

Delimitation of the ‘Public’ and Freedom of Conscience: Catholics’ Survival Tactics in Legal Discourses in Utrecht, 1630-1659

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Abstract

This article aims to clarify Catholics’ survival tactics in discourses by analysing legal proceedings against them in the city of Utrecht from 1630 until 1659. This period saw a tendency towards Reformed confessionalisation, as is apparent from the rise in the number of such trials. However, despite the advent of anti-Catholic legislation under increasing pressure from the Reformed Church, Reformed confessionalisation was not completed, as the Catholic presence in the public sphere of Utrecht was never extinguished. Backed by their civic status, and with the aid of defenders in (supra-confessional) socio-judicial networks, accused Catholics developed a variety of discourses during legal proceedings. Obedient conformity to the existing norm of the public/private distinction was just one of the various discursive tactics for survival employed by Catholics in Utrecht. Despite the crucial discontinuity caused by the Protestant Reformation and the Dutch Revolt, Catholics continued to be actors in the constant and communal process of delimitation of the ‘public’. Members of the Catholic social elite in particular could actively create space for survival by discursively mobilising alternative interpretations of the ‘public’ and ‘conscience’ that retained medieval legacies, without conceptualising ‘privacy’ in the modern sense.

Keywords: toleration, coexistence, public/private distinction, legal discourse, religious minorities, Catholicism

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A petition sent to the Utrecht sheriff on behalf of Grietgen Janssen, who was accused of hosting a Catholic assembly in 1649, insisted that the following ‘facts’ (*feyten*) should be understood as the ‘truth’ (*waer*) by both herself and the sheriff:

In this province of Utrecht as well as in the other United Provinces, no one is forced to renounce the Roman Catholic religion in his heart, or to profess something contrary to the prescriptions of his conscience. Thus, everyone is free to profess his faith, also in its private exercise. [However,] assemblies for the exercise of the aforementioned Roman Catholic religion are forbidden by edicts.¹

On the basis of this alleged consensus, the petition thereafter attempted to prove that the sheriff’s investigation and prosecution of this Catholic woman were unjust.

In the course of the Dutch Revolt against Spain, the Reformed Church became the public church (*publieke kerk* or *openbare kerk*) of the newly established Dutch Republic, but it was not a state church, since membership was voluntary.² Scholars have regarded article thirteen of the Union of Utrecht (1579) as the constitutional basis of freedom of conscience for everyone living in the Dutch Republic. The article states that ‘every individual shall remain free in his Religion, and no one should be singled out or interrogated because of his Religion’.³ Around the same time, however, Catholic worship and assembly were outlawed, and Catholics were denied access to an increasing number of public offices in

1 Het Utrechts Archief (hereafter HUA), Stadsarchief II (hereafter SAII), 2244-100, fasc. 14, s.d. (1649/1650): ‘In dese provincie van Utrecht als in andere geconfaedereerde provincie niemant in sijn gemoet geperst wort de Roomsche Catholijcke religie aff te gaen, ofte eenige contrarie tegens uytwijzen van sijn conscientie te belijden. Diensvolgens een yeder in die professie van sijn gheloofte vrije is, oock in sijn exercitie privé. [...] Die vergaderingen tot het exercitie van die vers. Roomsche Catholijcke religie bij placaten verboden sijn.’ I would like to express my gratitude to the Stichting Adrianus Fonds for its generous funding, to Jo Spaans, Marten Jan Bok, Jaap Geraerts, and the anonymous referees for their valuable comments on earlier versions of this article, and to Merl Storr and Albert Gootjes for English corrections.

2 Deursen, *Bavianen*, 13-33, 128-160.

3 Water, *Groot Placaat-Boek*, I, 60: ‘Yeder particulier in syn religie vry sal mogen blyven ende datmen nyemant ter cause vanden religie sal mogen achterhaelen ofte ondersoecken.’

the United Provinces.⁴ Under pressure from the public church, political authorities began to issue anti-Catholic edicts from 1580 onwards and throughout the seventeenth century, although in practice the edicts were not always strictly enforced.

Recently, this seemingly paradoxical religious situation in the Dutch Republic has been understood through the concept of the public/private distinction, which Grietgen's petition above seems to suggest.⁵ Benjamin Kaplan underlines the importance of 'fictions of privacy' for early modern toleration at the practical level. He has argued that Dutch authorities connived with dissenters, who were tacitly allowed to worship in private in clandestine churches (*schuilkerken*) constructed inside their houses. According to Kaplan, as long as they did not transgress the border between 'public' and 'private' to intervene in the public sphere dominated by the Reformed church, both the existence of dissenters and their behaviour were tolerated – even though public authorities and neighbours knew of their religious practices. He maintains that although the fluid and porous border between public and private caused constant struggles and negotiations, 'dissenters participated in the fiction [of privacy] by refraining from challenging the monopoly over public religious life'.⁶ Charles Parker has likewise shown that in this private sphere, Dutch Catholics developed a national sub-culture within the officially Protestant Republic.⁷

Despite Willem Frijhoff's argument on the importance of such a perspective, however, few studies have considered Catholic survival tactics from a local, bottom-up viewpoint.⁸ This study therefore analyses how Catholics employed such tactics in the local civic community of Utrecht. In the present study, 'tactics' are understood as the individual and collective adaptations, counter-interventions, and appropriations by dissenters – in this case, Catholics – of the existing environment, which public authorities and the politico-religious majority – in this case, the Reformed – attempted to control through 'strategies'.⁹

In recent decades, microhistorians have considered legal records to be rich sources from which the voices of ordinary people can be recovered.¹⁰ Moreover, legal and other petitions have been utilised to assess the agency of ordinary people in social history.¹¹ However, in early modern Dutch religious history, there has to date been no attempt to systematically analyse legal documents, including petitions on behalf of Catholic defendants, which have the potential to reveal Catholic survival tactics at the local and practical level. The bewildering complexity of the legal records has probably forced historians to use them only anecdotally.

4 For the province of Utrecht, see Water, *Groot Placaat-Boek*, I, 158-160, 350-351, and III, 466-467.

5 Frijhoff, 'Dimensions'; Frijhoff, *Embodied Belief*, 39-65; Kaplan, *Calvinists and Libertines*, 38, 263, 266-267, 270-272, 295, 302; Kaplan, *Divided by Faith*, 172-197; Kaplan, 'Fictions of Privacy'; Kooi, *Calvinists and Catholics*; Yasuhira, 'Confessional Coexistence'.

6 Kaplan, 'Fictions of Privacy', esp. 1061.

7 Parker, *Faith on the Margins*.

8 Frijhoff, 'Overlevingsstrategieën'; Frijhoff, 'Shifting Identities', 12-16; Frijhoff, 'Strategies for Religious Survival', 190-194.

9 I derive inspiration here from Michel de Certeau, *L'Invention du quotidien*.

10 E.g., Ginzburg, *The Cheese and the Worms*; Kaplan, *Cunegonde's Kidnapping*.

11 E.g., Würzler, 'Voices from among the "Silent Masses"'.

This also holds true for Bertrand Forclaz, who has supplemented Parker's work with a scrupulous study of the local Catholic community in seventeenth-century Utrecht. Although Forclaz succeeds in proving the vigorous nature of Catholic sub-culture in their private sphere, he approaches the matter of confessional coexistence from the viewpoint of the city magistrates who promoted civic unity through the public/private distinction, making only anecdotal use of a selection of legal records.¹² He takes the phrases quoted above from Grietgen's petition as proof that the Catholics in general used outward conformity to the existing norm of a public/private distinction as their survival tactic, following Kaplan's argument on 'fictions of privacy'.¹³ While Forclaz only studies some legal cases from after the Peace of Münster in 1648, an analysis of earlier trials, in particular those from around the year 1640, is necessary if we are to gain a better understanding of Catholic survival tactics. As this article will show, this was one of the most critical moments for the interconfessional relationship between Reformed Protestants and Catholics in Utrecht.

The present study therefore analyses legal proceedings in the city of Utrecht from 1630 up until 1659 in order to clarify Catholic survival tactics in legal discourses. As primary sources this essay mainly uses legal records of criminal cases in the city court of Utrecht, which can be classified into *criminele sententiën* (sentences) decided by juries consisting of aldermen (*schepenen*), and *criminele stukken* (various documents) stored by sheriffs.¹⁴ The present study focuses on criminal cases where the Catholic faith of the defendants was explicitly mentioned. This restriction is inevitable, for two reasons. First, it is difficult or even impossible to determine the religious affiliations of the majority of those who lived in the Dutch Republic. Legal documents rarely referred to the faith of people appearing in court, except for those being prosecuted for engaging in behaviour that was identifiably Catholic and as such constituted a punishable offence. Second, in order to grasp Catholics' survival tactics vis-à-vis anti-Catholic legislation and prosecution, it is more effective to analyse only those trials where defendants were accused of offences concerning Catholicism or where judicial officers felt obliged to note their loyalty to the Catholic Church in legal records. Therefore, this study treats as Catholic defendants only those who were socio-judicially represented as Catholics in the legal records.

The first section of this article explains the backgrounds and chronology of the trials. Then, a systematic or quantitative analysis of the legal records is conducted in order to uncover the civic status and socio-judicial networks that Catholics utilised to survive. Finally, a discourse or qualitative analysis of individual manuscript petitions from the Catholic defendants' side is provided, paying special attention to how the concepts of 'public', 'private', and 'conscience' were perceived, argued, and appropriated. In the course of this article, 'delimitation of the "public"' will be demonstrated as an alternative analytic perspective on early modern confessional coexistence. 'Delimitation of the "public"' is defined as a constant, social, and communal process in which people (re)defined what

12 Forclaz, *Catholiques*, 101-142.

13 Forclaz, *Catholiques*, esp. 39, 135-136, 142.

14 HUA, SAII, 2236, and HUA, SAII, 2244. Forclaz used the *criminele sententiën* after 1674, and the *criminele stukken* after 1649; Forclaz, *Catholiques*, 375.

was public, (re)drew the border of the public, and (re)created norms for how people could/should behave in the public sphere.

*Catholics under Pressure*¹⁵

Seventeenth-century Utrecht was one of the main theatres of struggle between the Reformed and Catholics in the Dutch Republic. By at least the mid-1630s, both Churches regarded Utrecht, where the two congregations competed in size, as their stronghold.¹⁶ In 1592, the Holland Mission led by the Apostolic Vicar – a substitute for the Archbishop of Utrecht appointed by the Pope – began its campaign for the re-Catholicisation of the northern provinces, with Utrecht one of the bases for its activities.¹⁷ The second Apostolic Vicar, Philippus Rovenius (1573-1651), together with his Vicar General and a canon of St Marie in Utrecht, Johannes Wachtelaer (1583-1652), established the clerical council *Vicariaat* with communal funds. These activities – the establishment of the Catholic institution and its own communal funds – were in complete violation of the anti-Catholic edict issued by the States-General in 1622, one year after the expiration of the Twelve Years' Truce.¹⁸ According to this edict, priests could potentially disturb the 'public peace' (*gemeene ruste*) and they were therefore required to register with the local magistracy.¹⁹ In Utrecht, thirty priests, including Wachtelaer, were registered in 1622.²⁰ Around 1630, a converted ex-priest, Rudolphus Francisci, informed the States-General of the illegal activities of Catholic priests around Utrecht. This disclosure gave the city court of Utrecht sufficient motive and information to prosecute Catholics thereafter.²¹

From 1630 to 1659, Catholics were prosecuted in at least seventy-two cases in the city court of Utrecht (appendix 1 and fig. 1).²² This number is striking when compared to statistics from earlier periods. According to Kaplan, the *criminele sententiën* in the city court of Utrecht between 1605 and 1617 cited only five people for breaking the anti-Catholic edicts – three of them priests – and the *criminele stukken* between 1580 and 1618 recorded only six prosecutions against Catholics, five of them priests.²³ Unlike these earlier trials in Utrecht, the seventy-two cases from 1630 to 1659 encompassed various types of defendants,

15 For the primary sources of each legal case, see appendix 1.

16 Forclaz, *Catholiques*, 31-100.

17 Parker, *Faith on the Margins*, 30-31.

18 Hallebeek, 'Godsdienst(on)vrijheid', 127-128; Hewett and Hallebeek, 'The Prelate, the Praetor and the Professor', 130-131; Knuif and Jong, 'Philippus Rovenius', 103-125; Ven, *Oorsprong van het Aartsbisshoppelijke Kapittel*, 89-115.

19 Water, *Groot Placaat-Boek*, I, 397-400.

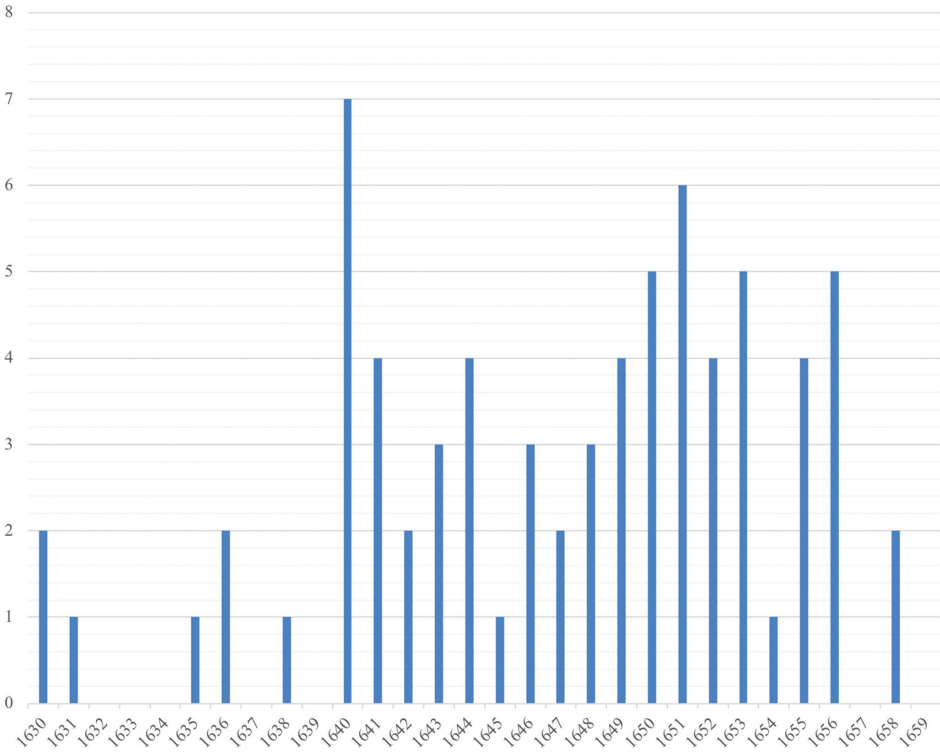
20 HUA, Verzamelde stukken van de oud-katholieke kerk in Nederland (hereafter VSOKN), 112, 11, 12, and 13 March 1622.

21 For copies of Francisci's testimony, see HUA, Apostolische vicarissen Hollandse Zending (hereafter OBC), 99; HUA, SAII, 2244-86, s.d.; Muller (ed.), 'Getuigenis', 241-244.

22 Note, however, that the *criminele sententiën* between February 1657 and the end of 1669 are missing from the archives.

23 Kaplan, *Calvinists and Libertines*, 276-277.

Fig. 1 Number of legal proceedings against Catholics in Utrecht, 1630-1659.



Source: appendix 1.

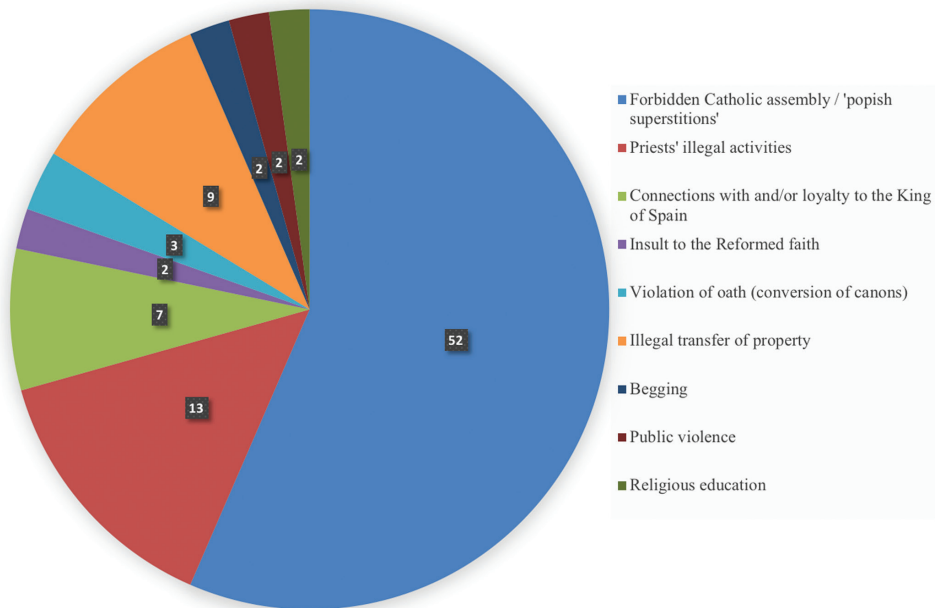
most of whom were laypeople. With regard to the number of cases, the years 1640 and 1651 mark two peaks (fig. 1). Thirteen cases of priests' illegal activities occurred around the first peak in the number of cases in 1640.²⁴ After this peak, the prosecutions primarily targeted laypeople, who were most often charged with a 'forbidden Catholic assembly' or with 'papist superstitions' (fifty-two cases, fig. 2).

The first peak, in 1640, can be interpreted in the context of the ongoing war against Spain. Catholics, especially priests, were suspected of conspiring with foreign Catholic powers. One year previously, under pressure from the Reformed Church, Utrecht magistrates had adopted a strong attitude towards Catholics, for example by renewing the aforementioned edict of 1622.²⁵ On 23 August 1639, judicial officers raided a house owned by the Catholic noblewoman Hendrica van Duivenvoorde in order to apprehend the Apostolic Vicar Rovenius, who was suspected of numerous crimes, including treason (appendix 1, {10}). Rovenius managed to escape, but the Van Moock brothers were

²⁴ Appendix 1, {3} {5} {10} {11} {12} {13} {14} {16} {17} {20} {30} {58} {65}.

²⁵ HUA, SAII, 121-18, 6 May 1639; Water, *Groot Placaat-Boek*, I, 395-396.

Fig. 2 Legal charges against Catholics in Utrecht, 1630-1659.



Source: appendix 1.

arrested instead. The officers confiscated various documents, among them the 'protocol' kept by Govert van Moock {12}.²⁶ Six of the seven cases sentenced in 1640, including the case against Wachtelaer {11}, were investigated on the basis of this protocol.²⁷ This series of incidents put the Catholic community under much closer surveillance than before. On the other hand, this period saw the founding of two important secular clandestine churches in the city: St Gertrudis in Mariahoek, established by Wachtelaer in 1638, and St Marie Achter Clarenburg, established by the influential Catholic nobleman Adriaen Ram, Lord of Schalkwijk, in 1640.²⁸

The second peak occurred around the year 1651. This can be understood as a result of the reconfirmation of the politico-religious constitution of the Dutch Republic, as represented by the Peace of Münster in 1648 and the Great Assembly (*Grote Vergadering*) in 1651. At the provincial level, this period was marked by an incident in Schalkwijk in 1651,

²⁶ On the detailed course of proceedings against Rovenius and Wachtelaer, see Hallebeek, 'Godsdienst(on) vrijheid'; Hewett and Hallebeek, 'The Prelate'; Knuif and Jong, 'Philippus Rovenius', 62-84; Rogier, *Geschiedenis van het katholicisme*, II, 72-74; Ven, *Oorsprong van het Aartsbisschoppelijke Kapittel*, 46-47, 59, 87-88, 90.

²⁷ Appendix 1, {8} {10} {11} {12} {13} {14}.

²⁸ On the former, see Ven, 'De driehoek van Sint Marie', esp. 35-41, 49-50. On the latter, see Ven, 'Huis Clarenburg', esp. 43, 48-51, 61. Both were raided by judicial officers, the former in 1639 {11} and the latter in 1644 {27}.

when the marshal of Overkwartier raided the castle of Adriaen Ram in order to prevent Catholics from assembling. Numerous armed Catholics, including local farmers and a citizen of Utrecht named Peter Lamberts van Schalckwijck {48}, violently protested against the officials. In the end, Ram was arrested and banished from the province by the provincial court of Utrecht (*Hof van Utrecht*).²⁹ Starting in the mid-seventeenth century, under pressure from the public church, the city council and the Provincial States repeatedly (re)issued anti-Catholic edicts, attempting to prosecute illegal clerical residents and regulating access to Catholics' houses.³⁰

Thus, there was a tendency towards Reformed confessionalisation, although it was a gradual and complicated process of negotiation and conflict in which the public church exerted constant pressure on magistrates. In a petition to the States of Utrecht around 1655, the synod of Utrecht justified the ban preventing Catholic priests and spiritual virgins (*klopjes*) from having 'free and public residence and stay in the province of Utrecht' by referring to the cases of Rovenius {10}, Wachtelaer {11}, and Ram as examples of the 'boldness of the papists'. According to the petition, Catholics were so bold that they practised 'their Idolatry publicly without any fear', and Catholic priests claimed to be 'free and exempt' from the civil laws of the legitimate Reformed government. The synod argued that Catholic consciences were controlled by priests who submitted themselves only to the Pope as the infallible Antichrist and the worldly monarch. On the other hand, the petition insisted on the importance of 'distinguishing between freedom of conscience and freedom of religious exercise'. Here, the public church recognised that Catholics were entitled to freedom of conscience, by which 'they may freely be popish and profess to be popish'. However, they should be denied the 'freedom of conventicles and exercise of Religion' and the 'public freedom of their Religion'.³¹

Catholics on Trial: Defendants and Their Defenders

Legal status was of overriding importance in early modern society. Unfortunately, however, the Utrecht archives preserve no systematic records that would enable historians to determine the precise legal status (noble/patrician/commoner or citizen/legitimate resident/foreigner) of Utrecht's inhabitants. Nor do legal records explicitly mention status categories. Therefore, the present study focuses on the 'civic status' of Catholic defendants,

²⁹ HUA, Hof van Utrecht, 99-8, 29 July 1651. The sentence is transcribed in Hilhorst, 'Het kerspel Schalkwijk', 61-67.

³⁰ E.g., HUA, SAI, 121-23, 20 November 1648, 17 and 19 December 1649, and 10 June 1650; HUA, SAI, 121-24, 28 February and 4 October 1652; HUA, SAI, 121-25, 10 and 31 October 1653, 10, 22 April, 8 May, 12, 23, 25 October, and 1 November 1654, 4, 8, 22, 29 January, 12 February, 26 March, and 11 June 1655; Water, *Groot Placaat-Boek*, I, 397-401, 403, and III, 469-470, 472.

³¹ HUA, Verzameling van Buchel-Booth (hereafter *vbb*), 139, s.d. (1655/1656): 'De vrije ende publijcke wooninghe ende verblijf inde Provincie van Utrecht', 'stoutigheyt der papisten', 'sonder eenige vreesse hare Afgoderye openbaerlick', 'vrij ende exempt', 'onderscheyt maect tusschen vryheyt van conscientie, ende vryheyt van exercitie der Religie', 'sij mogen vryelick paepsch sijn ende seggen dat se paepsch sijn', 'vryheyt van conventiculen en exercitie van Religie', and 'publicke vryheyt van haer Religie'.

defined here as their social and public profile in the civic community as represented in legal records, irrespective of their (unknown) legal status. Civic status in this sense is important for the following discourse analysis of petitions, because the narratives were crafted through the defendants' social and public (self-)representations.³²

In the seventy-two cases analysed in this article, at least ten defendants were social outsiders, who had not been born in Utrecht and had come from outside the city: six priests and four laypeople.³³ The six priests include Rovenius, who was neither a permitted resident nor a legitimate citizen, thus violating the 1622 edict {10}.³⁴ The four laypeople were immigrants including Grietgen {45}. Although it is impossible to confirm their legal status, other poor Catholic defendants can also be detected. According to the *criminele stukken*, the farmer Wouter Woutersz (c. 1608-after 1674) was accused of holding a Catholic assembly in his house at Easter with 200 or 300 'anonymous and indigent' people {31}.

There were also defendants from the Catholic nobility, including Ram {27}.³⁵ Besides Agatha, who was twice accused of hosting Catholic assemblies {50} {67}, the noble Dierhout (Derout) family included a Jesuit, Henricus (1640-1690), and numerous jurists, such as Pieter (Agatha's father), who worked as a councillor (*raadsheer*) in the provincial court of Utrecht and was knighted by the Holy Roman Emperor Ferdinand II (1578-1637).³⁶ Among the accused indigenous priests, Herman van Honthorst {15} {17} belonged to a patrician family. In 1637 he gained a special residence permit in Utrecht from Prince Frederick Henry (1584-1647) through the intermediation of his brother Gerrit, a famous painter beloved by the prince.³⁷

Six Catholic canons appeared as defendants.³⁸ They ranked among the highest social strata in the civic community of Utrecht. While the establishment of the Reformed Church had led to these chapters being secularised and their immunities nullified, they were not disestablished as corporations. Thus, canons continued to enjoy socio-economic and political privileges, even though they had lost their clerical functions and privileges.³⁹ Moreover, Catholics – both priests and laymen – could be appointed to these prominent positions until 1615, when the States of Utrecht decided that from then on only the Reformed were to be eligible as canons. Following this decision, the number of Catholic canons in Utrecht steadily declined until 1680, when the last Catholic canon, Gerard van der Steen {9} [27],

32 On the fictional aspects of petitions, which entailed 'the crafting of a narrative', see Davis, *Fiction in the Archives*.

33 Appendix 1, {5} {10} {12} {20} {30} {65} (priests) and {1} {2} {18} {45} (laypeople).

34 For his indictment, see Doedes (ed.), 'Intendit en sententie tegen Philippus Rovenius', 278-297; HUA, OBC, 159; HUA, SAII, 2088; HUA, SAII, 2244-86.

35 On Adriaen Ram, see Geraerts, *Patrons of the Old Faith*, 137, 143, 207, 209; Hilhorst, 'Het kerspel Schalkwijk', 22-73.

36 On the Jesuit Henricus Dierhout, see Forclaz, *Catholiques*, 58. On Pieter Dierhout, see Water, *Groot Placaat-Boek*, II, 1054.

37 On Gerrit van Honthorst, see Judson and Ekkart, *Gerrit van Honthorst*.

38 Appendix 1, {8} {9} {11} {56} {71} {72}.

39 Kaplan, *Calvinists and Libertines*, 113-116, 137; Rengers Hora Siccama, *Geestelijke en kerkelijke goederen*, 396-414.

passed away.⁴⁰ The secular clandestine church St Gertrudis was established in the Mariahoek inside the former immunity of the collegiate chapter St Marie by Wachtelaer {11}, who had enjoyed his canonry of the same chapter since 1593.⁴¹

Previous studies of legal records in Dutch religious history have largely ignored the presence of defenders. Whether acting – by this article’s definition – in a strictly legal capacity or otherwise, defenders negotiated with the city court on behalf of defendants, testified on their behalf, and wrote petitions for them as their scribes.⁴² According to a petition from his brother [16] and sister [17] to the city court, Johannes Wachtelaer trusted the ‘experienced lawyers’ who defended him.⁴³ The sources of this study afford further insights into the socio-judicial networks surrounding Catholic defendants which have been otherwise neglected.

The presence of defenders can be detected in forty-four of the seventy-two cases (61.1 percent, see appendix 1). Their number amounts to a total of sixty-two defenders (appendix 2). Wachtelaer {11} obtained support from the highest number of defenders (eleven).⁴⁴ While forty-three of these sixty-two defenders (69.4 percent) appear in the legal records only the once, an advocate (*advocaat*) of the provincial court of Utrecht, Berent (Bernhardt) van Zutphen [21], appeared ten times in the seventy-two cases, making him the most frequently-cited defender (appendix 2). These defenders not only refuted charges against their defendants and justified them, but also sought compromise on the stipulated sentences.

What motivated the defenders to stand for the Catholic defendants? At least some of them will have been sympathetic on religious grounds. For at least fifteen of the sixty-two defenders (24.2 percent) it is certain that they belonged to the Catholic Church.⁴⁵ Five of these fifteen Catholic defenders also appeared as defendants in the seventy-two cases.⁴⁶ However, the motive of defenders was not always religious in nature, but may also have been purely professional, since at least five defenders also assisted the sheriff or a Reformed plaintiff in the procedures against Catholics.⁴⁷ Moreover, at least four defenders seem to have been Reformed.⁴⁸ Therefore, there was certainly some supra-confessional collaboration between Catholic defendants and Reformed defenders: despite their confessional differences, the former took advantage of the latter to defend themselves against the Reformed sheriff who enforced the anti-Catholic edicts.⁴⁹ Familial and neighbourhood

40 Forclaz, *Catholiques*, 42-48; Ven, *Oorsprong van het Aartsbisschoppelijke Kapittel*, 40-61. For the 1615 edict, see Water, *Groot Placaat-Boek*, 1, 218.

41 Ven, ‘De driehoek van Sint Marie’, esp. 35-41, 49-50.

42 On the influence of scribes and lawyers on discourses in petitions, see Würzler, ‘Voices from among the “Silent Masses”’, 32.

43 HUA, Metropolitain Kapittel van de Oud-Katholieke Kerk van Nederland (hereafter МКОКН), 557, s.d. (after 10 March 1640).

44 Appendix 2, [3] [8] [9] [11] [12] [13] [14] [15] [16] [17] [38].

45 Appendix 2, [3] [11] [15] [18] [20] [21] [23] [25] [27] [29] [50] [52] [54] [61] [62].

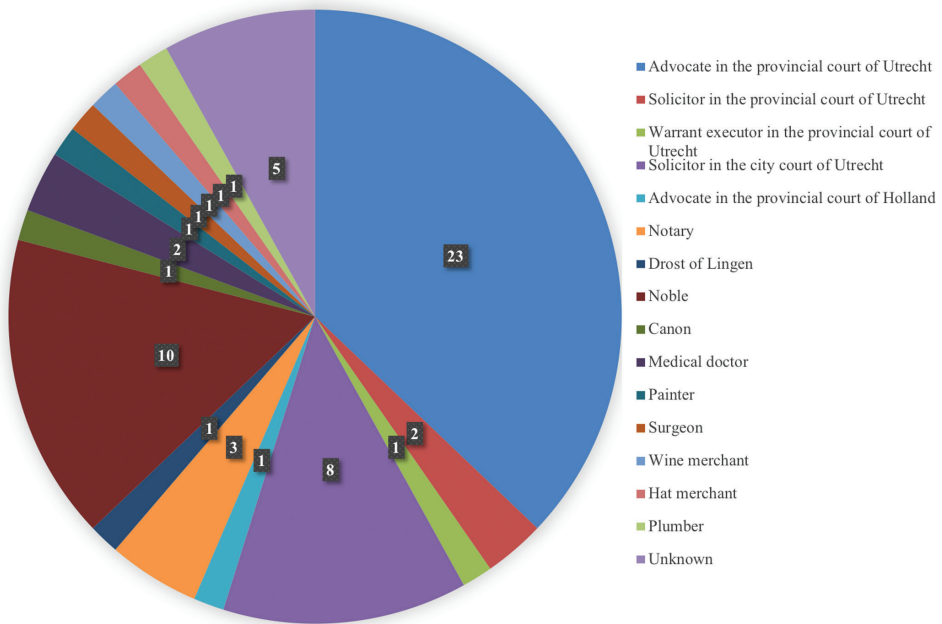
46 Appendix 2, [3] [18] [25] [27] [54].

47 Appendix 2, [4] [8] [13] [26] [45].

48 Appendix 2, [8] [13] [26] [45].

49 These collaborations can arguably be regarded as a sign of the ‘ecumenicity of everyday life’ (*omgangsoccumene*) as defined by Willem Frijhoff.

Fig. 3 Profession and civic status of defenders of Catholic defendants in Utrecht, 1630-1659.



Source: appendix 1.

relationships apparently encouraged defenders to support the Catholic defendants. Seventeen of the sixty-two defenders (27.4 percent), of whom at least five were themselves Catholic, had Catholic relatives.⁵⁰ No fewer than three defenders had Catholics as neighbours.⁵¹ At least on paper, the aforementioned advocate Van Zutphen [21] owned two houses in the Mariahoek, a district of Utrecht where numerous Catholics lived. Ownership of his second house – which functioned as the secular clandestine church St Gertrudis – was transferred from Wachtelaer in 1652.⁵² Like his relatives, he was certainly a Catholic.⁵³

It is also important to classify defenders by their civic status. Most of them belonged to the higher or upper-middle classes, including ten nobles and patricians, one canon, two medical doctors, one painter, and thirty-nine jurists (fig. 3, appendix 2). Although it is understandable that the defendants would seek legal experts (thirty-nine jurists out of sixty-two defenders, 62.9 percent) more remarkable is the high ratio of advocates of the provincial court of Utrecht – twenty-three of the thirty-nine jurists (59 percent). One of

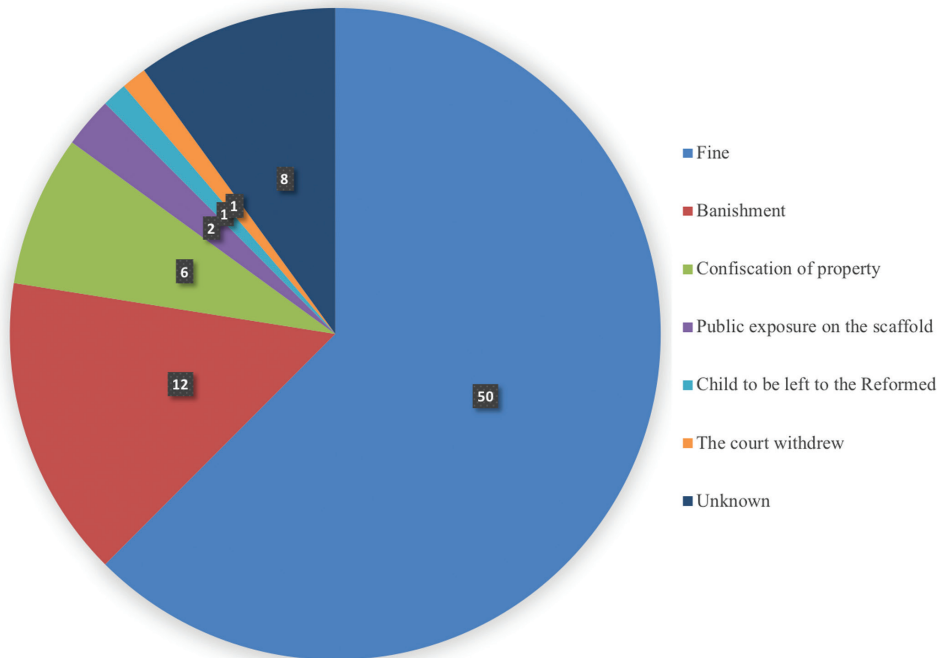
⁵⁰ Appendix 2, [1] [2] [6] [16] [17] [18] [19] [20] [21] [23] [24] [29] [33] [36] [44] [53] [62] (relatives); [18] [20] [21] [23] [62] are confirmed Catholics.

⁵¹ Appendix 2, [11] [21] [29].

⁵² On the houses owned by Van Zutphen in the Mariahoek, see Ven, 'De Driehoek van Sint Marie', 50, 56.

⁵³ On his Catholic family members, see Dirkse and Schilleman, 'Dirck van Voorst', 8, 9, 17.

Fig. 4 Sentences against Catholic defendants in Utrecht, 1630-1659.



Source: appendix 1.

the reasons for this may have been the pervasive Catholic influence in the provincial court, where three Catholic councillors could be found: Otto Schrassert (in office 1627-1630), Jacob de Wys (in office 1630-1651), and Pieter Dierhout (in office 1630-1640). Their faith was certainly seen as problematic, but nevertheless they were publicly recognised as suitable for such prominent public office because of their ‘excellent erudition and experience’, although the Provincial States reaffirmed in 1649 that only the Reformed would be eligible to serve as councillors.⁵⁴ Together with his ‘special deputy’ Johan de With [12], an advocate in Amsterdam working for the provincial court of Holland, Wachtelaer repeatedly attempted to appeal to the provincial court of Utrecht, for which his father had worked as a solicitor (*procureur*).⁵⁵

In a letter to the future Apostolic Vicar Jacobus de la Torre (1608-1661), dated 13 April 1640, Wachtelaer expressed concern about the consequence of the ‘persecution’ that he had been suffering since 1639. He lamented that things would only go well if ‘into the gaping mouth of the sheriff there were to fall a lump of sugar worth a few thousand guilders.

⁵⁴ HUA, SAI, 121-12, 12 and 23 April 1627; HUA, SAI, 121-14, 28 April and 3 May 1630; Water, *Groot Placcaat-Boek*, II, 1044-1045, 1054.

⁵⁵ HUA, MKOKN, 557, s.d. (after 24 September 1639), 28 September, 10 October, and 5 November 1639; HUA, SAI, 2244-87, 10, 28 October, and 5 November 1639; Ven, ‘De Driehoek van Sint Marie’, 35.

Certainly, we are a prey to dogs and wolves that are not hungry and thirsty for blood, but for a fleece of silver or gold.⁵⁶

Indeed, the sentence imposed most frequently in the seventy-two cases was the payment of a fine (fifty cases, fig. 4). As historians have demonstrated, Dutch Catholics regularly had to pay off the sheriff to be able to worship, although the amount of this bribe depended on local contexts.⁵⁷ The Utrecht statistics follow from the many cases (forty-nine) concerning the illegal assembly and exercise of the Catholic faith, whose outcomes are known and ended with a fine. In these cases, members of the (lay) social elite paid the fine as defendants representing the assembly or as defenders on behalf of defendants. The amounts ranged from 12 stuivers (for Jan Claesz and his wife {38}) to 6000 guilders (for Wachtelaer {11}). The Provincial States drew up guidelines for the establishment of fines and instructed all judicial officers to accept no compromise with Catholics.⁵⁸ Many *criminele sententiën*, however, prove that negotiations concerning these fines did take place between the defendant's side, represented by their defenders, and the committee composed of aldermen organised by the city court.⁵⁹

In six of the seventy-two cases, Catholics were sentenced to the confiscation of property; all of these cases concerned accusations of the illegal transfer of properties (fig. 4).⁶⁰ Among the six Catholic canons appearing as defendants, Wachtelaer {11} was the only one sentenced to the confiscation of his canonry – the other five canons managed to preserve their canonry.⁶¹ It is worth noting that even after they had been accused, the Catholic canons Van der Steen {9} and Gijsbert Junius {72} continued to be not only patrons of the Catholic community of Utrecht, but also pillars of the wider civic community. Van der Steen became executor of the testament of Johan Albert van Solms (1599-1648), who had been a dean (*deken*) of the same chapter and a brother-in-law of Prince Frederick Henry.⁶² Junius was publicly appointed as vice-dean of the collegiate chapter of St Marie, directing the chapter's charitable activities as a 'curator of the poor' (*curator pauperum*) in 1663.⁶³

Banishment was the most severe sentence applied in the seventy-two cases (twelve times, fig. 4): since people in early modern society depended heavily on *sociabilité* in their local community, banishment was considered a social death. Those banished included seven priests {3} {10} {11} {12} {14} {17} {58}, one citizen {48}, one soldier from the garrison {37}, two immigrant beggars {1} {2}, and two Catholics who had insulted a Reformed minister {35}. These defendants were seen as sufficiently harmful to the civic community to deserve banishment. Although it is certain that the city court withdrew from one case

⁵⁶ Cited in Deelder, *Bijdragen*, 1, 174-175: 'In den gapenden mond van den schout een klontje van een paar duizend guldens valt. Wat zijn wij toch ten prooi aan honden en wolven, die hongeren en dorsten, niet naar bloed, maar naar het zilveren of gouden vachtken.'

⁵⁷ Kooi, 'Paying off the Sheriff'; Parker, *Faith on the Margins*, 48, 50-54, 57-58, 234; Parker, 'Paying for the Privilege', 291-296.

⁵⁸ Water, *Groot Placcaat-Boek*, 1, 395-398.

⁵⁹ HUA, SAH, 2236, passim.

⁶⁰ Appendix 1, {7} {10} {11} {12} {14} {56}.

⁶¹ The other canons appear in cases {8} {9} {56} {71} {72} in appendix 1.

⁶² Forclaz, *Catholiques*, 43, 46-48, 50, 61-62, 120, 122; HUA, VSOKN, 590-a.

⁶³ HUA, Kapittel van Sint Marie te Utrecht, 2201.

{72}, there are eight other cases where the sentences are lacking.⁶⁴ This could suggest that the sheriff did collect documentation, but that the court abandoned the lawsuits.

It is noteworthy that members of the Catholic social elite, some of whom had been present in Utrecht since medieval times, played a critical role in the survival of Catholics. On the one hand, they appeared as defendants who, for example, hosted illegal assemblies and paid fines for their participants; on the other hand, they acted as defenders of other Catholic defendants. They were patrons and guardians of the Catholic community.⁶⁵ Despite the constant pressure from the public church, Reformed confessionalisation could not be completed, since the Catholic presence was never extinguished in the public sphere of Utrecht.

Catholics and Petitioning: Survival Tactics in Legal Discourses

What discourses did Catholic defendants mobilise to defend themselves? Unfortunately, the sample is limited: petitions from the defendants' side can only be found for twelve of the seventy-two cases. Here, petitions from four defendants – one social outsider and three members of the native social elite – are selected for a detailed discourse analysis.⁶⁶

On 15 December 1649, the sheriff raided a house on the Hendrick de Royensteeg (currently known as Dorstige Hartsteeg), where Grietgen Janssen {45} rented a room.⁶⁷ She was suspected of hosting a clandestine Mass and harbouring a priest. As quoted at the outset of this article, the beginning of her petition addressed the freedom of conscience and the prohibition on Catholic assemblies. Here, the discourse of the petition seems one of obedience in terms of the public/private distinction, since it emphasised that the defendant had meticulously observed the existing border between public and private established by the political authorities. On the basis of the existing norm, no one could hinder the defendant, despite her Catholic faith, from coming from Holland to enjoy Utrecht's 'famous good air' for her health. By arguing that Holland was more moderate than Utrecht in the prosecution of the exercise of the Catholic faith, the petition attempted to persuade the city court that Grietgen's motive for moving was not religious in nature, but medical. In addition, the petition attempted to affirm Grietgen's social reliability, representing her as a good neighbour of 'prominent people of the Reformed religion'.

Judicial officers searched the house from top to bottom, but, so the petition notes, could find no priest or altar. The sheriff claimed that he had once seen twenty-five Catholics, including Grietgen, leaving an adjacent house owned by Van Arckell, which, he noted, was only separated from Grietgen's room by a wall, so the Catholics could escape her room via

⁶⁴ Appendix 1, {4} {8} {13} {18} {20} {45} {51} {71}.

⁶⁵ This confirms the recent work by historians on Dutch Catholics, which has emphasised the role of the lay elite in reviving their faith: Forclaz, *Catholiques*; Geraerts, *Patrons of the Old Faith*; Janssen, *The Dutch Revolt*; Lenarduzzi, *Katholiek in de Republiek*; Parker, 'Cooperative Confessionalisation'; Parker, *Faith on the Margins*; Pollmann, *Catholic Identity*.

⁶⁶ The twelve cases are {8} {9} {10} {11} {12} {31} {45} {56} {61} {66} {71} {72} in appendix 1.

⁶⁷ HUA, SAII, 2244-100, fasc. 14, s.d. (1649/1650).

Van Arckel's house. The petition, however, rejected this as a fabrication, noting that the wall was too high for a woman to climb and that Van Arckell was Reformed. The petition claimed that malicious accusers had given false testimony to the sheriff in order to defame the defendant. By citing prestigious medieval authors commenting on Roman Law, such as Bartolus de Saxoferrato (1314-1357), the petition argued that no one could act as a witness if they were a stakeholder in the matter.⁶⁸ Furthermore, the petition argued that the alleged accusers should be 'publicly' ('publijckelijck') punished and banished, referring to the works of Tacitus (c. 55-c. 122) and Pliny the Younger (61-112). Judging from the absence of a sentence against Grietgen, it is probable that the city court withdrew the charges.

Grietgen was an immigrant. Her lack of social resources in the civic community of Utrecht defined the discursive potential of the petition. Because she probably did not receive a university training, it is unlikely that Grietgen wrote a petition citing treatises on Roman Law and classical authors, all of them in Latin. Although the existing copy of the petition is silent about who supported her, one might suppose that an immigrant woman asked a well-informed defender to write a petition on her behalf. To judge from the description in Grietgen's petition and the absence of a sentence against her, it would seem that the sheriff had proceeded to prosecute her on the basis of insufficient evidence. Accordingly, in order to win the case, it probably sufficed for her unknown defender to demonstrate Grietgen's obedience to the existing norm of the public/private distinction and to prove the unjust nature of the sheriff's prosecution.

Members of Utrecht's native Catholic elite mobilised discourses of jurisdiction. As mentioned above, the immunities enjoyed by chapters were nullified after the introduction of the Protestant Reformation into the city. Nevertheless, in a petition signed by the Reformed advocate Van Kerckraad [8], the Catholic canon of St Jan, Van der Steen {9}, attempted to prove that the judicial officers had no right to enter his house and investigate a Catholic gathering by reminding the city court that Van der Steen's house was the property of the collegiate chapter of St Jan. The petition insisted that the assembly concerned a matter handled by Van der Steen's mother, Lucia van Esch, who was a 'private person' ('privé').⁶⁹ As such, the petition claimed that even though the immunities of the chapters had been nullified, the canon should also have been exempted from the city's jurisdiction over the matter of 'private person' within the former immunity, just as his medieval predecessors had been.

Reference to freedom of conscience could also be an effective discursive technique for Catholics to counter indictments, as the case of the canon of St Marie, Gijsbert Dircksz, alias Gijsbert Junius {72}, shows. According to the indictment drawn up on 27 August 1657, Willem Dircksz, Junius's father, had secured the canonry of St Marie for Junius by swearing on 22 August 1622 that he would raise his eleven-year-old son in the Reformed faith, and that Junius would forfeit the canonry if Willem ever violated this oath. The sheriff argued that Junius had been educated as a Catholic, and that the canonry should therefore be forfeited.⁷⁰ The defendant's side responded on 11 September

⁶⁸ I would like to thank Jan Hallebeek helping me with this reference to the legal texts.

⁶⁹ HUA, SAH, 2244-88, 2 November 1638.

⁷⁰ HUA, Kapittel van Sint Marie te Utrecht, 90, 27 August 1657.

1657 by submitting a petition signed by the Reformed solicitor Van Zuylen [45]. First, the petition stated that Junius's canonry had not been acquired on 22 August 1622 by his father, but by his uncle, Gijsbert Willemsz de Roy, on 1 August 1622. For this reason, Willem's alleged proviso had no judicial bearing. Sometime after 1 August 1622, the defendant's grandmother living in Germany had taken responsibility for raising Junius, since his family in Utrecht did not have the resources to care for their many children. The petition insisted that Junius had converted to Catholicism while still a minor in Germany, where he lacked the supervision of the family patriarch. Moreover, the petition asserted that 'according to article thirteen of the Union of Utrecht, every individual may freely remain in his religion'. The petition insisted that by the time Junius, now the age of majority, returned to Utrecht and was appointed canon anew in April 1634, his Catholic faith had already been 'publicly' ('publicqulijck') acknowledged. Since then, Junius had been in undisputed possession of the canonry for over twenty years.⁷¹ In the end, the city court withdrew the lawsuit on 21 August 1658.⁷² It is worth noting that although Junius's petition referred to the right of 'every individual' to 'freely remain in his religion', it also vindicated the patriarchal right to choose the religious education of children.

Wachtelaer {11} (fig. 5) mobilised diverse discourses to defend himself and Rovenius, and even attempted to broaden the right of Dutch Catholics in the public sphere. For this reason, his petitions merit extensive analysis. Wachtelaer and his numerous defenders – in particular 'special deputy' De With [12] – sent many petitions to various recipients, including the city court, the sheriff, the provincial court, and Prince Frederick Henry.⁷³ The charges against Wachtelaer were almost the same as those against his superior, Rovenius: illegal activities conducted as a priest, and connections with or loyalty to the King of Spain.⁷⁴

At first, the petitions attempted to dispel these accusations. One of the key words here is 'conscience'. The duties of Catholic priests, according to the petitions, related only to 'the matter of conscience and religious matters' of Catholics.⁷⁵ It was the obligation of priests, especially those who had properly registered with the local magistracy, such as Wachtelaer, to keep 'order and discipline' within the Catholic community.⁷⁶ Disorder could be caused by 'foreign' ('vreemden') priests, monks in particular, who had 'secretly' arrived following the expiration of the Twelve Years' Truce in 1621. They obeyed the orders of their own superiors, rather than the Apostolic Vicar. This situation exposed 'native' ('inlandse') priests to the danger of 'persecution'. For this reason, the leaders of Dutch secular priests,

71 HUA, Kapittel van Sint Marie te Utrecht, 90, 11 September 1657: 'Volgens de unie van Utrecht articule dertien een yeder particulier in sijn religie vrij mach blijven.'

72 HUA, Kapittel van Sint Marie te Utrecht, 21 August 1658.

73 HUA, MKOKN, 557, 19 September 1639, s.d. (before 10 March 1640, to the city court); 11 and 26 November, 6 December 1639 (to the sheriff); s.d. (after 24 September 1639), 28 September, 10 and 28 October 1639, s.d. (after 10 March 1640) and HUA, SAII, 2244-87, 10 October 1639 (to the provincial court); HUA, OBC, 159, December 1639 (to Frederick Henry). The latter petition is transcribed in Rogge (ed.), 'Memorie', 1-25.

74 For Wachtelaer's indictment, see HUA, OBC, 159; HUA, SAII, 2087; HUA, SAII, 2244-87.

75 HUA, MKOKN, 557, s.d. (after 10 March 1640): 'de saecke van conscientie en geestelicke saecken'.

76 HUA, MKOKN, 557, s.d. (before and after 10 March 1640); HUA, OBC, 159, December 1639 (see also Rogge (ed.), 'Memorie', 5-6, 9, 14-15, 21-22).



Fig. 5 Cornelis Visscher (II), Portrait of Johannes Wachtelaer, 1653-1658, engraving, 45,6×31,7 cm, Amsterdam, Rijksmuseum.

such as Rovenius and Wachtelaer, were in contact with the pope in order to prevent the harmful effects 'foreign' monks could have on 'native' Catholics.⁷⁷

The petitions signed by De With [12] in particular questioned the jurisdiction of the city court judging Wachtelaer, noting how the matter of jurisdiction was disputed between the city and the province.⁷⁸ According to these petitions, once the provincial court had accepted Wachtelaer's appeal and prohibited the city court from proceeding with the trial, the sheriff and the city court should be denied jurisdiction.⁷⁹ And indeed, the provincial court ordered the city court to defer the lawsuit against Wachtelaer, and overturned the city court's decision. The signatories to this resolution of the provincial court included the

⁷⁷ HUA, Kapittel van Sint Marie te Utrecht, 93, 17 March 1640; HUA, MKOKN, 557, s.d. (before and after 10 March 1640); HUA, OBC, 159, December 1639 (Rogge (ed.), 'Memorie', 15); HUA, SAI, 2244-87, 17 March 1640.

⁷⁸ On the struggle over jurisdiction between the city and the province in general, see Milo and Dongen, *Hof van Utrecht*, 37.

⁷⁹ HUA, Kapittel Sint Marie te Utrecht, 93, 17, 18 March 1640; HUA, MKOKN, 557, s.d. (after 24 September 1639), 26 November 1639, s.d. (after 10 March 1640); HUA, SAI, 121-19, 26 March, 10 April, and 13 November 1640; HUA, SAI, 2244-87, 17 and 28 March 1640.

Catholic councillors De Wys and Dierhout.⁸⁰ The city court and the sheriff, whom the city council supported, resisted the pressure from the provincial court regarding the latter's interference as an infringement of 'jurisdictions, privileges, and old customs of the City and its Court', all of which had been enjoyed since medieval times.⁸¹

Moreover, the petitions emphasised Wachtelaer's elevated civic status in Utrecht. Many insisted that Wachtelaer was 'an old citizen' and a member of one of the 'leading families' that had lived in Utrecht since long ago, and was therefore deserving of respect. He was widely reputed to respect the public authorities; indeed, he had properly registered with the magistrates in accordance with the edict of 1622.⁸² In his petition to the stadtholder, he presented himself as a prominent figure who was a 'beloved person, not only among the Catholics, but also among the Reformed and all the others'.⁸³ In addition, his petitions defended the Dutch Catholic community as a group. Numerous Catholics had been living in the United Provinces since olden times, the petition to the stadtholder maintained, and were 'the principal people, of noble as well as bourgeois families'.⁸⁴ Catholics and their ancestors 'have driven the Spanish out of the land', arguing that 'the war, which we undertake, is a war not of religion, but of the state'.⁸⁵ The same petition also insisted that Dutch Catholics followed 'the example of the early Christians', noting that the Catholic faith had existed in the Northern Netherlands since St Willibrord (c. 658-739) had come from Britain to convert the pagans to Christianity. The Reformed were also heavily indebted to this common origin of Christianity in the Low Countries. Netherlandish Catholicism had been a faith without which 'the Reformed would have had nothing to reform' and 'we all together, without difference of religion, would still have been heathens or idolaters to this very day'.⁸⁶

In presenting these positive representations of Dutch Catholics, Wachtelaer's petitions attempted to defend their rights actively, alluding to the Union of Utrecht without making explicit reference to it. Wachtelaer's petition to the stadtholder argued that 'in these lands, ever since the change of the public religion, it has been kept as a maxim and declared by various edicts and public decisions that every individual should be allowed to live freely in accordance with his conscience' and would not be coerced to practise the Reformed religion.⁸⁷ The rebuttal of the indictment, written by De With [12], even reminded the

80 HUA, MKOKN, 557, 28 September and 10 October 1639; HUA, SAIL, 2244-87, 8 and 10 October 1639.

81 HUA, MKOKN, 557, 28 November 1639; HUA, SAIL, 121-19, 24 October and 15 November 1639; HUA, SAIL, 2244-87, 10, 18, and 19 October 1639.

82 HUA, MKOKN, 557, 19 September 1639, s.d. (before and after 10 March 1640); HUA, OBC, 159, December 1639; HUA, OBC, 159, December 1639 (Rogge (ed.), 'Memorie', 20, 21-22).

83 HUA, OBC, 159, December 1639 (Rogge (ed.), 'Memorie', 20): 'bemint persoon, niet alleen bij de Catholycquen maer oock bij de Gereformeerden ende alle anderen'.

84 HUA, OBC, 159, December 1639 (Rogge (ed.), 'Memorie', 2): 'de principaelsten, soo adelijcke als burgerlicke familien'.

85 HUA, OBC, 159, December 1639 (Rogge (ed.), 'Memorie', 5, 7): 'de Spainjaerden uyt den lande gedreven hebben' and 'het oorloch, t'welck wij voeren, is een oorloch niet van religie, maer van staet'.

86 HUA, OBC, 159, December 1639 (Rogge (ed.), 'Memorie', 2, 7): 'd'exempelen van de oude christenen', 'de gereformeerde geen subject en souden hebben gehad om yet te reformeren', and 'wij alle te samen sonder onderscheyt van religie tot op den huidighen dach noch heydenen ende affgodendieners souden geweest zijn'.

87 HUA, OBC, 159, December 1639 (Rogge (ed.), 'Memorie', 3): 'Voor een maxime gehouden ende oock bij verscheyden placcaten ende publicyqe acten verclaert is, dat een yeder vrijelick mochte leven na zijn conscientie.'

Provincial States of their obligation to defend the right of Catholics to enjoy freedom of conscience.⁸⁸

Furthermore, Wachtelaer actively – even boldly – demanded more rights for Catholics in the public sphere of the Protestant Republic. In his petition to the stadtholder, Wachtelaer maintained that ‘for the Catholics, it is not possible to live under freedom of conscience without priests’ from whom they might receive the sacraments.⁸⁹ In doing so, Wachtelaer proposed a completely different view of the concept of ‘conscience’ than that advocated by the public church. As discussed above, the Reformed Church believed that the consciences of Catholics were religiously and politically ruled by the pope through priests, and that they should content themselves with the ‘toleration and connivance’ to live in freedom of conscience, which meant living without priests and practices of faith.⁹⁰ However, Wachtelaer was not satisfied with the existing situation of toleration, which he found a ‘shame’ (‘infamie’). It was as if people were telling Catholics that they ‘would be allowed to live, but not to eat’.⁹¹ The petitions insisted that other dissenters in the Dutch Republic were in much more desirable circumstances. Jews in particular were allowed to perform ‘many more ceremonies publicly’ than Catholics.⁹² Referring to France under the Edict of Nantes as well as Poland under the Warsaw Confederation, the petition to the stadtholder claimed that non-Catholic dissenters living in these Catholic lands could ‘freely live without any brand of dishonour’. They could conduct the ‘free and public exercise of their religion’ without being told that they had ‘only freedom of conscience without exercise of religion’. Following these examples, the same petition maintained that ‘all impartial people’ judged that Dutch Catholics should enjoy similar freedoms, including freedom of conscience not only in its narrow meaning but also in its broader meaning, and even freedom of public practice of their faith.⁹³

Grietgen’s petition showed her obedient conformity to the existing norm of the public/private distinction. Its interpretation of freedom of conscience justified the withdrawal of Catholics from the public sphere occupied by the Protestants. However, her survival tactics cannot be generalised, since the conditions under which certain legal discourses were generated must be classified. One such condition limiting the discourses available to Catholics was their civic status. Grietgen’s lack of social resources in the civic community defined the limits of what her unknown defender could argue. The matter of jurisdiction was another key element. Van der Steen’s petition regarded the sheriff’s prosecution as a transgression of jurisdiction. While the petition argued that the assembly was a matter of ‘private person’, the emphasis was on the publicly represented civic status of the canon, which was related to the

88 HUA, MKOKN, 557, s.d. (before 10 March 1640).

89 HUA, OBC, 159, December 1639 (Rogge (ed.), ‘Memorie’, 3): ‘voor de Catholycken niet mogelick sijnde, in vrijicheyt van conscientie te mogen leven, sonder van priesters’. On Catholics’ interpretation of the freedom of conscience, see also Parker, *Faith on the Margins*, 10, 123, 190.

90 HUA, VBB, 139, s.d. (1655/1656).

91 HUA, OBC, 159, December 1639 (Rogge (ed.), ‘Memorie’, 3-4): ‘souden moghen leven, maer niet eeten’.

92 HUA, OBC, 159, December 1639 (Rogge (ed.), ‘Memorie’, 6-7): ‘veel meer ceremonien opentlick’. See also HUA, MKOKN, 557, s.d. (after 10 March 1640).

93 HUA, OBC, 159, December 1639 (Rogge (ed.), ‘Memorie’, 4): ‘vrijelick woonen sonder eenighe note van infamie’, ‘vrije ende opentlicke exercitie van hare religie’, and ‘alleen [...] vrijheyt van conscientie buyten exercitie van religie’.

– officially already lost – medieval legal custom of immunity. It was not the modern universal concept of privacy, but the specific public status originating from medieval times, that could be used to defend the canon's right to hold an assembly inside the chapter's property. Likewise, Junius's petition did not base its argument on the modern notion of the independent subject who has privacy, as it did not deny the patriarchal right of choosing a child's religious education. Here, the accent was rather on Junius's civic status and public reputation.

In practical terms, Wachtelaer's petitions questioned the city's jurisdiction over him, relying instead on the provincial court of Utrecht, which still had Catholic influences. Based on his own elevated civic status and that of the Catholic community at large, similarly testifying to their political reliability, Wachtelaer's petitions actively defended Dutch Catholics and even attempted to extend their rights by shifting the boundary of the 'public'. According to Wachtelaer, 'conscience' was apolitical and purely religious in nature, and priests bore responsibility for it; hence, freedom of conscience required a certain public presence of priests and sacraments. On the basis of this interpretation, Wachtelaer insisted that Catholics should not only enjoy the right to maintain priests, but also to practise their faith in public. This broad – or Catholic – conception of conscience, which required public and external resources for salvation, was different not only from the narrow – or confessionalised Reformed – conception, which held that Catholic consciences were politically polluted by the 'public enemy', but also from the modern concept, which promotes privacy as a fundamental human right of independent individuals.⁹⁴

Conclusion

From 1630 to 1659, there was a trend towards Reformed confessionalisation, as demonstrated by the rising number of legal proceedings against Catholics. While the cases around 1640 (the first peak in the number of cases) during the Eighty Years' War mostly targeted priests, the cases around 1651 (the second peak) after the Peace of Münster were primarily directed at laypeople. The Reformed Church played a key role in this escalation of pressure. With its desire for confessionalisation, the public church not only urged political authorities to strategically exclude Catholics from the public sphere, but also warned magistrates about the potential danger to the public order caused by Catholics, since priests would bind the consciences of Catholics to the 'public enemy'. Nevertheless, Reformed confessionalisation was never completed. Even though Catholic assemblies were seen by public authorities as 'public' and thus problematic, members of the Catholic social elite were disobedient to the existing norm of the public/private distinction. Backed by their own civic status, and with the aid of defenders in their (supra-confessional) socio-judicial networks, accused Catholics mobilised a variety of discourses in their legal proceedings.

It appears that obedient conformity to the existing norm of the public/private distinction was just one of the various discursive survival tactics employed by Catholics in Utrecht.

⁹⁴ Wachtelaer's interpretation does not fit with the modernisation – the relativization and internalisation – of 'conscience', which Alexandra Walsham has detected in early modern Britain: Walsham, 'Ordeals of Conscience', 33.

Faced with problems deriving from a multiconfessional reality, people attempted not to conceptualise 'privacy', but to delimit the 'public' and to define 'conscience'. The 'public' was not a static concept which the Reformed alone could strategically colour and shape. Not all Catholics withdrew from the public sphere as Grietgen did. Despite repeated prosecution, some Catholics with elevated civic status unrelentingly offered opportunities for their co-religionists to survive as Catholics through the practice of faith.⁹⁵ In their legal discourses, members of the Catholic elite attempted to tactically defend their rights by resorting to their publicly represented civic status, which in some cases originated from medieval times, despite the crucial discontinuation caused by the Protestant Reformation and the Dutch Revolt. As defendants or defenders, members of the Catholic elite tried to protect themselves, and even the Catholic community, by defining the 'public' in an original way, and by mobilising alternative interpretations of the 'public' that were discursively represented and justified by historical allegiance and contributions to the civic community, legitimate citizenship, a-confessional neighbourliness, medieval legal customs, commitment to the war against the 'public enemy', the shared legacy of Christianity, the provincial court of Utrecht, the Union of Utrecht, and the Prince of Orange. Besides the political authorities and the Reformed Church, Catholics were one of the actors in the shared – and thus public – process of the delimitation of the 'public'. Furthermore, members of the Catholic elite also appropriated the concept of freedom of conscience. For some Catholics, such as Wachtelaer, 'conscience' was not limited to one's internalised or privatised convictions, but something that demanded a certain public presence of religion, a necessary prerequisite for a Catholic's salvation. This 'conscience' was completely different from the modern notion, which belongs exclusively to the 'private', and thus is the basis of 'privacy'.

Members of the native Catholic elite in seventeenth-century Utrecht therefore did not obey the existing norm and definition of the public/private distinction, which public authorities and the Reformed majority strategically attempted to control. Instead, they not only developed their own sub-culture in their private sphere, but also challenged public authorities and the formal hegemony of Reformed religious culture, by tactically shifting the border of the 'public' through their legal discourses. By actively participating in the delimitation of the 'public', they wielded a wider agency in their survival both individually and collectively as Catholics. This article has sought to demonstrate that people living in seventeenth-century Utrecht attempted to delimit the 'public' in legal discourses, which, in their perception of the civic community, still retained medieval legacies without conceptualising the modern notion of privacy. Seventeenth-century Utrechters continuously and communally (re)defined what was perceived as public, (re)drew the border of the public, and (re)generated norms for how people could/should behave in the public sphere. More comparative local case studies are needed to assess how representative or exceptional the Utrecht case is. Nevertheless, by paying more attention to the delimitation of the 'public', which inherited continuities from medieval times, historians may assess dissenters' agency more clearly and reconsider early modern perceptions of public and private.

95 E.g., Anna Catharina Mom {19} {34} {64} and Agatha Dierhout {50} {67} in appendix 1.

Appendix 1. Legal proceedings against Catholics in Utrecht, 1630-1659.

Case	Year	Number of defendants	Names mentioned	Profession/civic status	Charge	Sentence	Defenders (appendix 2)	Archival sources
{1}	1630	3	Anneken Thomas; Jacob Blommert (Blosvelt); Petrus de la Faille	Immigrant from England (Thomas); priest (Blommert or Blosvelt)	Begging	Banishment (from the city)	Unknown	HUA, SAIJ, 2236-2, 10, 14 Sept. 1630; HUA, SAIJ, 2244-69, 10, 14 Sept. 1630
{2}	1630	2 (1 man, 1 woman)	Lijsbeth Laurens	Immigrant (from Stavelot, in the Southern Netherlands) and wife of Ambrosius Corne (Laurens); priest (name unknown)	Begging	Banishment (from the city)	Unknown	HUA, SAIJ, 2236-2, 11 Dec. 1630; HUA, SAIJ, 2244-70, 9, 11 Dec. 1630
{3}	1631	1	Rombout van Medenblick	Secular priest (native)	Priest	Banishment (from the city)	Unknown	HUA, SAIJ, 121-15, 6, 12 Feb., 21 March 1631.
{4}	1635	5 (2 men, 3 women)	Pauwels van Geresteyn (van der Straet); Weyntgen	Secular priest (native) (Van Geresteyn); <i>kloppje</i> (one of the three women)	Illegal assembly, practice of faith	Unknown	Unknown	HUA, SAIJ, 121-17, 29 Dec. 1634; HUA, SAIJ, 2244-80, 30 Jan. 1635
{5}	1636	1	Vincent Andriesz	Dominican friar (non-native)	Priest	Fine (f.600 + trial costs)	[1] [3]	HUA, SAIJ, 2236-3, 10, 19 Nov. 1636, 3 Dec. 1636
{6}	1636	ca. 200	Unknown	Unknown	Illegal assembly	Fine (f.600)	[3] [4]	HUA, SAIJ, 121-17, 15 Aug. 1636, 12 Sept. 1636; HUA, SAIJ, 2236-3, 31 Dec. 1636
{7}	1638	1	Maria Ruysch	Patrician	Illegal transfer of property (inheritance from her deceased brother Henrick who served the King of Spain)	Henrick's property to be confiscated, Maria to forfeit the right to inherit it	Unknown	HUA, SAIJ, 2244-83, 25 Oct. 1638

Appendix 1 (continued)

Case	Year	Number of defendants	Names mentioned	Profession/civic status	Charge	Sentence	Defenders (appendix 2)	Archival sources
{8}	1640	1	Diderick Muytert (Mulart)	Canon of the Dom (secular), member of a noble family in Lingen	Illegal possession of prebend (through Rovenius)	Unknown	[5] [6] [7]	HUA, OBG, 153; HUA, SAIJ, 2244-84, 21 Nov., 14 Dec. 1639, 4, 10 Jan. 1640
{9}	1640	26 (14 men, including 5 boys; 12 women)	Gerard van der Steen; Lucia van Esch; Everard van der Schuer	Canon of St Jan (secular, Van der Steen); his mother (Van Esch); advocate in the provincial court of Utrecht (Van der Schuer); widows, boys, and adult men (some listed with jobs, including handmaid, carpenter, furniture-maker)	Illegal assembly	Fine (f.550 + f.75 trial costs)	[8]	HUA, SAIJ, 2236-3, 22, 25 Feb. 1640; HUA, SAIJ, 2244-83, 6 Oct. 1638, HUA, SAIJ, 2244-88, 2 Nov. 1638
{10}	1640	1	Philippus Rovenius	Apostolic Vicar (non-native)	Priest, practice of faith, treason, illegal transfer of property	Banishment (from the Dutch Republic), confiscation of the property	Unknown	HUA, OBG, 159; HUA, SAIJ, 2088; HUA, SAIJ, 2244-86, passim
{11}	1640	1	Johannes Wächteleaer	Vicar General and canon of St Marie (native priest)	Priest, practice of faith, treason, illegal transfer of property	Banishment (from the city), suspension from the canonry, fine (f.6000 + trial costs)	[3] [8] [9] [10] [11] [12] [13] [14] [15] [16] [37]	HUA, OBG, 159; HUA, MKOKN, 557; HUA, SAIJ, 2087; 2244-87, passim
{12}	1640	1	Govert van Mooock	Secretary to the Apostolic Vicar (non-native)	Priest, practice of faith, treason, illegal transfer of property	Banishment (from the Dutch Republic), fine (f.2500), confiscation of the property	[4]	HUA, SAIJ, 2236-3, 8 May 1640; HUA, SAIJ, 2244-84, passim; HUA, SAIJ, 2244-86, passim
{13}	1640	1	Bernardus van Mooock	Secular priest (non-native)	Priest, practice of faith, treason, illegal transfer of property	Unknown	[4]	HUA, MKOKN, 557, 5 Nov. 1639; HUA, SAIJ, 2244-84, passim
{14}	1640	1	Gerrit Pelt	Secular priest (native)	Priest, practice of faith, treason, illegal transfer of property	Banishment (from the Dutch Republic), confiscation of the property, trial costs	[4] [8] [18]	HUA, SAIJ, 2086; HUA, SAIJ, 2244-86, passim

Appendix 1 (continued)

Case	Year	Number of defendants	Names mentioned	Profession/civic status	Charge	Sentence	Defenders (appendix 2)	Archival sources
{15}	1641	36	Eelgis Gerritsz; Cornelis Willemsz; Willemgen Aerts; Herman van Honthorst	Gardener (Gerritsz); wheel maker (Willemsz); secular priest (native, Van Honthorst)	Illegal assembly	Fine	Unknown	HUA, SAI1, 121-19, 5, 26 Jun. 1641, 5, 10, 16 Aug. 1641; HUA, SAI1, 2236-4, 5, 7 May 1641
{16}	1641	1	Cornelis van der Hout	Priest	Priest	Bail (f.750 + trial costs)	[19]	HUA, SAI1, 2236-4, 21 July 1641
{17}	1641	1	Herman van Honthorst	Secular priest (native)	Priest	Banishment (from the city)	Unknown	HUA, SAI1, 121-19, 5, 26 June 1641, 5, 10, 16 Aug. 1641; HUA, SAI1, 2236-4, 11 Aug. 1641
{18}	1641	1	Joannes Boshouwer	Immigrant shoemaker from Germany	Insult to the Reformed faith	Unknown	Unknown	HUA, SAI1, 2244-89, 15 Oct. 1641
{19}	1642	1	Anna Catharina Mom	Daughter of the nobleman Jacob Mom	Illegal assembly	Fine (f.1000 + f.60 trial costs)	[20]	HUA, SAI1, 2236-4, 23 Sept. 1642; HUA, SAI1, 2244-90, 23 Sept. 1642
{20}	1642	1	Jan Jansz van Beda	Dominican friar (non-native)	Priest	Unknown	Unknown	HUA, SAI1, 2244-90, 29, 30 April 1642, 20, 27 May 1642
{21}	1643	1	Melchior van Schoonhoven	Unknown	Illegal assembly	Fine (f.650 + f.50 trial costs)	[21] [22]	HUA, SAI1, 2236-4, 13 March 1643
{22}	1643	5 (1 man, 4 women)	Michiel Jacobsz	Unknown	Illegal assembly	Fine (f.300: 1x f.200 and 4x f.25)	Unknown	HUA, SAI1, 2236-4, 6 July 1643
{23}	1643	1	De Gouda	Noblewoman	Illegal assembly	Fine (f.725 + f.50 trial costs)	[9] [23] [24]	HUA, SAI1, 2236-4, 19, 22 Aug. 1643
{24}	1644	1	Van Borculo	Noblewoman	Illegal assembly	Fine (f.475 + f.50 trial costs)	[27] [28]	HUA, SAI1, 2236-4, 1, 12 Jan. 1644
{25}	1644	1 man + unknown number	Frederik van Deurn	Unknown	Illegal assembly	Fine (f.650 + f.100 trial costs)	Unknown	HUA, SAI1, 2236-4, 3, 5 Feb. 1644
{26}	1644	1	Emerentiana van Gessel	Caretaker of house of the nobleman Amerongen	Illegal assembly	Fine (f.600 + f.50 trial costs)	[26] [29]	HUA, SAI1, 2236-4, 27, 29 March 1644
{27}	1644	2	Adriaen Ram van Schalkwijk, Anthoni(s) Pelt	Nobleman (Ram); medical doctor (Pelt)	Illegal assembly	Fine (f.750 + f.50 trial costs)	[30] [31] [32] [26]	HUA, SAI1, 2236-4, 24, 27 June 1644

Appendix 1 (continued)

Case	Year	Number of defendants	Names mentioned	Profession/civic status	Charge	Sentence	Defenders (appendix 2)	Archival sources
{28}	1645	1	(Johan) Gerard de Wael van Vronesteyn	Nobleman	Illegal assembly	Fine (f.330 + f.50 trial costs)	[33]	HUA, SAH, 2236-4, 20, 21 Jan. 1645
{29}	1646	1	Adriana van Gent	Widow of Johan Sem	Illegal assembly	Fine (f.700 + f.60 trial costs)	[34] [35]	HUA, SAH, 2236-4, 12 June 1646
{30}	1646	1	Leonard Joosten Brems	Priest (non-native)	Priest (from the place of enemy)	Fine (f.800 + f.140 trial costs)	[1] [2] [36]	HUA, SAH, 2236-4, 20 Aug. 1646
{31}	1646	c. 200-300 'anonymous and indigent' people	Wouter Woutersz	Farmer	Illegal assembly	Fine (f.4800, after negotiation)	[39]	HUA, SAH, 2244-95, 10 July 1646
{32}	1647	1	Ursula Gerrits	Unknown	Illegal assembly	Fine (f.650 + f.60 trial costs)	[1]	HUA, SAH, 2236-4, 14 June 1647
{33}	1647	1	Peter Jansz van Loenen	Gardener	Illegal assembly	Fine (f.800 + f.100 trial costs)	[17]	HUA, SAH, 2236-4, 4, 6 Aug. 1647
{34}	1648	4 (2 men, 2 women)	Anna Catharina Mom, dowager of Van Wijlen; Assuerus (Zweder) van Brakel; Van Blickenburch	Nobleman, husband of Anna Catharina Mom (van Brakel); noblewoman (Mom, dowager of Van Wijlen, Van Blickenburch)	Illegal assembly	Fine (f.600 + f.60 trial costs)	[21] [26]	HUA, SAH, 2236-4, 15 April 1648
{35}	1648	2	Maychgen Peters; Peter Willemisz	Widow of Adriaen Willemisz (Peters); her son (Willemisz)	Insult to the Reformed faith, sedition	Banishment (from the city)	Unknown	HUA, KR, 5, 9, 15 May 1648; HUA, SAH, 121-22, 19 May 1648; HUA, SAH, 2236-4, 20, 25 May 1648
{36}	1648	1	Mechtelt (Mechtildis) de Lange	Widow of Anthonis Cornelisz van Schaick	Illegal assembly	Fine (f.860 + f.60 trial costs)	[26] [34] [40]	HUA, SAH, 2236-4, 9 June 1648
{37}	1649	1	Jean Morier	Soldier from the garrison	'Public violence', sedition and insurrection	Public exposure on the scaffold, banishment (from the city) for 10 years	Unknown	HUA, SAH, 2236-4, 21 April 1649
{38}	1649	2	Jan Claesz, his wife	Miller (Claesz); his wife	Religious education (resistance to the superintendents of schools)	Fine (12 <i>stivers</i> + 18 <i>stivers</i> trial costs)	Unknown	HUA, SAH, 338, 8, 10 May 1649

Appendix 1 (continued)

Case	Year	Number of defendants	Names mentioned	Profession/civic status	Charge	Sentence	Defenders (appendix 2)	Archival sources
{39}	1649	1	Van Gessel (perhaps Peter van Gessel, {46})	Patrician and wine merchant	Illegal assembly	Fine (f.675 + f.60 trial costs)	Unknown	HUA, SAH, 2236-4, 27 June 1649
{40}	1649	14-16 people	Puyt (Poeyt)	Nobleman	Illegal assembly	Fine (f.200, after negotiation, + f.50 trial costs)	[21] [26]	HUA, SAH, 2236-4, 8, 11 Sept. 1649; HUA, SAH, 2244-98, 3, 8, 11 Sept. 1649
{41}	1650	1	Anthoni van Schaick	Baker	Illegal assembly	Fine (f.500 + f.60 trial costs)	Unknown	HUA, SAH, 2236-4, 9 Feb. 1650
{42}	1650	1	Aert Willemsz Peerboom (Pereboom)	Unknown	Illegal assembly	Fine (f.490 + f.60 trial costs)	[21] [41]	HUA, SAH, 2236-4, 29 June 1650
{43}	1650	1	Maijert Schepen	Carpenter	Illegal assembly	Fine (f.800 + f.60 trial costs)	[21] [26]	HUA, SAH, 2236-4, 17, 20 Aug. 1650
{44}	1650	1	Johan van Vienen van Jaersfelt	Advocate in the provincial court of Utrecht	Illegal assembly	Fine (f.550 + f.60 trial costs)	[21] [26]	HUA, SAH, 2236-4, 19 Nov. 1650
{45}	1650	25	Grietgen Janssen	Immigrant from Holland, lessee	Illegal assembly	Unknown	Unknown	HUA, SAH, 2244-100, fasc.14, s. d.
{46}	1651	1	Peter van Gessel	Patrician and wine merchant	Illegal assembly	Fine (f.850 + f.60 trial costs)	[36]	HUA, SAH, 2236-4, 11. Jan. 1651
{47}	1651	1	Claesgen van der Tiell	Widow of Carell de Hooch	Illegal assembly	Fine (f.460 + f.60 trial costs)	[21] [42]	HUA, SAH, 2236-4, 21 Jan. 1651
{48}	1651	1	Peter Lamberts van Schalckwijck	Citizen	Illegal assembly, 'public violence' against authorities, sedition and insurrection	Public exposure on the scaffold, banishment (from the province) for 10 years	Unknown	HUA, SAH, 2236-4, 8 Aug. 1651 (see also HUA, Hof van Utrecht, 99-8, 29 Jul. 1651; HUA, 121-24, 2, 3, 20, 21 Jun., 8, 10, 14 July, 6 Sept., 10 Dec. 1651)
{49}	1651	2	Ursula Godaerts; Maria Godaerts	Unknown	Illegal assembly	Fine (f.825 + f.60 trial costs)	[21] [43]	HUA, SAH, 2236-4, 12 Dec. 1651
{50}	1651	1	Agatha Dierhout (Derout)	Noblewoman	Illegal assembly	Fine (f.600 + f.60 trial costs)	[11] [28] [44]	HUA, SAH, 2244-103, 8, 9, 10 June 1651
{51}	1651	1	Henrick Pieck van Wolfsweert	Nobleman (lord of Wolfsweert)	Loyalty to Spain	Unknown	Unknown	HUA, SAH, 2236-4, 24 Sept. 1652
{52}	1652	1	Van der Cloes	Noblewoman	Illegal assembly	Fine (f.275 + f.60 trial costs)	[21]	HUA, SAH, 2236-4, 24 Sept. 1652

Appendix 1 (continued)

Case	Year	Number of defendants	Names mentioned	Profession/civic status	Charge	Sentence	Defenders (appendix 2)	Archival sources
{53}	1652	1	Wilhelmus van Wenckum	Patrician	Practice of faith	Fine (f.100 + trial costs)	Unknown	HUA, SAI, 2236-4, 13 Oct. 1652
{54}	1652	50	Willem van der Burch; Jordaen Puyt (Poeyt)	Noblemen	Illegal assembly	Fine (f.700, after negotiation)	Unknown	HUA, SAI, 2244-104, 10 Sept. 1652
{55}	1652	2	Willem van der Burch; Jordaen Puyt (Poeyt)	Noblemen	Illegal assembly	Fine (f.625 + f. 60 trial costs)	Unknown	HUA, SAI, 2236-4, 4 Dec. 1652
{56}	1653	1	Willem van Merode	Canon of the Dom (secular)	Violation of oath, illegal transfer of the canonry	Rejection of the transfer of the canonry from the defendant to Dirck Schaepe	[10] [45] [46] [47] [48] [49]	HUA, SAI, 2095
{57}	1653	1	Cornelis Fransz	Unknown	Illegal assembly	Fine (f.700 + f.100 trial costs)	[9]	HUA, SAI, 2236-4, 6 Jan. 1653
{58}	1653	1	Robert Redinge	Priest	Practice of faith, priest	Banishment (from the province)	Unknown	HUA, SAI, 2236-4, 5 March 1653
{59}	1653	1	Everhard van Doyenburch	Unknown	Illegal assembly	Fine (f.840 + f.60 trial costs)	[37] [50] [51] [52]	HUA, SAI, 2236-4, 13 May 1653
{60}	1653	1	Aalgen Schijven	Unknown	Illegal assembly	Fine (f.600 + f.60 trial costs)	[53] [55]	HUA, SAI, 2236-4, 3 Sept. 1653
{61}	1654	2	Willem van Beckbergen's wife and daughter	Wife and daughter	Religious education of a nephew of Willem van Beckbergen	Nephew to be left to the Reformed	[57]	HUA, SAI, 2899
{62}	1655	1	widow of Van Blickenburch	Noblewoman	Illegal assembly	Fine (f.850 + f.60 trial costs)	[25] [56] [57]	HUA, SAI, 2236-4, 11, 12 June 1655
{63}	1655	1	Peter Bolle	Unknown	Illegal assembly	Fine (f.700 + f.50 trial costs)	[36] [54]	HUA, SAI, 2236-4, 21 July 1655
{64}	1655	1	Anna Catharina Mom	Daughter of the nobleman Jacob Mom	Illegal assembly	Fine (f.940 + f60. trial costs)	[20] [21]	HUA, SAI, 2236-4, 11 Aug.1655
{65}	1655	1	Anthonis de Rhode (Rode)	Priest (non-native)	Priest	Fine (f.625 + f.100 trial costs)	[25] [56] [58] [59]	HUA, SAI, 2236-4, 24 Sept. 1655
{66}	1656	2	Maria van Merode; Agnes van Merode	Noblewomen	Willem's violation of oath, illegal transfer of Willem's canonry	Fine (f.2000 + f.500 trial costs)	[45] [60]	HUA, SAI, 121-26, 28 Jan. 1656; HUA, SAI, 2236-4, 24, 25 Jan. 1656

Appendix 1 (continued)

Case	Year	Number of defendants	Names mentioned	Profession/civic status	Charge	Sentence	Defenders (appendix 2)	Archival sources
{67}	1656	1	Agatha Dierhout (Derout)	Noblewoman	Illegal assembly	Fine (f.500 + f.100 trial costs)	Unknown	HUA, SAH, 2236-4, 14 March 1656
{68}	1656	1	Geertruyd van der Heyden	Lesse	Illegal assembly	Fine (f.500 + f.60 trial costs)	[23] [34]	HUA, SAH, 2236-4, 6, 8 Aug. 1656
{69}	1656	1	Margareta Jans	Unknown	Illegal assembly	Fine (f.700 + f.60 trial costs)	Unknown	HUA, SAH, 2236-4, 15, 16 Aug. 1656
{70}	1656	1	Aletta van Schendel	Unknown	Illegal assembly	Fine (f.540 + f.60 trial costs)	[45] [61] [62]	HUA, SAH, 2236-4, 3, 4 Dec. 1656
{71}	1658	1	Huybert de Roy	Canon of St Marie (secular)	Violation of oath	Unknown	[45]	HUA, Kapittel van Sint Marie, 90
{72}	1658	1	Gijsbert Junius	Canon of St Marie (secular)	Violation of oath	Court withdrew the lawsuit	[45]	HUA, Kapittel van Sint Marie, 90

Appendix 2. *Defenders of Catholic defendants in Utrecht, 1630-1659.*

Name	Acting as defenders in court case (appendix 1)	Profession/civic status	Charged as defendant in court case (appendix 1)	Family relations	Religion
[1] Willem van Galen	{5} {30} {32}	Notary		Father of Johan van Galen [2]	Unknown
[2] Johan van Galen	{30}	Notary and secretary of Leckendijck		Son of Willem van Galen [1]; relative of the former nun Huberta van Nyckercken, whose property in Schalkwijk was inherited by Johan van Galen (HUA, SAM, 12.1-21, 26 Jan. 1646)	Unknown
[3] Everard van de(r) Schue(y)r	{5} {6} {11}	Advocate in the provincial court of Utrecht	{9}		Catholic
[4] Richard van Coesvelt (Coesfelt)	{6} {12} {13} {14}	Advocate in the provincial court of Utrecht			Unknown
[5] Cornelis van Clarenburch	{8}	Solicitor in the city court of Utrecht			Unknown
[6] Ern(e)st Muijert	{8}	Nobleman in Grunsmühlen		Brother of the defendant Diderick Muijert [8]	Unknown
[7] Silvester Dankelman	{8}	Vice <i>drost</i> of Lingen			Unknown
[8] Abraham van Kerckraad	{9} {11} {14}	Advocate in the provincial court of Utrecht			Reformed
[9] Joost (Justus) van Ewijck	{11} {23} {57}	Advocate in the provincial court of Utrecht			Reformed
[10] Ewijck	{56}	Advocate in the provincial court of Utrecht			Unknown
[11] Dirck (Theodorus) van Lommetzum	{11} {50}	Advocate in the provincial court of Utrecht			Catholic
[12] Johan de With	{11}	Advocate in the provincial court of Holland			Unknown
[13] Gerard van Lienden	{11}	Solicitor in the Provincial court of Utrecht			Reformed
[14] Lambert van Boort	{11}	Solicitor in the Provincial court of Utrecht			Unknown
[15] Johan de Munter	{11}	Advocate in the provincial court of Utrecht			Catholic
[16] Brother of Johannes Wachteleaer	{11}	Nobleman		Brother of Johannes Wachteleaer [11]	(probably) Catholic

Appendix 2 (continued)

Name	Acting as defendants in court case (appendix 1)	Profession/civic status	Charged as defendant in court case (appendix 1)	Family relations	Religion
[17] Sister of Johannes Wachelaer	{11}	Noblewoman, (probably) widow of Cornelis van der Heyden		Sister of Johannes Wachelaer {11}	(probably) Catholic
[18] Anthoni Pelt	{14} {33}	Medical doctor, nobleman	{27}	Brother of Gerrit Pelt {14}, husband of a cousin of Herman Honthorst {15} {17}	Catholic
[19] Cornelis Dirckgen van der Hout	{16}	Plumber		Probably a relative of Cornelis van der Hout {16}	Unknown
[20] Cornelis van Spangen	{19} {64}	Nobleman		Son-in-law of Anna Catharina Mom {19} {34} {64}	Catholic
[21] Berent (Bernhardt) van Zutphen	{21} {34} {40} {42} {43} {44} {47} {49} {52} {64}	Advocate in the provincial court of Utrecht		Brother-in-law of <i>Kloppje</i> Anna van Voorst and Catholic painter Dirck van Voorst (they were siblings of Berent van Zutphen's wife Maria van Voorst); Berent's daughter Cornelia was also Catholic (HUA, NOT, U093ao19, 4, 24 July 1690)	Catholic
[22] Hillebrant van Rossum	{21}	Solicitor in the city court of Utrecht			Unknown
[23] Nicolaes Dierhout (Derout)	{23} {68}	Uncertain (either advocate in the provincial court of Utrecht or painter)		Brother (advocate) or uncle (painter) of Agatha Dierhout (Derout) {50} {67}	Catholic
[24] Diderick van der Burch	{23}	Unknown		Relative of Willem van der Burch {54} {55}?	Unknown
[25] Willem van der Burch	{62} {65}	Nobleman	{54} {55}		Catholic
[26] Nicolaes van Merkerck	{23} {26} {27} {34} {36} {40} {43} {44}	Solicitor in the city court of Utrecht			Reformed
[27] Gerard van der Steen	{24}	Canon of St Jan	{9}		Catholic
[28] Mauritius Steenwijck	{24}	Advocate in the provincial court of Utrecht			Unknown
[29] Anthoni van Blocklandt	{26} {49}	Advocate in the provincial court of Utrecht		Brother-in-law of the Catholic councillor in the provincial court of Utrecht Pieter Dierhout (who was the father of Agatha Dierhout {48} {64})	Catholic

Appendix 2 (continued)

Name	Acting as defendants in court case (appendix 1)	Profession/civic status	Charged as defendant in court case (appendix 1)	Family relations	Religion
[30] Cornelis Wijngaerden	{26}	Advocate in the provincial court of Utrecht			Unknown
[31] Bruno Verdoes	{26}	Surgeon			Unknown
[32] Johan Flockersz Wtenbogaert	{26}	Wine merchant			Unknown
[33] Van Buren (Bueren)	{28}	Nobleman		Nephew of (Johan) Gerard de Wael van Vronesteyn {28}	Unknown
[34] Johan Zael van Vianen	{29} {36} {68}	Advocate in the provincial court of Utrecht			Unknown
[35] Philips Reynegom	{29}	Advocate in the provincial court of Utrecht			Unknown
[36] Adriaen Moll van Vianen	{30} {46} {63}	Advocate in the provincial court of Utrecht		Brother-in-law of Peter Gessel {46}	Unknown
[37] Isaak Moll	{59}	Advocate in the provincial court of Utrecht			Unknown
[38] Moll	{11}	Advocate in the provincial court of Utrecht			Unknown
[39] Didolph van de Poel	{31}	Solicitor in the city court of Utrecht			Unknown
[40] Francys de Wys	{36}	Advocate in the provincial court of Utrecht			Unknown
[41] Andries van Raveswaey	{42}	Citizen, hat merchant			Unknown
[42] Gijbsbert de Coten	{47}	Solicitor in the city court of Utrecht			Unknown
[43] Geerloff van Jaersfelt	{49}	Warrant executor in the provincial court of Utrecht			Unknown
[44] Gerard Prins	{50}	Advocate in the provincial court of Utrecht		Brother of a priest in Roermond, Nicolaes Prins (HUA, SAII, 121-26, 27 Jun. 1659)	Unknown
[45] Henrick van Zuylen	{56} {66} {70} {71} {72}	Solicitor in the city court of Utrecht			Reformed
[46] Dirck Schaeap	{56}	Patrician in Amsterdam, town secretary of Amsterdam (in office 1655-1697)			(probably) Remonstrant
[47] Everard van Weede	{56}	Notary			Unknown
[48] Hu(y)bert van Bu(y)ren van Amelisweerd	{56}	Nobleman			Unknown

Appendix 2 (continued)

Name	Acting as defenders in court case (appendix 1)	Profession/civic status	Charged as defendant in court case (appendix 1)	Family relations	Religion
[49] Adriaen de Raedt	{56}	Advocate in the provincial court of Utrecht			Unknown
[50] Peter Vuysting	{59}	Advocate in the provincial court of Utrecht			Catholic
[51] Peter van Beest	{59}	Unknown			Unknown
[52] Christiaan van Alkemade	{59}	Nobleman			Catholic
[53] Adriaan Puyt (Poeyt)	{60}	Nobleman	{40}? {54} {55}	Probably a relative of Puyt {40} and Jordaen Puyt {54} {55}	(probably) Catholic Catholic Unknown
[54] Jordaen Puyt (Poeyt)	{63}	Nobleman			
[55] Johan Zaal	{60}	Advocate in the provincial court of Utrecht			Unknown
[56] Jacob van der Dussen	{62} {65}	Advocate in the provincial court of Utrecht			Reformed
[57] Cornelis Bak (Baeck)	{61} {62}	Solicitor in the city court of Utrecht			Unknown
[58] Anthonis van Bodegen (Bueghem)	{65}	Unknown			Unknown
[59] Arnold van Cuylenborch	{65}	Solicitor in the city court of Utrecht			Unknown
[60] Jacob van Dam	{66}	Advocate in the provincial court of Utrecht			Unknown
[61] Albertus van Pallaes	{70}	Medical doctor			Catholic
[62] Frederik Bonmert (Bloemaert)	{70}	Painter		Son of the painter Abraham Bloemaert	Catholic

Bibliography

- Certeau, Michel de, *L'Invention du quotidien*, 2 vols. (Paris 1980).
- Davis, Natalie Zemon, *Fiction in the Archives. Pardon Tales and their Tellers in Sixteenth-Century France* (Stanford 1987).
- Deelder, Cornelis, *Bijdragen voor de geschiedenis van de Rooms-Katholieke Kerk in Nederland*, 2 vols. (Rotterdam 1888-1892).
- Deursen, Arie Theodorus van, *Bavianen en slijkgeuzen. Kerk en kerkvolk ten tijde van Maurits en Oldenbarnevelt* (Assen 1974).
- Dirkse, Paul, and Robert Schilleman, 'Dirck van Voorst (ca. 1610/1615-1658). Een onbekend Utrechts schilder uit het atelier van Abraham en Hendrick Bloemaert', *Jaarboek Oud Utrecht* (1993) 5-18.
- Doedes, J.I. (ed.), 'Intendit en sententie tegen Philippus Rovenius, zich noemende aartsbisschop van Utrecht', *Jaarboeken voor wetenschappelijke theologie* 11 (1853) 276-300.
- Forclaz, Bertrand, *Catholiques au défi de la Réforme. La coexistence confessionnelle à Utrecht au XVII^e siècle* (Paris 2014).
- Frijhoff, Willem, 'Dimensions de la coexistence confessionnelle', in Christiane Berkvens-Stevelinck, Jonathan Israel, and G.H.M. Posthumus Meyes (eds.), *The Emergence of Tolerance in the Dutch Republic* (Leiden 1997) 213-237.
- Frijhoff, Willem, *Embodied Belief. Ten Essays on Religious Culture in Dutch History* (Hilversum 2002).
- Frijhoff, Willem, 'Overlevingsstrategieën van rooms-katholieken in Zutphen na de Hervorming', in E.H. Bary, C.M. Hogenstijn, H.J. Selderhuis, and J.D. Snel (eds.), *Lebuinus en Walburgis bijeen. Deventer en Zutphen als historische centra van kerkelijk leven* (Delft 2006) 203-219.
- Frijhoff, Willem, 'Strategies for Religious Survival outside the Public Church in the United Provinces. Towards a Research Agenda', in Stefan Ehrenpreis (ed.), *Wege der Neuzeit. Festschrift für Heinz Schilling zum 65. Geburtstag* (Berlin 2007) 177-194.
- Frijhoff, Willem, 'Shifting Identities in Hostile Settings. Towards a Comparison of the Catholic Communities in Early Modern Britain and the Northern Netherlands', in Benjamin J. Kaplan, Bob Moore, Henk van Nierop, and Judith Pollmann (eds.), *Catholic Communities in Protestant States. Britain and the Netherlands, c. 1570-1720* (Manchester 2009) 1-17.
- Geraerts, Jaap, *Patrons of the Old Faith. The Catholic Nobility in Utrecht and Guelders, c. 1580-1702* (Leiden 2018).
- Ginzburg, Carlo, *The Cheese and the Worms. The Cosmos of a Sixteenth-Century Miller*, John and Anne Tedeschi trans. (London 1980).
- Hallebeek, Jan, 'Godsdienst(on)vrijheid in de Gouden Eeuw? Het proces tegen Johan Wachtelaer (1583-1652)', *Trajecta* 23 (2014) 123-144.
- Hewett, Margaret, and Jan Hallebeek, 'The Prelate, the Praetor and the Professor. Antonius Matthaeus II and the *Crimen Laesae Majestatis*, Utrecht 1639-1640', *Tijdschrift voor rechtsgeschiedenis* 66 (1998/1) 115-150.
- Hilhorst, G., 'Het kerspel Schalkwijk', *Archief voor de geschiedenis van het aartsbisdom Utrecht* 12 (1884) 1-104.
- Janssen, Geert H., *The Dutch Revolt and Catholic Exile in Reformation Europe* (Cambridge 2014).
- Judson, J. Richard, and Rudolf Ekkart, *Gerrit van Honthorst, 1592-1656* (Ghent 1999).
- Kaplan, Benjamin J., *Calvinists and Libertines. Confessions and Community in Utrecht, 1578-1620* (Oxford 1995).
- Kaplan, Benjamin J., 'Fictions of Privacy. House Chapels and the Spatial Accommodation of Religious Dissent in Early Modern Europe', *American Historical Review* 107 (2002) 1031-1064.
- Kaplan, Benjamin J., *Divided by Faith. Religious Conflict and the Practice of Toleration in Early Modern Europe* (Cambridge 2007).
- Kaplan, Benjamin J., *Cunegonde's Kidnapping. A Story of Religious Conflict in the Age of Enlightenment* (London 2014).

- Knuif, W.L.S., and Johannes de Jong, 'Philippus Rovenius en zijn bestuur der Hollandsche Zending', *Archief voor de geschiedenis van het aartsbisdom Utrecht* 50 (1924) 115-124.
- Kooi, Christine, 'Paying off the Sheriff. Strategies of Catholic Toleration in Golden Age Holland', in Ronnie Po-Chia Hsia and Henk van Nierop (eds.), *Calvinism and Religious Toleration in the Dutch Golden Age* (Cambridge 2002) 87-101.
- Kooi, Christine, *Calvinists and Catholics during Holland's Golden Age. Heretics and Idolaters* (Cambridge 2012).
- Lenarduzzi, Carolina, *Katholiek in de Republiek. Subcultuur en tegencultuur in Nederland, 1570-1750*. PhD diss., Leiden University, 2018.
- Milo, J.M., and E.G.D. van Dongen, *Hof van Utrecht. Hoofdlijnen van het procederen in civiele zaken* (Hilversum 2018).
- Muller, Samuel (ed.), 'Getuigenis van een afvalligen priester over de organisatie der rooms-katholieke kerk in Nederland omstreeks 1630', *Archief voor de geschiedenis van het aartsbisdom Utrecht* 14 (1886) 241-244.
- Parker, Charles H., 'Paying for the Privilege. The Management of Public Order and Religious Pluralism in Two Early Modern Societies', *Journal of World History* 17 (2006/3) 267-296.
- Parker, Charles H., *Faith on the Margins. Catholics and Catholicism in the Dutch Golden Age* (Cambridge 2008).
- Parker, Charles H., 'Cooperative Confessionalisation. Lay-Clerical Collaboration in Dutch Catholic Communities during the Golden Age', in Benjamin J. Kaplan, Bob Moore, Henk van Nierop, and Judith Pollmann (eds.), *Catholic Communities in Protestant States. Britain and the Netherlands, c. 1570-1720* (Manchester 2009) 18-32.
- Pollmann, Judith, *Catholic Identity and the Revolt of the Netherlands, 1520-1635* (Oxford 2011).
- Rengers Hora Siccama, Duco Gerrold, *De geestelijke en kerkelijke goederen onder het canonieke, het gereformeerde en het neutrale recht. Historisch-juridisch verhandeling, voornamelijk uit Utrechtsche gegevens samengesteld* (Utrecht 1905).
- Rogge, H.C. (ed.), 'Memorie, in December 1639 door J. Wtenbogaert ingezonden aan de omgeving van Zijne Hoogheid Prins Frederik Hendrik', *Archief voor de geschiedenis van het aartsbisdom Utrecht* 2 (1876) 1-26.
- Rogier, Lodewijk J., *Geschiedenis van het katholicisme in Noord-Nederland in de 16e en de 17e eeuw*, 3 vols. (Amsterdam 1945-1947).
- Spaans, Joke, *De Levens der Maechden. Het verhaal van een religieuze vrouwengemeenschap in de eerste helft van de zeventiende eeuw* (Hilversum 2012).
- Ven, Adrianus J. van de, *Over den oorsprong van het Aartsbisschoppelijke Kapittel van Utrecht der Oude-Bisschoppelijke clerezij* (Utrecht 1923).
- Ven, Adrianus J. van de, 'De driehoek van Sint Marie te Utrecht', *Jaarboek Oud-Utrecht* (1955) 33-80.
- Ven, Adrianus J. van de, 'Het huis Clarenburch te Utrecht', *Jaarboek Oud-Utrecht* (1952) 32-65.
- Walsham, Alexandra, 'Ordeals of Conscience. Casuistry, Conformity and Confessional Identity in Post-Reformation England', in Harald Braun and Edward Vallance (eds.), *Contexts of Conscience in Early Modern Europe, 1500-1700* (New York 2004) 32-48.
- Water, Johan van de, *Groot Placaat-Boek vervattende alle de placaten, ordonnantien en edicten der Staten 's lands van Utrecht*, 3 vols. (Utrecht: Jacob van Poolsum, 1729).
- Würgler, Andreas, 'Voices from among the "Silent Masses". Humble Petitions and Social Conflicts in Early Modern Central Europe', in Lex Heerma van Vos (ed.), *Petitions in Social History* (Cambridge 2001) 11-34.
- Yasuhira, Genji, 'Confessional Coexistence and Perceptions of the "Public". Catholics' Agency in Negotiations on Poverty and Charity in Utrecht, 1620s-1670s', *BMGN – Low Countries Historical Review* 132 (2017/4) 3-24.