hague, talked with councillors of the *Hof*, and tried to gain permission to release them, thereby aided by Jacob the Wilde, who was Pensionary of Leiden.³³⁰ Eventually the De Wilde’s were released from prison, as the accusations were deemed to be nothing but rumours and slander.³³¹

Elsa van Lostadt, the wife of the *drossaert* of IJselstein, was accused of warning the *Batenburgers* her husband wanted to capture. After the preliminary enquiry she had to appear before the *Hof*. Her husband protested, maintained that she was innocent and paid the ransom of a thousand guilders after which she was temporarily set free. As the investigation continued new witnesses were called upon and they told the authorities Elsa also had spoken evil of the sacrament. Ghijsbrecht van Baecxs, Elsa’s husband, immediately launched a counter-offensive by attacking the credibility of the witnesses and their evidence (known as the act of *reprochen*). His attempts were successful, the Hof declared his wife to be innocent and her ‘honour, name and reputation’ were restored.³³²

In the case of Elsa it is unclear what happened to the witnesses whose credentials seemed to be doubtful. False accusations could easily backfire, certainly when accusing people who enjoyed a good reputation. Floris Egbertsz., the assistant pastor (*vicecureyt*) of the Old Church in Amsterdam once wrote a letter in which he said that according to Fye Harmansdr. sheriff Willem Dircksz. (Baerdes) and his wife were rebaptized and that the latter organized conventicles in her house. Although he was sorry that he had written this, the *Hof* banished him for the rest of his life, urging him not to take up the work of the inquisition anymore.³³³ Maybe the fact that he was a servant of the church mitigated his punishment, for other people who came up with false accusations were punished more severely.³³⁴ From 1556 onwards the use and influence of false accusations was curbed because Philips II decreed that

³²⁹ Knappert, *De opkomst van het protestantisme*, 177-8.

³³⁰ RAL, arch. nr. 501, inv. nr. 624 (Thesauriersboek, 1541-2) f. 32r, 35v

³³¹ Knappert, *De opkomst van het Protestantisme*, 178. RAL, arch. nr. 501, inv. nr. 624, f. 40v.

³³² ARA, arch. nr. 3.03.01.01, inv. nr. 5654, f. 226r-228r.

³³³ ‘...mitgaders hem gheensins te onderwinden twerck der inquisitie van den kersten gelove...’. ARA, arch.nr. 3.03.01.01, inv. nr. 5654, f. 378v-379r. For Fye’s verdict, see idem, f. 374r-377v.

³³⁴ Fye Harmansdr., who admitted her accusations were false, was executed. Her tongue was cut off after which she was burned. ARA, arch. nr. 3.03.01.01, inv. nr. 5654, f. 377v. Knappert, *De opkomst van het protestantisme*, 178.

all the testimonies of witnesses had to be public. This would make it harder to jail and prosecute someone before the necessary evidence was gathered.³³⁵

These examples give the impression that mostly the people from the higher stratum of society benefited from the good name and fame they enjoyed, from their wealth, and from their friends and relatives. Although it may be true that they had more options to evade the laws that theoretically had to be applied to them as well, even the “usual suspects” could be shielded from the law because of the reputation they enjoyed and the social network they were part of.³³⁶ The well-documented case of Anthonis Huygens bears witness to this.

According to his verdict Anthonis he was rebaptized, had been present at conventicles, and had sold gunpowder (*boschcruyt*) to various sectarians. The sheriff demanded that he should be executed, but the aldermen wished to subject him to torture first.³³⁷ At the same time, many people who knew Anthonis were interrogated, such as fellow militiamen and his neighbours.³³⁸ According to them, Anthonis never talked about the errors of the Anabaptists, but when someone asked to him whether Anabaptists were ‘evangelical people’, he responded that they were not.³³⁹ He also went to the sermons in the church, conformed to its commandments, and acted as ‘a good Christian’.³⁴⁰ He did sell gunpowder, but to other towns and cities, such as Leiden, in order to make some money. He had never sold any gunpowder to Anabaptists and he surely did not intermingle with the Melchiorites and was not one of them.³⁴¹ Anthonis was an ‘honest and reliable young man’ and ‘an honourable burgher’ (*burgere van eere*), who took great care of his wife and his little children.³⁴² Moreover, some of them testified that they were in close contact with Anthonis and his wife and had never seen suspect people entering their house.³⁴³

Fellow militiamen defended Anthonis’ behaviour during the night in which the Anabaptist conspiracy was exposed and quashed. According to them he did what he was

³³⁵ Woltjer, ‘Het conflict tussen Willem Bardes en Hendrick Dirkszoon’, 198. In 1550 Charles V proclaimed that those who came up with false accusations had to be severely punished. Grosheid, *Bijdrage tot de geschiedenis der Anabaptisten*, 194.

³³⁶ Many new inhabitants of Amsterdam were aided by befriended citizens who acted as a guarantee, providing them with time to get certificates of “good conduct” from pastors or the city’s authorities. Boomgaard, *Misdaad en straf*, 48.

³³⁷ RAL, arch. nr. 508, inv. nr. 3, f. 9r, 10r.

³³⁸ Anthonis lived in Hoehwoert (Hogewoerd), a quarter in Leiden. GAD, arch. nr. 501, inv. nr. 1185, 16-11-1535. See also, Kees Walle, *Buurthouden. De geschiedenis van burengebruiken en buurtorganisaties in Leiden (14e – 19e eeuw)* (Leiden, 2005) 14.

³³⁹ RAL, arch. nr. 501, inv. nr. 1185, interrogation of Dirck Jacobsz., 17-11-1535.

³⁴⁰ Idem, interrogation of Willem Dirxcs and Mouwerijn Jacobs, neighbours of Anthonis, 17-11-1535.

³⁴¹ Idem, interrogation of Cornelis Dirxcs and Heynrick Jansz. and others, 16-11-1535.

³⁴² Idem, interrogation of Heynrick Gerytsz. (Anthonis bought a gun from him), 17-11-1535; Cornelis Dirxcs and Heynrick Jansz. and others, 16-11-1535; Cornelis Dirxcsz., 27-11-1535.

³⁴³ Idem, interrogation of Cornelis Dirxcs and Heynrick Jansz. and others, 16-11-1535.

ordered to do by the captain of the *schutterij*, refraining from walking around with his gun when this was not needed, just like other good militiamen and burghers.³⁴⁴ Others told the authorities that they guarded the city together with Anthonis and combed-out the city in order to trace Anabaptists, implying that Anthonis had never left them to go to one of the Anabaptist meetings.³⁴⁵ Just like Anthonis' neighbours his colleagues defended him. The aldermen were not completely won over by these testimonies, since they wanted to torture Anthonis first, but neither did they immediately give in to the demands of the sheriff. Ultimately, contrary to his demands, the aldermen decided to banish Anthonis. This must have partly been the doing of Anthonis' network, consisting of people who knew him and who stood up for him.³⁴⁶

One's status could also influence the way someone was executed and even after death it could have its consequences. The mother of David Jorisz., who came from a renowned family, for instance, was not drowned as the other convicted Anabaptist females, but was beheaded, a punishment often reserved for the nobility.³⁴⁷ Moreover, if she did penance she would be executed and buried in the cloister of the Cellites (*Cellenbroeders*).³⁴⁸ Some executed Anabaptists, such as Bette Snyders, were buried in consecrated earth (*upter heyliger aerde*).³⁴⁹ As some heretics were buried under or near the gallows and only some verdicts specify that Anabaptists were buried in consecrated earth, this should be considered as a privilege enjoyed by a few Anabaptists.

Letters of remission

In some extraordinary cases Charles V showed that he could be merciful to Anabaptists as well. Evidence of this can be found in the so-called letters of remission (*remissiebrieven*).³⁵⁰ Criminals could appeal to the Emperor and ask for forgiveness. When successful, the transgressor received a letter from the Emperor and after such a letter was registered at a

³⁴⁴ Idem, interrogation of Cornelis Dircxs., 27-11-1535; Willem Dircxs and Mouwerijn Jacobs, 17-11-1535

³⁴⁵ RAL, arch. nr. 501, inv. nr. 1185, interrogation of Jacob Arentsz., Claes Symonsz., and Pieter Symonsz., 20-11-1535.

³⁴⁶ Anthonis was not the only suspect of Anabaptism who received aid from friends and relatives. For some examples see, *DAN V*, 132-3, 146, 194.

³⁴⁷ This was also the habit in other countries. Foucault, *Discipline and punish*, 13.

³⁴⁸ GAD, arch. nr. 13, inv. nr. 46, f. 180r. Although the Cellites was not the most prestigious religious order, the fact that she was offered to be buried there (when recanting) should be considered as a sign that the magistrates were taking her status in account.

³⁴⁹ RAL, arch. nr. 508, inv. nr. 3-1, f. 21-22. It is unknown whether she was a citizen or not, so it is not completely clear why she was allowed to be buried there. Other Anabaptists enjoyed this "privilege" as well, see Knappert, *De opkomst van het protestantisme*, 183.

³⁵⁰ Charles V often resorted to this means, whereas Philip II did not. Hugo de Schepper and Jean-Marie Cauchies, 'Justicie, gracie en wetgeving. Juridische instrumenten van de landsheerlijke macht in de Nederlanden, 1200-1600', in: *Beleid en bestuur in de oude Nederlanden* (Gent, 1993) 167.

provincial court he or she was officially absolved.³⁵¹ The first part of these letters consist of the plea of the criminal, in the second part the decision of the government is given.³⁵² We shall see that supplicants used their good name and reputation to convince the Emperor that he should pardon them. Charles V was willing to take someone's good reputation into account; in 1550 he sent a letter to the *Hof* allowing the councillors to deliberate with the stadholder whether someone with a good name who transgressed a placard out of ignorance could be pardoned.³⁵³

Peter Jansz., for instance, a tailor from The Hague, was captured with other Anabaptists when travelling. One of them told him he 'first had to believe before he could be baptized' and Peter started to read the Gospel. Being a simple man, Peter was easily seduced and went to a conventicle where he was rebaptized. However, he was still a good Christian, and when he heard of the violent plans of fellow Anabaptists he immediately left them, went to a church out of grief and then fled because he feared justice. He travelled to Gorcum (Gorinchem) did penance, but came in touch with Anabaptists and again visited their conventicles, but 'without believing in their sermons'. Eventually he was caught by the authorities and had to face justice. Why he was pardoned is not entirely clear, probably because he provided the authorities with the names of many Anabaptists.³⁵⁴ Just like other Anabaptists, and similar to those who defended Anthonis Huygensz., he pointed out that he was a good Christian who refrained from using violence. Besides that, it was not really his fault that he joined the Anabaptists in the first place, because he was simple-minded and thus constituted an easy target for the malicious Anabaptist leaders.³⁵⁵

In the letter of Anna Lenaertsdr. the same arguments were put forward. She was a good Christian and went to church on a regular basis. Furthermore, she had never been into contact with Anabaptists until the evening she heard a woman named Griete knocking on her door, urging Anna to come with her. Both left, Anna without telling her husband, to the house

³⁵¹ M.-Ch. Le Bailly, *Hof van Holland, Zeeland en West-Friesland. De hoofdlijnen van het procederen in civiele zaken voor het Hof van Holland, Zeeland en West-Friesland zowel in eerste instantie als in hoger beroep* (Hilversum, 2008) 49-50.

³⁵² For an article about letter of remission given to Mennonites in the Southern Netherlands, see Guido Marnef, '“Verleid en bedrogen” Berouwwolle doopsgezinden in Brabantse remissiebrieven, 1543-65', *DB* 22 (1996) 69-77. *Le Bailly, Hof van Holland*, 132. See also H. de Schepper and M. Vrolijk, 'Vrede en orde door gratie. In Holland en Zeeland onder de Habsburgers en de Republiek, 1500-1650', in: M. Bruggeman et al. eds, *Mensen van de nieuwe tijd. Een liber amicorum voor A. Th. van Deursen* (Amsterdam, 1996) 98-117, esp. 98-104.

³⁵³ Grosheide, *Bijdrage tot de geschiedenis der Anabaptisten*, 194, 212.

³⁵⁴ ARA, arch. nr. 3.03.01.01, inv. nr. 3549 (Register van interinemen van remissies, 26 March 1538 – 15 Sep. 1540) f. 155v-159v. He had to pay a fine and he had to keep out of Holland for the period of six years.

³⁵⁵ Leenken Pietersdr. and Claesken Jansdr. called themselves 'honest children' (*eerlycke kinderen*) and 'shabby young maidens' (*schamele jonghe maeghden*). ARA, arch. nr. 3.03.01.01, inv. nr. 3548 (Interinemen van remissies, 27 July 1535 – 14 March 1538) f. 65r.

of Henrick. Inside the house people were pulling of their clothes and threw them in the fire. Anna was asked to do the same and frightened as she was she obeyed. As we know all the *naaktlopers* were captured. Anna was aghast, for she never intended to join these wicked people and she certainly did not aim to cause a scandal. And although she was deceived to go to Henrick's house, she was not rebaptized.³⁵⁶

When reading such statements it sometimes seems to be pure opportunism, documents written by people who inserted many arguments in it in order to wash away their sins.³⁵⁷ However, when reading a letter from Gerrit van Assendelft and Reynier Brunt to the stadholder (31 July 1535) it seems that a number of their arguments were copied by Anna.³⁵⁸ For instance, according to their letter Anna was a good Christian, acted the way she did because she thought it was a commandment of God, and cried and was very ashamed when captured by the authorities, saying 'that she never would not run naked on the street anymore, not for all the goods of the world' (*alle goet van der werlt*).³⁵⁹ While not explicitly mentioning this letter, Anna hints at the investigation by saying that advice was asked from the sheriff, aldermen, and burgomasters of Amsterdam.³⁶⁰ It was also mentioned that Brunt had contact with the stadholder (probably referring to the letter by Van Assendelft and Brunt).

Van Assendelft's and Brunt's letter mentioned a few things that were not included in Anna's letter of remission: Anna was pregnant and that was why she was not executed in the first instance. Besides that, Anna expressed some doubts about the holy sacrament, but very much wanted to be educated about this. The pastor of the Old Church in Amsterdam did so, and in his testimony he was very positive about her. Because she said she was not rebaptized and no evidence was found that contradicted this, Van Assendelft and Brunt thought she was only guilty of walking naked on the streets. This, in combination with her honourable

³⁵⁶ *Idem*, f. 18r-19r.

³⁵⁷ Authorities did not always trust repentant heretics. According to the *vroedschap* of Leiden, heretics did penance but 'more with their mouth than their heart (*meer mitten monde dan mitter harten*). RAL, arch. nr. 501, inv. nr. 384, f. 59v (meeting on 20-10-1534).

³⁵⁸ Anna probably never saw this letter, but she was the subject of an investigation and must have spoken with many people. She was possibly aided some people (such as the pastor, sheriff, aldermen or attorney) when drafting her plea. Marnef, 'Verleid en bedrogen', 70. Le Bailly, *Hof van Holland*, 49-50. Sticking to the truth did matter, for in 1541 Charles V decreed that if someone lied in his request, the letter of remission was declared null and void. Marjan Vrolijk, *Recht door gratie. Gratie bij doodslagen en andere delicten in Vlaanderen, Holland en Zeeland (1531-1567)* (PhD-dissertation, Zutphen, 2001) 315.

³⁵⁹ DAN V, 233.

³⁶⁰ In practice not Charles V or Philips II but the regent and the Secret Council (*Geheime Raad*) asked for advice and dealt with these letters of remission. Marnef, 'Verleid en bedrogen', 70.

reputation – and maybe because she was young, ‘beautiful, and graceful’ – was why she should be exempted from punishment.³⁶¹

Several factors, such as the fact that she was not rebaptized, was young and pregnant, enjoyed a good reputation, and was supported by a favourable pastor among others, have contributed to her being absolved and exempted from the rigor of justice. As these two examples show, the plea’s of Anna and Peter did not purely consist of neatly framed arguments, for these arguments had to be supported by concrete examples of their behaviour. For example, Peter could muster the fact that he had provided the authorities with the names of many Anabaptists, while Anna could emphasize that she was educated by a pastor and that she was not rebaptized. Besides that, they were obliged to perform certain actions in the future. Peter had to pay a fine and was banished, whereas Anna had to appear before the local court of Amsterdam with a burning candle in her hand and beg for forgiveness. After that she had to partake of the holy sacrament in one of Amsterdam’s churches (still with the candle), and had to pay ‘the cost of justice’.³⁶²

How many Anabaptists were pardoned is hard to say, for there was not enough time to go through all the letters of remission. It is a genuine possibility that in the 1550s/60s more Anabaptists were exempted from punishment as the hysteria of the 1530s slowly withered.³⁶³ Whether this may or may not be the case, it is telling that Anna’s and Peter’s letters were registered on 1 December 1535 and 29 October 1539 respectively, and thus they were pardoned in the years when the memory of the hostile Anabaptists was very much alive and vivid. Already then, although in extremely rare cases, the Habsburg overlord himself (or his representative) was willing to take into account a number of variables and to mitigate the punishment.

As we have seen in this chapter, the actions of people were motivated by a variety of interests. Magistrates had to deal with various pressure groups, but even when this led to political pragmatism, other factors, such as their religious outlook, continued to play an important role. As the circumstances changed, the influence different variables exerted changed as well. For example, the relatively tolerant policy of the magistrates – partly based on their religious views – was continued until the Anabaptists caused havoc. When this happened, the peace and harmony in the city was breached, and as the burgomasters swore an oath to uphold this,

³⁶¹ DAN V, 233-4. According to Vrolijk, having a “good name” was essential for being pardoned. Vrolijk, *Recht door gratie*, 316.

³⁶² ARA, arch. nr. 3.03.01.01, inv. nr. 3548, f. 19r.

³⁶³ As suggested by Marnef, ‘Veleid en bedrogen’, 71.

they reacted forcefully, regardless of their own religious outlook. The same goes for the Habsburg authorities. For instance, their hate (and fear) of heresy often shaped their policy, but they were willing to enlist some Anabaptists as they wanted to obtain the bishopric of Münster.³⁶⁴ In other words, the way people acted was based on many considerations, and religion was just one of them.³⁶⁵

The fact that the position and status of Anabaptists – or of those suspected of being Anabaptists – still mattered, shows that Anabaptists (and heretics in general) were tied to the rest of society, which made it very hard to plainly outlaw and to automatically execute them. Secondly, even when Anabaptists were depicted as arch-heretics and vehemently rebellious, many people who knew Anabaptists in person refused to reduce their identity to this religious essence. Anabaptists and the people suspected of it were also seen caring fathers, good citizens, capable craftsmen, beloved family members, and befriended neighbours, to name but a few. In particular circumstances specific aspects of one's identity were underlined, whereas other aspects are deemed to be of less importance. In the times of great upheaval, the religious aspect and the rebellious nature of Anabaptists was stressed. After the 1530s this negative image gradually withered as peaceful currents within Anabaptism got the upper hand and the equation of Anabaptism with rebellion lost its force. People started to make a distinction between violent Melchiorites and tranquil Mennonites, for instance. In some cases, as we have seen, this distinction between violent and non-violent Anabaptists was already made in the 1530s, although in the first instance such a nuanced judgement was fairly limited to the relatives and friends of Anabaptists who could, when influential, convince the authorities that harsh punishments or prosecution in general was not necessary at all. Without these ties, and without their social network, more Anabaptists would have been prosecuted and executed.

³⁶⁴ Mellink, *Amsterdam en de wederdopers*, 54. Mellink, *De wederdopers in de noordelijke Nederlanden*, 127-8.

³⁶⁵ In turn, at least for some people the choice of their religion was based on multiple considerations. Judith Pollmann, *Een andere weg naar God. De reformatie van Arnoldus Buchelius (1565-1641)* (Amsterdam, 2000) 227, 236.

6. Prosecution of Anabaptists by the *Hof van Holland*

Whereas in the preceding chapters the prosecution of Anabaptists by the local courts was examined, we will now turn to the provincial court of Holland. Did they follow the decrees of Charles V and Philipp II to the letter and did they punish Anabaptists more severely? Or did variables exert influence on the councillors (*raadsheren*) of the *Hof* as well? If so, are the same patterns visible, compared to the verdicts of the local courts?

The *Hof* was a court that found itself betwixt and between the local courts and the *Grote Raad* of Mechelen. People could appeal to the *Hof* when being in disagreement with the verdict of the local courts. This was only possible in civil or “ordinary” cases, however. In criminal or “extra-ordinary” cases, in which capital punishments were meted out, this was not a possibility.³⁶⁶ Heretics, therefore, did not have the option to appeal to the *Hof* after conviction by a local court of justice.

The *Hof* consisted of multiple parts, but the part that dealt with heresy was the *Raad van Holland*, that consisted of around twelve councillors during most of the sixteenth century.³⁶⁷ From October 1529 onwards two councillors were assigned to the permanent task of investigating all matters that had something to do with heresy. They were authorized to surpass normal judicial procedures in order to speed up justice (*snelrecht*), but they had to consult the other councillors in the process.³⁶⁸

For several reasons it is to be expected that the punishments of councillors of the *Hof* imposed on Anabaptists were harsher than the verdicts of the local judges. Firstly, the *Hof* was in close contact with the central authorities, who scrutinized the proceedings of this court. Secondly, the councillors were directly appointed by the Habsburg overlord, although in practice often the regent took care of this.³⁶⁹ This, in theory, lessened the chance of the election of magistrates who were sympathetic towards heretics. Thirdly, whereas people were judged by their peers in the cities or towns, they were not when summoned before the *Hof*. True, those of noble lineage or members of the political elite might have been acquainted with some of the officials working for the *Hof*, but the great majority of the Anabaptists will not have had a personal relationship with the councillors whatsoever. Not surprisingly Charles wanted that the *Grote Raad* and the *Hof* took care of the heresy trials instead of the local

³⁶⁶ Le Bailly, *Hof van Holland*, 26.

³⁶⁷ Idem, 13. Ter Braake, *Met recht en rekenschap*, 63.

³⁶⁸ Idem, 236.

³⁶⁹ Idem, 96. During the selection of new councillors the regent was advised by other officials such as the stadholder and the president of the *Raad*. Idem, 96-7.

courts. And although eventually this task was delegated to the local courts, the *Hof* was very active in prosecuting Anabaptists, as this table shows.

Table 6.1: Prosecution of Anabaptists by the *Hof*

	Capital				Non-capital			
	Principael	%	Non-principael	%	Principael	%	Non-principael	%
1530s	19	22,6	64	76,2	7	1	727	99
1540s	1	10	9	90	0	0	12	100
1550s	0	0	4	100	1	6,7	14	93,3
1560s	0	0	2	100	3	50	3	50
Total	20	20,2	79	79,8	11	1,4	756	98,6

Sources: DAN V; ARA, arch. nr. 3.03.01.01, inv. nrs. 5653-5654.

An astonishing number of 866 Anabaptist were convicted by the *Hof* in this period. Remarkable is the huge number of Anabaptists that received non-capital punishments in the 1530s. As mentioned before, in the week of 21 March 1534 many Anabaptists tried to travel to Munster by boat, but were stopped by the authorities – most of them in Genemuiden, Overijssel. Here all Anabaptists had to disembark from the 27 ships on which they travelled, and although according to James Tracy the contemporary estimate of 3000 Anabaptists was too high, there were thousands of Anabaptists on their way to Munster.³⁷⁰ Because of these huge numbers the authorities were unable to prosecute them all, and except for the leaders many of them were sent home. It appears that they were not just simply released, however, but had to appear before the *Hof* (that is, the Anabaptists living in Holland).

Many of them benefited from a placard issued on 27 February 1534, granting Anabaptist a period of 24 days in which they could recant and would be pardoned. This placard was issued after a councillor of the *Hof* travelled to Brussels and explained that the *Hof* had no problems executing the leaders, but that putting to death all the deceived people would be too harsh.³⁷¹ Moreover, executing them would cause a lot of tumult in the country.³⁷² Although only 15 Anabaptists went to the authorities and profited from this period of grace, this ‘policy of clemency’ was continued after this period because of this exodus of Anabaptists.³⁷³ For instance, on 21 April 1534 Hellegont Claesz. and Griete Claesdr. appeared before the *Hof* and ‘desired to be pardoned because of the placard of His Royal Majesty’.³⁷⁴

³⁷⁰ Tracy, *Holland under Habsburg rule*, 163. Only from Leiden 200 Anabaptists wanted to travel to Munster. Mellink, *De wederopers in de noordelijke Nederlanden*, 189.

³⁷¹ Ter Braake, *Met recht en rekenschap*, 239.

³⁷² DAN V, 21.

³⁷³ Tracy, ‘Heresy law and centralization’, 292-3. For the instructions the *Hof* was supposed to follow, see Kuler, *Geschiedenis der Nederlandsche doopsgezinden*, 104. These instructions show that the central government

This policy of clemency was continued for quite a while, for even on 17 September 1535 Claes Jacobsz. successfully referred to this period of grace. Shortly after Claes was taken into custody at Gelmuyden (Genemuiden) he went to do penance and received the holy sacrament within the 15 days stipulated by a placard (another placard issued by the provincial States since they speak of a period of 15 days instead of 24?). Because one of his children got an infectious disease he had to shun people and after that he sailed ‘from east to west’ in order to make some money. That was why it took him so long to go to the *Hof* and show the evidence (*testimoniael*) that he was cleansed of the Anabaptist infection.³⁷⁵ Another Anabaptist went to The Hague to show this, but because of the large crowd of Anabaptists there he was sent home to come back another time (the capacities of the *Hof* were limited as well). He went herring fishing and came back a couple of months later.³⁷⁶

The date when people came to the *Hof* modified the punishment inflicted on them. In general Anabaptists who came directly to the *Hof* and already had done penance and could prove this, were released after paying a fine.³⁷⁷ Anabaptists who appeared before the *Hof* some time (several weeks or longer) after they were captured but already had done penance and could show this, had to beg the court for forgiveness, had to go to a church to make a sacrifice in front of the Holy Sacrament, and had to pay a fine.³⁷⁸ The people who travelled with Anabaptists, were not rebaptized but had not done penance yet, only had to appear for the *Hof*, beg for forgiveness, and pay a fine.³⁷⁹ Those of them who already had done penance only had to pay a fine.³⁸⁰ Of course, exceptions are always to be found – in some instances Anabaptists had to go to the church for several times and do penance³⁸¹ – but in general this seems to be the distinction the councillors made between the different cases. Schematically it looks like this.

classified the Anabaptists in different categories, but did not make such a detailed distinctions as the councillors of the *Hof* would do.

³⁷⁴ ‘...begeerden in gracie ontvangen te zijn achtervolgende die placaten vanden K: M:’. ARA, arch. nr. 3.03.01.01, inv. nr. 5653, f. 44r.

³⁷⁵ ARA, arch. nr. 3.03.01.01, inv. nr. 5653, f. 213v-214v.

³⁷⁶ *Idem*, f. 172r.

³⁷⁷ For instance, see ARA, arch. nr. 3.03.01.01, inv. nr. 5653, f. 61v-62r; 81v-82r. Anabaptists who were too poor did not have to pay a fine. *Idem*, f. 61v.

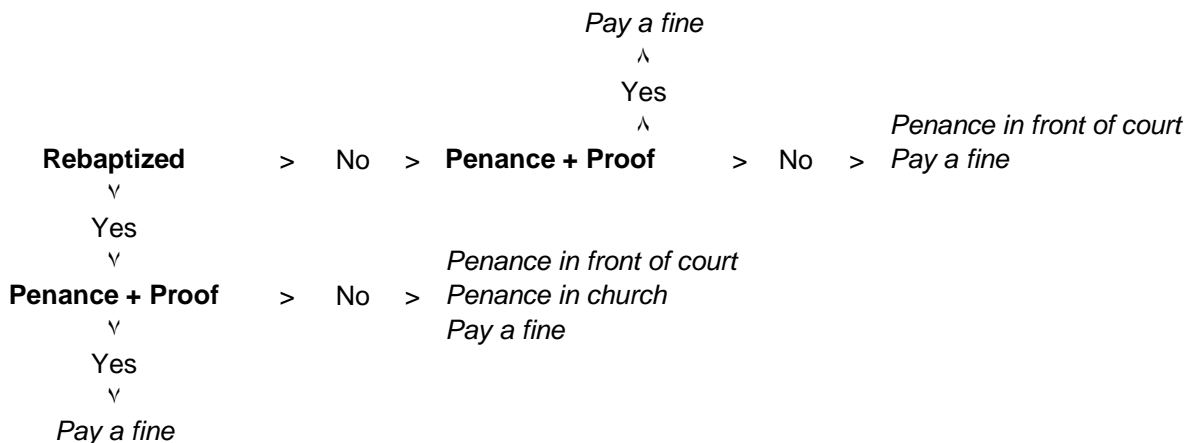
³⁷⁸ *Idem*, f. 71r-v.

³⁷⁹ *Idem*, f. 84r.

³⁸⁰ *Idem*, f. 68v.

³⁸¹ *Idem*, f. 73v.

Scheme 6.1: Punishment of Anabaptists who benefited from the period of grace by the *Hof*



Not all Anabaptists were treated according to this scheme, however, for a large number of them were banished. Why were some Anabaptists banished and others not? A possible explanation is the place where the councillors of the *Hof* administered justice. For instance, the first people that were banished in 1534 were two men who were not rebaptized but did travel with Anabaptists. They had to appear before the *Hof* and pray for forgiveness and were banished from Amsterdam for the period of six weeks. It was explicitly stated in the verdict that the court held session in Amsterdam.³⁸² It appears that when the *Hof* held court outside The Hague it tended to banish people as an additional punishment. In 1534 only one exception to this rule can be found. One man was banished while court was held in The Hague, but he was banished from Amsterdam, so possibly he was captured in Amsterdam and taken to The Hague.³⁸³ Anna Jansdr., who was living in Amsterdam according to the verdict, was not banished from the city, unlike the rest of the people who were sentenced at the same time.³⁸⁴ Maybe because Anna was the wife of the infamous Anabaptist leader Lenaert de boeckebinder, the authorities wanted to keep an eye on her.³⁸⁵ Another possibility is that Anna was not banished because she was an inhabitant of Amsterdam, whereas the others probably were strangers. In this case, then, it seems that inhabitants (and certainly citizens) enjoyed some measure of protection.

³⁸² ARA, arch. nr. 3.03.01.01, inv. nr. 5653, f. 62v. On the same day those who were rebaptized were convicted to do to penance (following scheme 6.1) and were banished, also for the period of six weeks. Idem, f. 65r, 66r-v. Some were banished for a longer period. Idem, f. 69r, 74r, 76r,

³⁸³ Idem, f. 79v.

³⁸⁴ Idem, f. 69v-70v.

³⁸⁵ On 25 June 1534 it was decreed that penitent Anabaptists had to stay in the place in which they recently resided for one year (attempting to prevent banished Anabaptists to go to one place – and take control of it). Grosheide, *Bijdrage tot de geschiedenis der Anabaptisten*, 21-2.

All the other people banished in this year did not appear before the *Hof* when summoned, and banishment was the common punishment the *Hof* and the local courts resorted to. This policy was continued after 1534, of course with a few exceptions. When people had to be punished strictly but not too severely, banishment was added so the penalty would be ‘an example for others’.³⁸⁶

Most Anabaptists that were sentenced to do penance also had to pay a fine. Some had to pay the costs of justice, while others had to pay a fine for “civil improvement” (*civiele beteringe*).³⁸⁷ The notion of *beteringe* was that criminals had to redress the wrong done to society at large. The act of reconciliation, the so-called *amende honorable*, constituted an important part of these punishments.³⁸⁸ The amount of the fine varied per individual, and although the verdicts give no information on which factors caused this variety, the behaviour, status, and gender of the convicted among others, may have had some influence.³⁸⁹ Begging forgiveness from the judges was also part of the *beteringe*.³⁹⁰ It shows that this group was subjected to corrective measures, instead of punitive. The goal was to get these wandering souls back into the loving arms of the Holy Church, with the ultimate aim to restore the shattered unity of Christendom and of the *corpus Christinianum*.

In spite of these noble goals many Anabaptists were put to death by the *Hof*, for a number of them did not want to recant or committed crimes that could only be expunged by death. As was to be expected, among those executed were a number of *principaelen* (see table 6.1). In the 1530s a lot of *principaelen* (19) were executed, but even 64 non-*principaelen* shared the same fate as many of them refused to do penance. In 1534 penance could really make a difference: Jan Dircsz. and others were rebaptized, but had no sorrow (*geen leetwesen*), refused to recant, and were burned accordingly.³⁹¹ Only a week later, two Anabaptists admitted that they were led astray, were willing to recant and had to do penance and pay a fine.³⁹² The *principaelen* that received non-capital punishments all were on the run. Jan Mathijsz. van Haarlem, for instance, preferred to play king in Munster instead of coming

³⁸⁶ ARA, arch. nr. 3.03.01.01, inv. nr. 5654, f. 378r-v.

³⁸⁷ See, for instance, ARA, arch. nr. 3.03.01.01, inv. nr. 5653, f. 79v, 83r.

³⁸⁸ In France the *amende honorable* could even be a part of the ‘rite of execution’. Foucault, *Discipline and punish*, 65.

³⁸⁹ The amount of money that had to be paid could vary heavily. Compare idem, f. 78v with f. 83r, for instance.

³⁹⁰ Boomgaard, *Misdaad en straf*, 226. For example, a *Davidjorist* had to pray for forgiveness to those he had “scandalized” (*gescandaliseert*). ARA, arch. nr. 3.03.01.01, inv. nr. 5653, f. 143v.

³⁹¹ ARA, arch. nr. 3.03.01.01, inv. nr. 5653, f. 43r-v.

³⁹² Idem, f. 44r-v.

to The Hague. The fact that his verdict is dated on 14 July 1534 his appearance in person impossible, as he died on 5 April of that year.³⁹³

Table 6.2: Punishments imposed on *principaelen* and non-*principaelen*³⁹⁴

	Tot.	C	Burned	Decapitated	Drowned	Other	NC	Ban.	Pen.	Fine	Other
Princip.	31	20	2	17	0	1	11	11	0	0	0
Non-prin.	835	79	22	44	11	2	758	391	222	144	1

Tot. = total, C = capital, NC = non-capital, Ban. = banished, Pen. = penance

Sources: DAN V; ARA, arch. nr. 3.03.01.01, inv. nrs 5653-5654.

As in Amsterdam, almost all the *principaelen* sentenced by the *Hof* were decapitated; burning was reserved for staunch heretics who were unwilling to recant, although in some cases the *Hof* decided to decapitate unrepentant Anabaptists. As these verdicts are virtually copies, it remains hard to assess what made the difference.³⁹⁵ Many non-*principaelen* were executed as well, showing that judges of the *Hof*, just like their local counterparts, were willing to kill them too.

Surprisingly more non-*principaelen* received severe penalties grouped under “other capital punishment” and relatively few *principaelen* were punished “creatively”. One aided an important Anabaptist leader and was severely punished (strangled and hung), comparable to the women who were harshly punished for supporting Jacob van Campen in Amsterdam.³⁹⁶ The other was Fye Daenen, whom we already have encountered (see p. 58). In general the *Hof* seems more lenient than Amsterdam. As the *Hof* rarely resorted to “other” punishments, its verdicts (in terms of severity) are in between those of Amsterdam’s local court on the one side, and those of Delft’s and Leiden’s courts on the other side.³⁹⁷

The only non-*principael* that received a non-capital punishment characterized as “other” was in close contact with Anabaptists and spoke very evil of the sacrament. He was flogged, his tongue was pierced, and he had to go to Mass every Sunday for a year.³⁹⁸ This can be considered as an exception, just like the non-*principael* from Leiden who was sent to the galleys.

³⁹³ Idem, f. 120r-121v.

³⁹⁴ They people who only had to pay a fine had already done penance (see scheme 6.1).

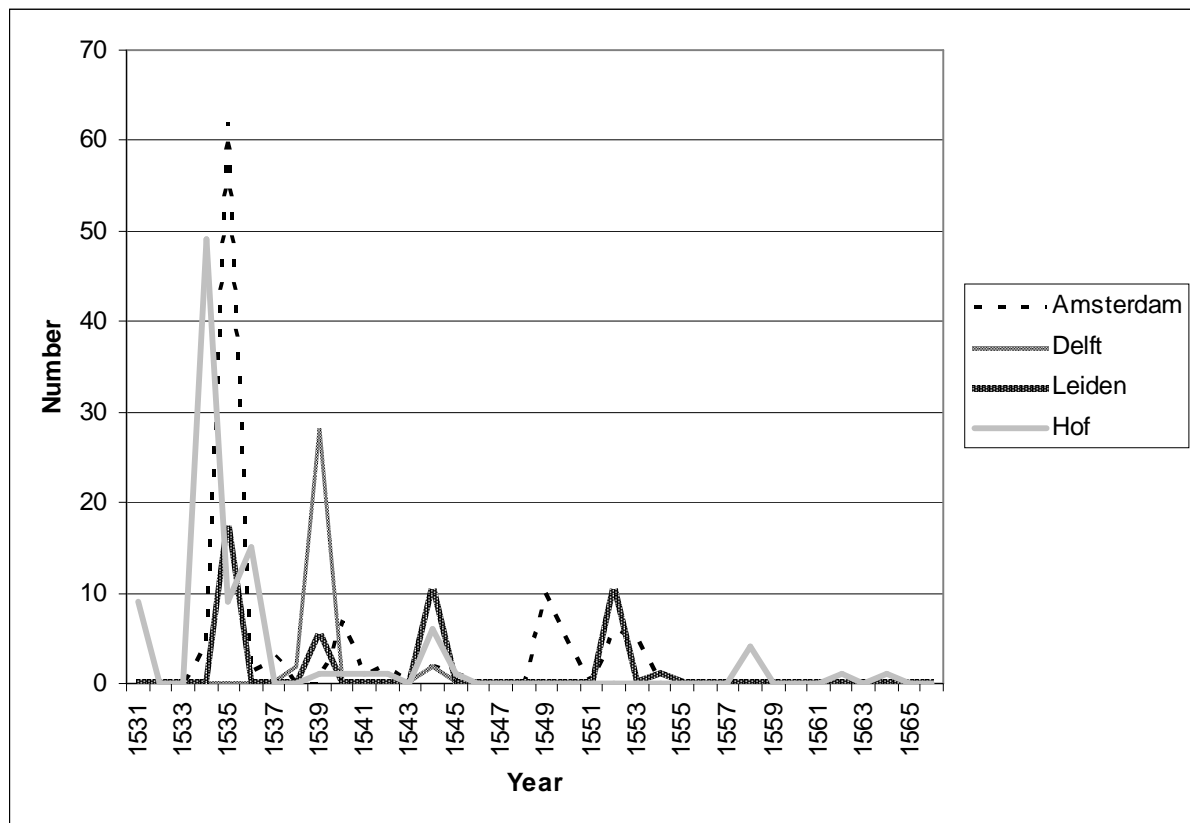
³⁹⁵ Compare for instance the verdict of Pieter Pietersz. and others (ARA, arch. nr. 3.03.01.01, inv. nr. 5653, f. 66v-67r) and Ydewous van Lancweer and others (idem, f. 67r-v). One *principael* was burned and all the other convicts were non-*principaelen*, but some of them were burned while others were not. All of them did not regret that they were rebaptized. Sometimes this could make a difference; those who recanted were often decapitated instead of burned.

³⁹⁶ See pages 58-9, and pages 96-7.

³⁹⁷ Compare table 6.3 (p. 99) with table 4.1 (p. 61).

³⁹⁸ ARA, arch. nr. 3.03.01.01, inv. nr. 5654, f. 373r-v.

Figure 6.1: Executions of Anabaptists by the three local courts and the *Hof*



Sources: DAN II, V; RAL, arch. nr. 508, inv. nr. 3-1; GAD, arch. nr. 13, inv. nr. 46; ARA, arch. nr. 3.03.01.01, inv. nrs. 5653-5654.

Just as in the cities the number of Anabaptists executed by the *Hof* rapidly decreased, although in 1536 15 Anabaptists were put to death by the *Hof*, compared to one Anabaptist in the cities. Twelve Anabaptists were executed because they were present or had something to do with meetings held in Poeldyck, in which Adriaen Adriaensz. van Hazerswoude, the self-proclaimed king ‘through whom God would punish the whole world and conduct miracles’, trumpeted his teachings.³⁹⁹ According to this king, who ‘received a sword and crown from heaven to punish the unjust’, he would use this sword ‘to kill all those who were not elected by God’.⁴⁰⁰ The councillors of the *Hof* must have recognized the resounding voice of the Munsterites when hearing this and, as these ideas ‘tended to [inspire] revolt, sedition, and perturbation of the general prosperity and destruction of the country’, the people involved were to be exterminated.⁴⁰¹ The woman who gave shelter to the “king” was strangled and

³⁹⁹ ARA, arch. nr. 3.03.01.01, inv. nr. 5653, f. 232r.

⁴⁰⁰ Idem, f. 233r, 235r.

⁴⁰¹ ‘...tenderende tot oproer, seditie ende perturbatie van de gemeen welvaert ende destructie van den land...’. Idem, f. 233r.

hung, other women that were present at the conventicle were drowned, and some men were beheaded.⁴⁰² The heart of Claes Jansz. – also involved in the riots in Hazerswoude – was cut out of his body, he was decapitated, and his body was quartered.⁴⁰³ Notice the resemblance of this punishment with the penalty inflicted on the Anabaptists who assaulted Amsterdam’s city hall. In 1536, the *Hof* responded just as the local courts had responded. Furthermore, this graph shows that the prosecution of Anabaptists by the provincial and local courts reached its peaks in the years of burgeoning Anabaptist activity.

Even during this episode the *Hof* still resorted to what is called “arbitrary correction” (*arbitrale correctie*), that is, taking into account the circumstances and the “quality” of the transgressor. The women that were drowned had already been caught during an earlier uprising in Hazerswoude, and their behaviour did not show any improvement and thus merited to be punished by death. Other women who were present at this meeting, but only coming there ‘for their salvation without having another opinion’, had to do an extensive form of penance and were not executed.⁴⁰⁴ Women who only attended the meeting over a short period of time and did not hear any preaching or conversation had to do a less extensive form of penance, while one woman that was on her way towards the rumour only had to beg the court for forgiveness.⁴⁰⁵

According to the Dutch historian Serge ter Braake the councillors of the *Hof* punished heretics harsher than local judges.⁴⁰⁶ The comparison of the penalties inflicted on Anabaptists by three local courts and the *Hof* do not support his conclusion. In the period 1530-66 the *Hof* executed fewer Anabaptists than Amsterdam alone, and more of them received non-capital punishments. The way the councillors reacted to the event in Poeldyck, the fact that they too resorted to arbitrary correction, and discriminated between the various actions of Anabaptists and their supporters, suggests that their treatment of Anabaptists was rather similar. As table 6.4 shows, in the 1540s all the male Anabaptists in Amsterdam and Leiden were sentenced to death, whereas 20% of their counterparts who were convicted by the *Hof* got away with non-capital punishments. On the other hand, the *Hof* was more harsh towards female Anabaptists in this decade when compared to Amsterdam. In the 1550s all Anabaptists convicted by the *Hof* were men, and 21,4% of them were executed, compared to 50% and 71,4% in Amsterdam

⁴⁰² ARA, arch. nr. 3.03.01.01, inv. nr. 5653, f.234r, 235r-v.

⁴⁰³ Idem, f. 233v.

⁴⁰⁴ Idem, f. 236r-v.

⁴⁰⁵ Idem, f. 237v-238r.

⁴⁰⁶ Braake, 236.

and Leiden respectively. In most cases the *Hof*'s sentences were even milder than those of the local courts in these decades.

Table 6.3: Number and percentage of male and female Anabaptists sentenced, further divided into capital and non-capital punishments⁴⁰⁷

			Male				Female					
	No.	%	Cap	%	Non-Cap	%	No.	%	Cap	%	Non-Cap	%
1540s												
Amsterdam	18	60	18	100	0	0	12	40	5	41,7	7	58,3
Leiden	7	70	7	100	0	0	3	30	3	100	0	0
Hof	10	45,5	8	80	2	20	12	54,5	7	58,3	5	41,7
1550s												
Amsterdam	22	56,4	11	50	11	50	17	43,6	4	23,5	13	76,5
Leiden	7	53,8	5	71,4	2	28,6	6	41,2	6	100	0	0
Hof	19	100	4	21,1	15	79,9	0	0	0	0	0	0

Sources: DAN II, V; RAL, arch. nr. 508, inv. nr. 3-1; GAD, arch. nr. 13, inv. nr. 46; ARA, arch. nr. 3.03.01.01, inv. nrs. 5653-5654.

It is true that in many instances when the councillors of the *Hof* visited cities they were in general more prone to punish Anabaptists severely than local judges. We should keep in mind, that during these visits the councillors, sometimes accompanied by the attorney-general and/or the stadholder, represented the authority and embodied the sovereignty of the central government whose goal it was to force the local courts to mete out heavier punishments.⁴⁰⁸

Prosecution of Anabaptists in the southern Netherlands

Now that we have analysed the prosecution of Anabaptists by the *Hof* and the three cities, it is time to compare this with the execution of Anabaptists in Antwerp, Bruges, and Ghent. This will be not nothing but a very brief comparison, just to put the figures for Holland in a somewhat broader perspective.

⁴⁰⁷ I have opted to leave Delft out of this table as only two male Anabaptists were executed in these decades. I have not included the 1530s, for the huge numbers of Anabaptists who appeared before the *Hof* distort the image evoked by this table.

⁴⁰⁸ For the number of times councillors of the *Hof* visited cities in order to deal with heresy, see Ter Braake, *Met recht en rekenschap*, 225.

Table 6.4: Number of executed Anabaptists in Amsterdam, Delft, Leiden, Antwerp, Burges, Ghent, and by the *Hof*

	1530s	1540s	1550s	1560s	Total
Amsterdam	70	23	15	0	108
Delft	30	2	0	0	32
Leiden	22	10	11	0	43
Total	122	35	26	0	183
Hof	83	10	4	2	99
Antwerp	24	0	100	17	141
Bruges	7	0	18	0	25
Ghent	9	0	31	38	78
Total	40	0	149	55	244

Sources: DAN II, V; RAL, arch. nr. 508, inv. nr. 3-1; GAD, arch. nr. 13, inv. nr. 46; ARA, arch. nr. 3.03.01.01, inv. nrs. 5653-5654; Waite, *Eradicating the Devil's minions*, 108, 110, 122.

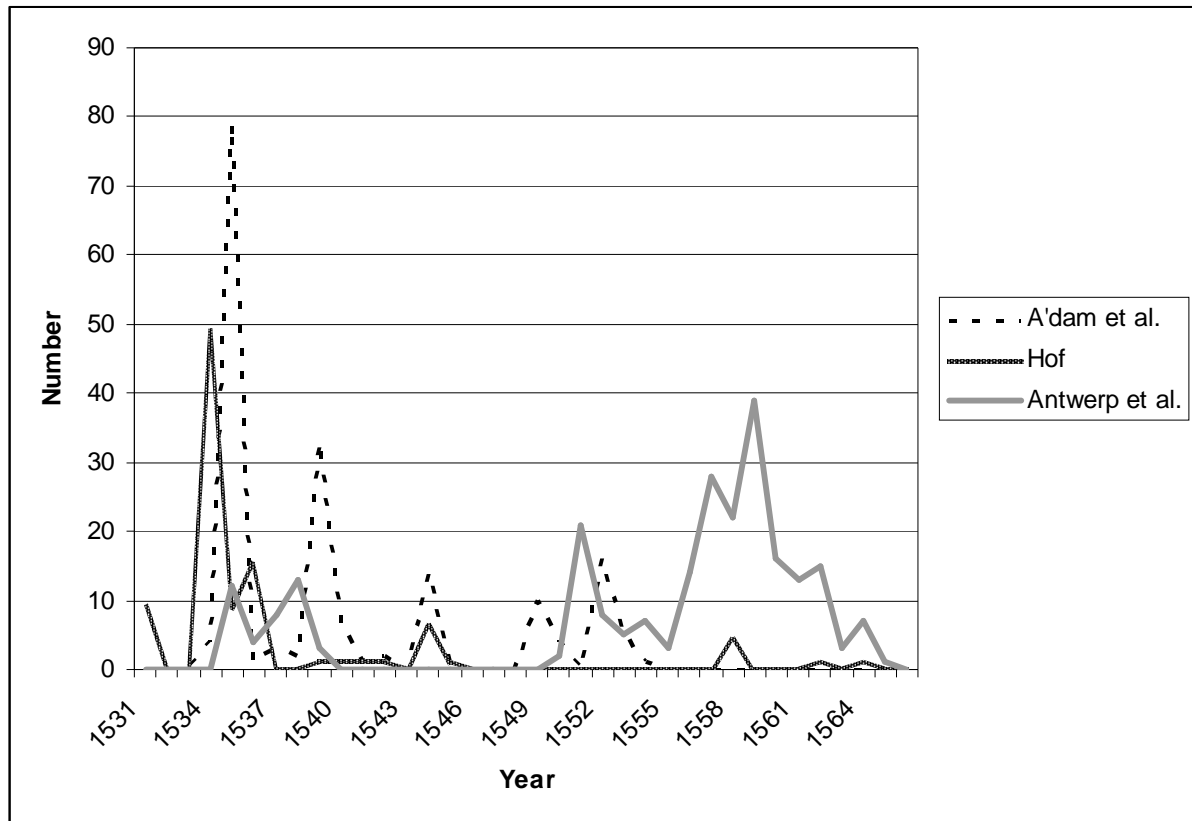
Prosecution was heavier in the southern Netherlands, that is, more Anabaptists were executed in this period. The difference is quite significant, compared to the 183 Anabaptists that were executed in three cities in Holland, 244 Anabaptists were put to death in Antwerp, Bruges, and Ghent (a difference of 61). The graph below highlights another significant difference: in the southern Netherlands the execution of Anabaptists also started in the 1530s, but the majority of the executions occurred in the 1550s and 1560s. Even in the 1570s a lot of Anabaptists had to face the death penalty in the cities (70 in Antwerp, seven in Bruges, and 35 in Ghent).⁴⁰⁹ In Holland only sporadically Anabaptist were executed in this decade, and in 1574 was the last execution of an Anabaptist in the northern Netherlands.⁴¹⁰ In Ghent three Anabaptists were executed in 1589 and two in 1592.⁴¹¹ Probably prosecution continued into the 1590s in the southern Netherlands because these provinces did not separate themselves from the Spanish Habsburgs and remained firmly in their control.

⁴⁰⁹ Waite, *Eradicating the Devil's minions*, 108, 110, 122. In Amsterdam the execution of Anabaptists was continued in 1569 and lasted to 1572. Waite, *Eradicating the Devil's minions*, 82. DAN II, 286, 295-8, 300, 306, 318-9.

⁴¹⁰ Gregory, *Salvation at stake*, 235. Davidjorists were battled with the pen instead of the sword at the end of the sixteenth century. Samme Zijlstra, 'De bestrijding van de Davidjoristen aan het eind van de zestiende eeuw', *DB* 18 (1992) pp. 11-37. Two Anabaptists were executed in Amsterdam in 1572. DAN II, 318-9.

⁴¹¹ Waite, *Eradicating the Devil's minions*, 111.

Figure 6.2: Cumulated number of executed Anabaptists in Amsterdam, Delft, and Leiden; Antwerp, Bruges, and Ghent, and by the *Hof*



Sources: DAN II, V; RAL, arch. nr. 508, inv. nr. 3-1; GAD, arch. nr. 13, inv. nr. 46; ARA, arch. nr. 3.03.01.01, inv. nrs. 5653-5654, Waite, *Eradicating the Devil's minions*, 108, 110, 122.

Just like in the northern Netherlands, prosecution of Anabaptists in these southern cities will partly have been a reaction to (violent) actions by Anabaptists themselves. On top of that, Charles V and Philip II refused to make a distinction between Mennonites, Davidjorists, and Batenburgers.⁴¹² Peaceful or not, Anabaptists had to be executed, so the legal basis for their prosecution remained intact throughout these decades and could be called upon by zealous magistrates. But although local occurrences could cause differences in the prosecution of Anabaptists, the coup in Münster in 1534-5 constituted something like an international start of the prosecution of Anabaptists. In Antwerp, Ghent and Leiden executions started in 1535. Bruges was a little bit later (1538), comparable to Delft (1539). Amsterdam, and certainly the *Hof*, seen from this perspective, reacted faster.

⁴¹² See the placard of Charles V proclaimed on 31-8-1544. Mellink, *De wederdopers in de noordelijke Nederlanden*, 268-9.

Critique on the heresy proceedings of the *Hof*

After this short detour, we should return to the policy advocated by councillors of the *Hof* and the opinion of the central government about their stance. In a time when seemed rife, the councillors of the *Hof* were subjected to the piercing eye of the Habsburg central government. Some councillors made themselves suspicious by pointing out that they did not like hunting down heretics at all. Jan Benninck for example, the councillor from Amsterdam, refused to be involved in the heresy processes.⁴¹³ In 1534 two councillors who were in charge with the investigation of heretics, told stadholder Hoogstraten that they had seen enough misery and wanted the whole *Raad* to share the burden of tracing and interrogating heretics.⁴¹⁴ In 1536 the president of the *Raad*, Gerrit van Assendelft, and the other councillors were subjected to an investigation initiated by the central government that wanted to check whether the members of the *Raad* really were sincere Catholics. It appeared to be that way, for no one was removed from his position.⁴¹⁵

Even Reynier Brunt wanted to stop being the attorney-general, since the work was not enjoyable and it was too much – he had two jobs at the same time.⁴¹⁶ Besides Brunt other councillors complained about the workload as well: the sheer number of heretics made it impossible to deal with other criminal and civil cases. On 3 July 1534 Charles V decided to delegate the prosecution of heretics to the local courts, although the *Hof* continued to be strongly involved.⁴¹⁷

The *Raad*, or at least a majority of the councillors, advocated a milder treatment of Anabaptists (compared to the placards of Charles V). According to Van Assendelft, Anabaptism was the religion of the rabble, who turned to it ‘partly out of poverty’.⁴¹⁸ Prosecuting them would be a financial loss to the authorities, for the cost of the administration of justice exceeded the value of the confiscated goods of convicted heretics.⁴¹⁹ Next to these financial considerations, the *Raad* requested to be allowed to punish Anabaptists less hard

⁴¹³ Mellink, *Amsterdam en de wederdopers*, 16-7.

⁴¹⁴ Ter Braake, *Met recht en rekenschap*, 239.

⁴¹⁵ Idem, 251. In a later conflict a councillor accused Van Assendelft to be a heretic, but this was probably nothing more than personal grief. R.H. Vermij, ‘De aanval op de positie van Gerrit van Assendelft als president van Holland in 1555’, *BMGN* 108 (1993) 223-4. In 1544 two captured Anabaptists accused a councillor of being rebaptized and being a follower of David Jorisz. Ter Braake, *Met recht en rekenschap*, 253.

⁴¹⁶ Ter Braake, *Met recht en rekenschap*, 239, 242.

⁴¹⁷ Idem, 236, 240-1.

⁴¹⁸ Tracy, *Holland under Habsburg rule*, 161.

⁴¹⁹ Tracy, ‘Heresy law and centralization’, 295.

because of their gender or age, but Mary of Hungary responded that they had to follow the placards to the letter.⁴²⁰

Reynier Brunt blamed the Council for sticking to the ‘right to alter or moderate penalties, as had been explicitly authorized by heresy placards published in Holland before 1531’.⁴²¹ Another precedent was the judgement by the president of the *Grote Raad*, who maintained in 1527 that the penalties as stipulated in the placards regarding heresy could be mitigated depending on ‘the circumstances of the case, the quality of the person, whether he be responsible for a wife and children, and whether [by execution] he might be eternally damned’.⁴²² Of course, a couple of years later the situation had changed dramatically because of increased Anabaptist activity, and the central government was of the opinion that the most recent placards superseded the earlier ones. When councillors kept resorting to arbitrary correction, Brunt went to the Secret Council (*Geheime Raad*) in Brussels with his complaints, as this council was ‘mainly an instrument of the Prince’s will’, whereas the Great Council was the ‘upholder of traditional jurisprudence’.⁴²³

In some cases the *Raad (van Holland)* even wished to revoke the death penalty for Anabaptists who wanted to recant. In 1544 two followers of David Jorisz. from Delft had to do penance and were banned because they acknowledged their errors, for instance. However, Hippolitus van Persijn, who was appointed attorney-general in 1534, lodged an appeal against these verdicts and eventually both of them were decapitated.⁴²⁴ Persijn supported the Habsburg policy that ‘denied the provincial courts the usual judicial latitude in passing sentences’, and this stance created ‘a rift between Brussels and The Hague’.⁴²⁵ The councillors, like the local judges, saw this policy as an infringement of their authority and as an unjustified breach with the traditional judicial practice they were trying to maintain.

For various reasons councillors started to have reservations about the Habsburg policy. The huge number of people involved in the Anabaptist movement led them to question whether the placards should be followed to the letter.⁴²⁶ In addition to that, Van Assendelft

⁴²⁰ Ter Braake, *Met recht en rekenschap*, 242-3. Tracy, ‘Heresy law and centralization’, 299.

⁴²¹ Tracy, ‘Heresy law and centralization’, 294. This was ruled out in the placards issued in 1529 and 1531. Tracy, *Holland under Habsburg rule*, 167. In an instruction from the Secret Council (from May 1535), magistrates who resorted to arbitral justice had to appear before the *Hof* and it was forbidden to mitigate the punishment of Anabaptists. *Idem*, 168.

⁴²² Tracy, ‘Heresy law and centralization’, 293-4, 300.

⁴²³ *Idem*, 300.

⁴²⁴ ARA, arch. nr. 3.03.01.01, inv. nr. 5654, f. 141r-143v. In other cases that appeared before the *Hof* in the same year the councillors seem to have had less problems with execution Anabaptists. For instance, ARA, arch. nr. 3.03.01.01, inv. nr. 5653, f. 132v-133r.

⁴²⁵ Tracy, ‘Heresy law and centralization’, 304-5. Boomgaard, *Misdaad en straf*, 108.

⁴²⁶ Tracy, ‘Heresy law and centralization’, 291.

and some of his colleagues were admirers of Erasmus,⁴²⁷ not seeing the benefit of the harsh prosecution of heretics. Some of the councillors, Van Assendelft himself for example, had ‘considerable holdings’ in the province of Holland, and he had to choose whether he supported the central government or, in his own interest, tried to defend the privileges of the province.⁴²⁸ The fact that many councillors came from powerful (noble) families living in Holland, tied them even more to the interests of this province.⁴²⁹ And some aristocrats, maybe partly because they were opposed to the growing influence of university-trained bureaucrats from the lower stratum of society, adopted a policy of ‘religious flexibility’, if only to show how decent upper-class people managed the heresy problem.⁴³⁰

Just like local magistracies, then, councillors of the *Hof* had multiple interests they had to take into account. Another similarity is that the councillors also continued practicing arbitrary correction, and did not want to execute the placards to the letter. To echo Tracy, the *Raad* ‘never was a faceless panel of bureaucrats’ who unconditionally obeyed the central government, but had their own ideas about the best way heretics had to be dealt with.⁴³¹ Contrary to the local courts, for several times (in 1537 and 1544 for instance) they appeared to be far more willing to mitigate the punishment of repentant Anabaptists, whereas people who were rebaptized could not count on the mercy of local judges. Similar to the local courts, corrective punishments were foremostly reserved for those who aided and supported Anabaptists, but were not rebaptized themselves.

The *Hof* did sometimes, but certainly not always or necessarily punish Anabaptists more severely than the local courts of Amsterdam, Delft, and Leiden. When looking at the number and percentage of executed Anabaptists, the *Hof* was even milder than the local courts of these cities, in spite of the factors that could have caused this to be otherwise.⁴³² This statement is a bit problematic, however, as most of the verdicts depended on the deeds of the Anabaptists, as already concluded. If the *Hof* had encountered more Anabaptists who embraced violent ideologies, such as the ones captured in Poeldyck, the number of executions would have been much higher. In spite of this, in the “peaceful” 1540s and 1550s the *Hof*

⁴²⁷ Tracy, ‘Heresy law and centralization’, 303. One councillor reportedly urged a befriended chaplain to punish a monk because he had spoken evil of Erasmus. Ter Braake, *Met recht en rekenschap*, 251.

⁴²⁸ *Idem*, 305.

⁴²⁹ For networks of friends and family of some councillors, see Ter Braake, *Met recht en rekenschap*, 290-310.

⁴³⁰ Marshall, *The Dutch gentry*, 85. Van Assendelft belonged to the high nobility. Vermij, ‘De aanval op de positie van Gerrit van Assendelft’, 221-222, 224-6.

⁴³¹ Tracy, *Holland under Habsburg rule*, 46-7.

⁴³² The same goes for the *Hof* van Utrecht compared to Utrecht’s local court. Van Beurten, *Ham met mosterd*, 43-4, 48-9.

punished less severely than the local courts, although contrary to the local courts the *Hof* continued prosecution of Anabaptists into the 1560s.⁴³³

Pace Visser, Holland did not '[carry] out the directives of Brussels faithfully'.⁴³⁴ The *Hof* interpreted the placards in their own way, inserting the judicial latitude that was allowed by earlier placards. As the *Hof* often held to its own policy regarding the prosecution of heretics, it constituted an actor in the struggle between the local and central authorities that did not automatically join the side of the latter, on the contrary. It was certainly not a mere tool in the hands of the Habsburg rulers. Because the religious outlook of the councillors did not coincide with the view of the Habsburg authorities and because the councillors wanted to uphold their way of administering justice, among others, the *Hof* was not the well-oiled machine dealing with heresy the Habsburg overlords wished it to be.

⁴³³ In 1569 an Anabaptists was burned by the *Hof*. ARA, arch. nr. 3.03.01.01, inv. nr. 5654, f. 384r-385v.

⁴³⁴ Visser, 'Mennonites and Doopsgezinden', 316.

Conclusion

Anabaptist martyrologies have been thoroughly exclusive: after a careful process of selection only the champions of their faith were chosen and destined to be remembered by their co-religionists. Anabaptists who recanted, no matter how important their role within Anabaptism, were not included, just like the ones who adhered to more violent currents within Anabaptism.⁴³⁵ Because of the Martyrologies' focus, the followers or sympathisers of Anabaptism who aided this religious current are neglected, because many of them were not rebaptized and had to face non-capital punishments. As a result, the government and its actual policy regarding Anabaptists is distorted; a deep mistrust of the authorities that was firmly rooted in the early years of Anabaptism and that only gradually softened, resounds throughout these martyrologies.

This perspective of the martyrologies has been incorporated by many Mennonite historians and explains their focus on martyrs. But as our research has shown, the policy of the authorities and the punishments meted-out to Anabaptists was less straight-forward than the martyrologies want us to believe. Leaders of the Anabaptists were punished severely: a carefully composed combination of punishments, directly related to their most horrible activities, was inflicted on them. The non-*principaelen* often were executed by fire (if not willing to recant) or by the sword (if willing to renounce their errors). In the most cases women were drowned or buried alive.

It seems that, while summing up these penalties, that the local authorities imposed the death penalty on Anabaptists as had been stipulated in the placards of the Habsburg overlords. The placards of the government also included the "mere" followers of Anabaptists – and thought of them as an inseparable part of this religious current – and it was precisely this group that caused the troubles between the higher layers of government and the local authorities, and further broadened the range of punishments inflicted on Anabaptists. As the magistrates thought death was too severe a punishment to impose on this group, the followers often got away with minor punishments such as banishment or penance.

The punishments imposed on Anabaptists were often directly related to their own actions and behaviour. The unrelenting executions of Anabaptists in the 1530s can largely be ascribed to the rebellious activities of Anabaptists in various cities in the northern Netherlands

⁴³⁵ Consider for instance the example of Gillis van Aken, an important leader. When captured in Antwerpen he recanted and was executed with the sword instead of burned at the stake. No entry in the Martyrologies for him. Zijlstra, *Om de ware gemeente*, 181.

and in foreign territories, such as in Münster. Because of the panic caused by these events the policy of the cities' magistrates moved a bit towards the course of action demanded by Charles V. Whereas usually the municipal authorities had to take the interest of various pressure groups into account, in this period these often divergent interests coincided because of violent actions by Anabaptists. In 1535 in Amsterdam, for instance, securing the *stadsvrede* and prosecuting heretics virtually meant the same, while in other years hunting down heretics could easily breach the harmony within the city.

The events of the 1530s explain why magistrates started to execute the non-*principaelen* as well, for the people that were "just" rebaptized were not simply seduced by Anabaptist bishops, but proved to be as volatile and seditious as their leaders in they eyes of the authorities. From 1535 onwards citizenship ceased to be of any influence on the punishment inflicted on Anabaptists. As fewer Anabaptists citizens were captured, however, it seems that citizenship still offered a measure of protection that made it harder to take citizens into custody and try them.

Next to citizenship the make-up and policy of the magistrates prevented Anabaptists from ending on the scaffold. The religious outlook of magistrates mattered. When sympathetic towards heretics, magistrates were willing and had the power to obstruct the administration of justice as decreed by the Habsburg government, or could plainly allow or connive at things that were outlawed by the Emperor's placards. Next to their own religious views, municipal authorities fiercely defended – what they believed to be – their privileges, trying to safeguard the communal autonomy of their city. Often this had nothing to do with their own ideas regarding religion – which explains why "sincere" Catholic magistrates kept defending the same privileges. Other considerations, such as the financial position of a city, and other factors, like the limited capacities of the judicial apparatus and the diverging and often conflicting interests of various pressure groups, further shaped the policy of the cities' magistracy, forcing them to be realistic and pragmatic about the possible solutions for the challenges they had to face. (This is not to say that magistrates were always realistic. In Amsterdam magistrates initially denounced the very real threat of a possible Anabaptist attack as mere rumours, for instance.)

The status someone enjoyed could mitigate the punishment or rule out any accusatory process, depending on one's position in society, his occupation, his wealth, together with his friends, family, and relatives who formed his social network. Having a good name and reputation could even protect Anabaptists who did not belong to the upper stratum of society. As Anabaptists were not executed without trial, information about their (mis)behaviour had to

be gathered and the relatives of the suspected could confront the government with other, more benign aspects of the suspect's life, not wishing to reduce the identity of their neighbour, uncle, or brother, or in what way they were related to the suspect, to a supposed heretical core. Even Charles V was willing to take someone's status into account, as is shown, among others, by some letters of remission.

In spite of these variables that mitigated the punishment received by Anabaptists, executions of them continued into the 1540s and 1550s in Amsterdam, Delft, and Leiden. Whereas most of the Anabaptists in the 1530s were punished because of their supposedly intrinsic link with rebellion and disorder – a link that was not wholly fictitious – Anabaptists executed in the succeeding decades were killed because of their faith. Recantation did no longer serve as grounds for exemption from the death penalty and in this magistrates followed Charles V. Surprisingly the *Hof* was more willing to pardon repentant Anabaptists. In general, more often than is commonly assumed, the *Hof* punished Anabaptists milder compared to the local courts. Like the local judges, the councillors of the *Hof* stuck to “traditional jurisprudence”, of which the notion of “arbitrary correction” is the most telling example. The deeds of Anabaptists were put in its context, and after a careful consideration of the facts a punishment was meted out.

In general the judicial and political institutions in the northern Netherlands refused to comply to the placards of the Habsburg rulers to the letter, since they were considered to be nothing but an infringement on the authority of the municipal authorities and an outright attack on the jurisprudence embraced by local and provincial – and even national – courts. As even people from the higher reaches of society constituted a possible target of the prosecution advocated by these placards, the entire social order was jeopardized.

When the violent currents within Anabaptism slowly lost ground and more peaceful groups, such as the followers of Menno Simons gained importance, the number of executions in Amsterdam, Delft, and Leiden dropped. Although the *Hof* continued executing Anabaptists into the 1560s, the same trend is visible in the proceedings of the *Hof* as well. The comparison with three cities from the southern Netherlands raises interesting questions. Why did executions increase over time in the southern Netherlands and what does it say about the connection between the decreasing number of executions and the increasing importance of peaceful Anabaptists? Were Anabaptists in the south still inspired by Munsterite teachings? Did the cities' magistracy consist of zealous Catholics? Or is it wrong to assume that executions slackened because Anabaptists became more tranquil? These and related questions merit an answer. At another time, perhaps.

For now it suffices to conclude that contrary to the image evoked by Anabaptist/Mennonite martyrologies, not every Anabaptist was put to death. Magistrates were willing to take a number of variables into account that mitigated the punishment of Anabaptists, since Anabaptism was not only made up of staunch heretics who believed to find salvation at stake. To magistrates and Anabaptists alike, 'fleeting temporal aspects of their life' were sometimes of more importance than 'divinely revealed realities'. Samme Zijlstra already has concluded that Anabaptists 'thought worse of the persecution that it actually was'.⁴³⁶ This research has confirmed his conclusion: prosecution was hard, even severe sometimes, but looking beyond the unrepentant Anabaptist martyrs included in the martyrologies has revealed that a wide array of punishments was inflicted on Anabaptists, both capital and non-capital, and that these punishments were often exemplary, and tailored to the actions and behaviour of Anabaptists themselves.

When it seemed that Anabaptists, at least most of them, were slowly turning into conforming non-conformists, a new challenge arose for the local and provincial courts: militant Calvinists entered the scene, a number of them blessed with the same disputable qualities Anabaptists enjoyed and similarly very much able to 'inspire social unrest'.⁴³⁷ Priests were threatened, and again the Catholic church, its practices, and many of its sacraments were denounced.⁴³⁸

On 23 November 1568 Dirck Maertsz. appeared before the *Hof*. He was involved in 'breaking and smashing statues and other ornaments in the Franciscan church (*Minrebroederskercke*) in Alckmaer'. Then he departed from Alkmaar and joined several groups of 'rebels and iconoclasts'. After all his deed were summed up, it was decided Dirck had to be executed. His heart was taken out of his body and then he was beheaded. His head was put on a stake and his body was quartered and hung 'outside the four quarters of The Hague'.⁴³⁹

Apparently arbitrary correction was applied to these heretics as well.

⁴³⁶ Zijlstra, *Om de ware gemeente*, 110.

⁴³⁷ Goertz, *The Anabaptists*, 7.

⁴³⁸ For instance, when a couple of priests passed the house of Phillips van der Maes, he shouted 'hang, hang, thou shall hang'. But after an investigation the defense of the suspect was deemed to be true (*warachtich*) and Phillips was released from custody. GAD, arch. nr. 13, inv. nr. 72b (Verslagen omtrent strafprocessen...), verdict of Phillips van der Maes, 24-5-1567.

⁴³⁹ ARA, arch. nr. 3.03.01.01, inv. nr. 5654, f. 423v-426r.

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