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Freedom in the Congregation? Culture Wars, Individual Rights, and National Churches in Switzerland (1848–1907)

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Abstract

This paper aims to examine political, ecclesiastic, and theological changes in Switzerland during the time of the nineteenth-century culture wars. It analyzes the reforms of the churches undertaken during that period in correlation with the evolution of various social and cultural elements, in particular the ever-greater confessional diversity within the territory and the demand for religious freedom. After an initial general accounting of the history of Swiss institutions (state, Catholic, and Protestant national churches), the article explores an example of a liberal church reform that took place in Geneva in 1873: the creation of a Catholic Church defined simultaneously as Christian, national, liberal, and related to the German Old Catholic movement. It fashioned a new community in keeping with the idea that freedom of conscience should be implemented within the church, thereby meeting strong resistance from Roman Catholics. The article closes with a return to the broader Swiss context, arguing that freedom of belief and of worship was finally enshrined in the 1874 Swiss constitution as a result of the growing divisions among Christians over the compatibility of liberal values with Christian theology and the subsequent rise of a new confessionalism.

Keywords: culture wars; Old Catholic Church; religious freedom; church and state relationship; liberal Christianity

The case of Switzerland illustrates, in all their complexity, the questions posed by the administration of the religious sphere in the modern states constituted during the nineteenth century.¹ The hesitations, experiments, and successive power plays mainly concerned the reconfiguration of the prerogatives of the churches and of the state. This reorganization accelerated noticeably during the period of the *Kulturkampf* in

¹Urs Altermatt and Franziska Metzger, “Switzerland: Religion, Politics and the Nation: Competing and Overlapping Identities,” in “Protestant Dominance and Confessional Politics: Switzerland and the Netherlands,” in *The Cambridge History of Christianity*, vol. 8: *World Christianities, 1815–1914*, ed. Sheridan Gilley and Brian Stanley (Cambridge: Cambridge University Press, 2006), 323–332; and Victor Konzemius, “Le Kulturkampf en Suisse: Un cas particulier ou paradigmatique?” in *Histoire religieuse de la Suisse: La présence des catholiques*, ed. Guy Bedouelle and François Walter (Fribourg: Éditions universitaires de Fribourg, 2000), 297–320.

the last third of the nineteenth century. Christopher Clark and Wolfram Kaiser have called it a time of culture wars, claiming that it concerned most of the European countries. They described these culture wars as conflicts between Catholics and anticlerical or secular forces which “embraced virtually every sphere of social life: schools, universities, the press, marriage and gender relations, burial rites, associational culture, the control of public space, folk memory and the symbols of nationhood.”² In other words, the culture wars were a throne-versus-altar conflict coupled with a deep disagreement over how the members of society saw the world (*Weltanschauung*). This matter is well-known and has been widely studied, but the research has only rarely dealt with the transformation of the churches themselves during that very same time.³ This paper aims to examine together political, ecclesiastic, and theological changes. Catholics and Protestants were indeed deeply troubled by the questions of “modernity” and individual rights. They were particularly concerned about issues of freedom of conscience and the religious diversity that was at the heart of the democratic state’s structure. Legislative, cultural, and social changes went hand in hand with a wide-scale reworking of religious culture and a major questioning of the various absolutes of Christian dogma. In the nineteenth century, Christianity thus changed not only in form but also to some extent in content. As during other periods of history, its theological foundations were adapted to the new principles in circulation, either to integrate or to reject them. Thus, in the culture wars, the most devout Christians were not only representatives of the old established order but also stalwart actors in religious, cultural, and political transformations.

In examining the Swiss case, this article will analyze the nineteenth-century reforms of the churches as they played out against the concomitant and varied dimensions of social and political evolution, in particular the ever-greater confessional diversity within the territories, the evolution of the citizenry with the advent of universal suffrage (1848), and the continuing demand for individual freedom in religious matters. After an initial general accounting of Swiss political history, as well as of Protestant and Catholic Church history, the article will explore an example of church reforms that took place in Geneva in 1873. This canton, with a very Protestant history, was at the time the scene of one of the boldest realizations of European Catholics adhering to liberal ideas: the creation of a Catholic Church defined simultaneously as Christian, national, and liberal. It became part of the Swiss Old Catholic diocese and was associated with the German Old Catholic Church, which, in Switzerland, was called the *Église catholique-chrétienne* in French and the *Christkatholische Kirche* in German. The objective of this article is to understand how these self-defined progressive Catholics fashioned a new community according to criteria, values, and theological precepts that they considered compatible with the modernity they wanted. How did this experience of Catholic liberalism and its failure to convince the majority of Catholics influence general religious policy in Switzerland? The article will close with a return to the

²Christopher Clark and Wolfram Kaiser, eds., *Culture Wars: Secular-Catholic Conflict in Nineteenth-Century Europe* (Cambridge: Cambridge University Press, 2003), 1.

³J. Van Eijnatten and P. Yates, eds., *The Churches: The Dynamics of Religious Reform in Northern Europe, 1780–1920*, vol. 2 (Leuven: Leuven University Press, 2010); Nancy Christie and Michael Gauvreau, *Christian Churches and their Peoples, 1840–1965: A Social History of Religion in Canada* (Toronto: University of Toronto Press, 2010); and Michael Gauvreau and Ollivier Hubert, eds., *The Churches and Social Order in Nineteenth- and Twentieth-Century Canada* (Montreal: McGill-Queen’s University Press, 2006).

political context, linking religious reforms and their actors to the enshrining of freedom of conscience and of worship in the 1874 Swiss Constitution. In the conclusion, I will show how the Swiss history contributes to the historiographical debate on the nineteenth century as a confessional age or as a time of secularization.

I. State and Religion in Switzerland

Until the nineteenth century, the majority of modern Switzerland (communes and cantons) were religiously homogeneous, following the principle of confessional territorialization: *cujus regio, ejus religio*.⁴ Economic and political developments from the end of the eighteenth century favored sustainable mobility of populations and, little by little, the end of the confinement of Catholics and Protestants in delimited territories. Freedom of settlement for Christians was established in 1848 in Switzerland's first federal constitution, the fruit of the overthrow of the conservative Catholic and Protestant elites by the Liberal-Radical movement.⁵ It was extended to Jews in 1866, owing this time to international pressures related in particular to trade agreements with France.⁶

The 1848 constitution guaranteed "freedom of worship of the recognized Christian confessions" throughout the entire confederation. However, full freedom of conscience and of worship would not be obtained until 1874, in the midst of the Kulturkampf. In Switzerland, as in the United States, the confederal authorities are neutral regarding matters of religion. The twenty-six cantons, for their part, have thus consistently been sovereign regarding relations between religious communities and public institutions. Hence, all sorts of configurations exist. For example, the Canton of Vaud has churches privileged by the state whereas its neighbor the Canton of Geneva has had a strict separation of church and state since 1907. These situations are mainly the result of the debates and conflicts of the nineteenth century.⁷

Two contradictory movements regarding the role of the state in religion—representative of the quandary at the European level—spanned Switzerland's nineteenth century: The first was to nationalize religion like education, making it a public service of the welfare state in gestation. The second was to make its institutions independent of governments and their decisions. On the one hand, there was the desire to reshape religion in keeping with modernity's imperatives and liberal values. On the other, there was a wish to develop the state's exclusive sovereign governing functions, separating the religious

⁴This did not exclude the maintaining of mixed areas administered according to highly diverse principles. See, for example, Bertrand Forclaz, "Les rapports interconfessionnels en Suisse de l'Ancien Régime au XIXe siècle," in *L'apprentissage du pluralisme religieux: Le cas genevois au XIXe siècle*, ed. Frédéric Amsler and Sarah Scholl (Geneva: Labor et Fides, 2013), 27–39; and also Bertrand Forclaz, ed., *L'expérience de la différence religieuse dans l'Europe moderne (XVIe–XVIIIe siècles)* (Neuchâtel: Alphil, 2013).

⁵Albert Tanner, "Radicalisme," trans. Olivier Meuwly, in *Dictionnaire historique de la Suisse* (hereafter cited as *DHS*), last modified 29 January 2013, <http://www.hls-dhs-dss.ch/fr/articles/027156/2013-01-29/>.

⁶Robert Uri Kaufman, "Judaïsme: Vers l'émancipation (1798–1879)," trans. Ursula Gaillard, in *DHS*, last modified 1 February 2016, <http://www.hls-dhs-dss.ch/fr/articles/011376/2016-02-01/>.

⁷François Walter, "Les Églises et l'État en Suisse: Tradition territoriale et laïcité," in *L'État sans confession: La laïcité à Genève (1907) et dans les contextes suisse et français*, ed. Michel Grandjean and Sarah Scholl (Geneva: Labor et Fides, 2010), 103–126; and Sarah Scholl, "Gestion du religieux et construction de l'État moderne: Les hésitations du XIXe siècle au prisme de l'expérience suisse," *Histoire, monde et cultures religieuses* 43, no. 3 (2017): 65–78.

sphere from the democratic regime.⁸ These two movements cut across both Protestantism and Catholicism but in different ways that bear examining.

II. Protestant Models: The Church as a Public Service

In Swiss Protestantism, churches were organized at the cantonal level and had always been closely linked to the power structure. The cantonal states financed the Reformed Churches established when each territory chose to adopt the Reformation in the sixteenth century. In the early modern period, each of these churches was the sole provider of religion. In the nineteenth century, the organization of the Reformed Church—its structural functioning as well as, in part, its doctrinal framework—was regulated by each canton through its constitution and concomitant legislation. Thus, the training and the appointment of pastors depended on the civil power structure. This situation enabled, on the part of the canton, a significant bias in the theological options implemented by the churches.

The case of theological liberalism in Geneva is well-known, with the progressive and definitive abandoning of major texts and Calvinist principles during the eighteenth century. The article devoted to Geneva in *L'Encyclopédie* by Jean d'Alembert affirmed, in particular, that the Geneva pastors preached mainly on moral matters and no longer believed in either the divinity of the Christ or in hell. While this text surpassed what the pastors themselves were ready to admit and publicly preach, it illustrates pre-liberal theological options accepted and supported by those in authority.⁹

The Awakening Movement emerged in the 1810s from the challenge to these theological and ecclesiastic choices. It was influenced by the Anglo-Saxon awakening and Methodism. With the adage “One is not born Christian, one becomes Christian,” it centered Christian faith on an attitude of existential commitment—of conversion—doubled with a return to reformed doctrinal orthodoxy. Accused of endangering the cohesion of the Protestant populations, the advocates of the Awakening were deprived of the right to speak and were sometimes dismissed from their pastorates. This led to the founding of churches separated from the state called free churches or evangelical churches.¹⁰

Such was the context in which Alexandre Vinet (1797–1847), theologian and minister from Lausanne (Canton of Vaud), theorized the separation of church and state in his 1826 *Mémoire en faveur de la liberté des cultes* (Dissertation for the freedom of religion). His model advocated the autonomy of the churches in relation to the government and political decisions. Propounding the freedom of the church and that of the individual, he affirmed the existence of two spheres with neither the same interests nor the same responsibilities. For him, the state had the strict mission of policing, incompatible

⁸Sarah Scholl, “Contrôler ou séparer: Quel rôle pour l’État en matière religieuse à Genève (1870–1880)?” in Grandjean and Scholl, *L’État sans confession*, 21–31.

⁹John B. Roney and Martin I. Klauber, eds., *The Identity of Geneva: The Christian Commonwealth, 1564–1864* (Westport, Conn.: Greenwood, 1998); Maria-Cristina Pitassi, “Théologie genevoise du XVIII^e siècle et libéralisme: Généalogie ou mythologie?,” *Revue d’histoire et de philosophie religieuses* 93, no. 4 (2013): 519–536; Maria-Cristina Pitassi, *De l’orthodoxie aux Lumières: Genève 1670–1737* (Geneva: Labor et Fides, 1992); and Sarah Scholl, “La Genève religieuse entre diversité et mythe protestant,” in *Genève 1816: Une idée, un canton*, ed. Bernard Lescaze (Geneva: Association pour l’étude de l’histoire régionale, 2016), 41–57.

¹⁰Timothy C. F. Stunt, *From Awakening to Secession: Radical Evangelicals in Switzerland and Britain 1815–35* (Edinburgh: T and T Clark, 2000); and Jean-Pierre Bastian, *La fracture religieuse vaudoise, 1847–1966: L’Église libre, “la Môme” et le canton de Vaud* (Geneva: Labor et Fides, 2016).

with the “intimate persuasion” and the “moral influence” that religion required.¹¹ However, he did not call into question the Christian character of society overall. His separatist model was anchored in Christianity.

This model was directly opposed to the Liberal-Radicals’ project that developed in the second half of the nineteenth century, at a time when this political current had taken over most of the cantonal parliaments and governments.¹² The Liberal-Radicals’ objective was to identify the church with the general increase in the prerogatives of the state, especially its educative mission. As a purveyor of morals as well as of ritual and spiritual content for the lives of the people, the church was construed as a public service to be financed and controlled by the state, the same as the school. This mission involved the adoption of a “multitudinistic” ecclesiology in the broadest sense.¹³ These territorial churches were designated “national” and were called upon to provide a general service to the people overall in each canton. Accordingly, it was incumbent upon them to accommodate the greatest number of people possible. Not without internal resistance, they thus abandoned their confession of faith, liberalized their catechisms, and relaxed their liturgical requirements. For most liberal Protestants, the objective was to integrate into the very heart of the church the precepts of freedom of religion, conscience, and worship so that even the free thinkers could remain members.¹⁴

For the Evangelicals, the heirs of the Awakening, as well as for numerous Protestants in favor of maintaining theological orthodoxy, this position denatured the concept of the church as a society of believers in Christ and was unsustainable in the long run. Throughout the nineteenth century, they militated for a clear separation of all the churches from the state.¹⁵ Nonetheless, the model of the subsidized and broadly open national Protestant churches continues today to largely dominate the Protestant church landscape in Switzerland. This characteristic has allowed the maintenance—through the secularization of the nineteenth and twentieth centuries—of “public service” churches subsidized by the cantons.¹⁶ In the twenty-first century, however, the Evangelical churches independent of the state are the only ones to have increased the number of their faithful.

III. Catholic Model: The Church between Nationalization and Internationalization

The tensions and ecclesiological debates within Catholicism were comparable to those of Protestantism, although with different dynamics. The major elements, in Switzerland

¹¹Bernard Reymond, “Les relations Église-État en perspective protestante au XIXe siècle,” in Grandjean and Scholl, *L’État sans confession*, 197–207. Unless otherwise noted, all translations are my own.

¹²Olivier Meuwly, *Les penseurs politiques du 19^e siècle: Les combats d’idées à l’origine de la Suisse moderne* (Lausanne: Presses polytechniques et universitaires romandes, 2007); and Olivier Meuwly, *Louis Ruchonnet 1834–1893: Un homme d’État entre action et idéal* (Lausanne: Bibliothèque historique vaudoise, 2006), 93–101.

¹³Bernard Reymond, “Multitudinisme/Volkskirche: À propos de deux vocables caractéristiques de l’écclésiologie protestante,” *Études théologiques et religieuses* 91, no. 2 (2016): 259–271.

¹⁴Joseph Hornung, *Genève et le séparatisme* (Geneva, 1866), 14–15.

¹⁵Their votes, for example, made the difference when the law on the separation of church and state was passed in Geneva in 1907. See Bernard Lescaze, “La Séparation de l’Église et de l’État à Genève en 1907,” in “Les protestants et la séparation des Églises et de l’État,” ed. Patrick Harismendy, special issue, *Bulletin de la Société de l’histoire du protestantisme français* 151 (2005), 719–732.

¹⁶In the twentieth century, some free churches reunited with the state-subsidized church, for example in the cantons of Neuchâtel and Vaud: Bastian, *La fracture religieuse vaudoise*.

as elsewhere in Europe, concerned the distribution of power between the Catholic authorities in Rome and the national clergies, as well as the links between church authority and civil authority. The first move by the Swiss authorities of the nineteenth century was to obtain bishoprics corresponding to the national borders. In parallel, the liberal elites, influenced by Protestant practices but above all driven by their democratic convictions, attempted to obtain certain rights for Swiss Catholic laymen. They argued that territorial sovereignty was of major importance and therefore affirmed their independence from the church authority and the pope, considered foreign. The fourteen articles decided by the 1834 Baden Conference were along these lines. Delegates (laymen and politicians) from the cantons of Bern, Lucerne, Saint Gallen, Solothurn, Basel-Landschaft, Aargau, and Thurgau met in the city of Baden in January 1834 with the aim of settling church-state relations in the dioceses of Basel, Saint Gallen, and Chur. They demanded, besides the establishment of a Swiss archdiocese, an increased control by the state (that is, by the political representatives) over church affairs, including seminaries and convents; the guarantee of mixed marriages; and the limitation of non-work feast days.

This idea of a national Catholic Church was the legacy of the Catholic *Aufklärung*, of Austrian “Josephinism,” and of attempts at reform by the vicar general and administrator of the Diocese of Constance, Ignaz Heinrich von Wessenberg (1774–1860). This national religious project broke down in the face of the ultramontanism in full expansion in Europe north of the Alps. Pope Gregory XVI condemned the Baden Articles in the encyclical *Commissum divinitus* of May 17, 1835. Shaken by the Enlightenment and the French Revolution, the papacy adapted church structures by launching processes of centralization and transnational uniformization of Catholicism.¹⁷

The project of state and national control of Catholicism was nonetheless pursued in Switzerland in the middle of the nineteenth century, supported by the Catholics who rallied to the Liberal-Radical project. They tried to close the convents, especially in Argau, and refused to allow the Jesuits of Lucerne to return to teaching. These moves (among other political and economic elements), supported by numerous Protestants, resulted in the *Sonderbund*, so called because of the separate alliance among seven rural, conservative Catholic cantons (1845–1847). This coalition was opposed by force of arms during a very short civil war, won by the Liberal-Radicals and the Protestants. It resulted in the federal constitution of 1848 and a close surveillance of Catholicism, which reached its paroxysm during the Swiss Kulturkampf.¹⁸

The Baden project to reorganize Catholicism nonetheless remained latent and reappeared only during Vatican I and the open opposition by priests and lay people to the dogma of papal infallibility, following the lead of the German theologian Ignaz von Döllinger, excommunicated in 1871. Paulin Gschwind (1833–1914), pastor of Starrkirch-Dulliken, was excommunicated in 1872 after having made statements against the dogma of papal infallibility and criticized the Vatican Council. But he continued his ministry, thanks to the protection of the Solothurn government and his parish. He

¹⁷Christopher Clark, “The New Catholicism and the European Culture Wars,” in Clark and Kaiser, *Culture Wars*, 11–46; and Vincent Petit, *Église et Nation: La question liturgique en France au XIXe siècle* (Rennes: Presses universitaires de Rennes, 2010).

¹⁸For a detailed and classical account of the Swiss Kulturkampf, see Peter Stadler, *Der Kulturkampf in der Schweiz: Eidgenossenschaft und katholische Kirche im europäischen Umkreis 1848–1888*, rev. ed. (Zurich: Chronos, 1996); and William Martin, *La situation du catholicisme à Genève, 1815–1907* (Lausanne: Payot, 1909).

became part of the liberal Catholic movement and one of the founders of the Old Catholic Church.

After 1871, Catholics—calling themselves liberal or national—created local associations, united in the Swiss Association of Liberal Catholics. They were asking, in particular, for the abolition of casual offerings and dispensations, the abolition of indulgences, an “as great as possible” reduction of pilgrimages and processions, the full acceptance of mixed marriages and of Protestant godfathers and godmothers, and the secularization of cemeteries.¹⁹ Certain groups, such as the Genevans, also promoted more radical reforms. In December 1872, the Swiss Association of Liberal Catholics, gathered in assembly at Olten, decided to found special, independent parishes. As we shall see, they claimed both a return to original principles of Christianity and an adaptation to the contemporary world.

By 1873, the position of these Catholics had become incompatible with that of the Vatican, and the process of creating the Old Catholic Church of Switzerland started. It took the name Christian-Catholic Church (*Christkatholische Kirche der Schweiz*), as opposed to the Roman Catholic Church, to distinguish itself from Rome and the Pope, but the title Old Catholic had also been in use (in both French and German) from the very beginning.²⁰ Several cantons, including Geneva and Bern, supported this process and placed their police forces at the disposal of the promotion of the new church. In Switzerland, the *Kulturkampf* was thus to a large extent desired and led by Catholics whose objective was to reform or “modernize” not only society and the state but their church. However, most Swiss Catholics remained in the Roman Catholic Church. As its elites steadfastly strengthened their theological commitment to intransigence and Rome, a reconsideration of the relation between church and state became inevitable, as I shall show in the last part of this essay.

IV. Catholic and Modern: The Case of Geneva

Although a small minority from the very beginning, the Old Catholic Church of Switzerland was nonetheless representative a surge of modern religiousness peculiar to the period of the *Kulturkampf*. This realization of a church reform is highly significant for the history of Christianity for its craftsmen were manifest precursors of the evolution that would characterize most churches from the nineteenth century well into the twenty-first. The project was presented as a return to the origins of Christianity—hence its name—but it involved, above all, a sort of secularization of the Christian religion. This claim and the search for an adaptation of religion to “modern progress” is well illustrated by the Geneva example. This case is not very different from what happened in other Swiss cantons, but I have thoroughly explored it in my doctoral thesis through microhistory methods and can thus consider it in all its facets here.²¹

In Geneva, like elsewhere in Switzerland, the formation of the Old Catholic Church emanated from a close collaboration between the political and the religious. It was

¹⁹See “La réunion des délégués vieux-catholiques à Olten,” *Catholique suisse*, 6 September 1873, 2; and “Genève, le 3 septembre 1873: L’assemblée des catholiques libéraux à Olten,” *Journal de Genève*, 3 September 1873, 1.

²⁰For reasons of convenience, I have everywhere adopted the names “Old Catholic Church” and “Old Catholics.” It is widely used in the sources, even if it was not the official name in Switzerland.

²¹My dissertation was published as Sarah Scholl, *En quête d’une modernité religieuse: La création de l’Église catholique-chrétienne de Genève au cœur du Kulturkampf (1870–1907)* (Neuchâtel: Alphil, 2014).

conceived by Catholics and Protestants for the most part of Liberal-Radical political orientation. Their idea was to introduce democracy and liberty into the very heart of Catholicism. The most idealistic among them imagined that in the near future it would be possible to reunite the Catholic and Protestant Churches under the banner of liberalism. The project began in the cantonal parliament—the *Grand Conseil*—with the drafting of a new constitutional law. This came in the wake of the government of Geneva's refusal of Pope Pius IX and Bishop Gaspard Mermillod's request to reestablish the bishopric of Geneva and the expulsion of the bishop from Swiss territory.²² It was one of the key moments of the Swiss Kulturkampf, concurrent with the dismissal of Bishop Eugène Lachat that year in Solothurn for having promoted and defended the dogma of Pontifical infallibility.

The articles of the Geneva constitutional law established the election of parish priests by the Catholics of each parish (males only), requiring from them an oath of allegiance to the state and organizing a synod-style church administration with a lay majority.²³ This law was accepted by a popular vote of 9,081 in favor and 151 against on March 23, 1873.²⁴ Protestants were the majority among the citizens. Their unanimity regarding this vote was determined by the long anti-Catholic campaign against the very idea of the reestablishment of a bishop of Geneva, the previous bishop having been expelled at the time of the Reformation. The Catholics faithful to Rome abstained from voting, at the request of their priests, who denounced the vote as a matter contrary to the very principles of Catholicism. Their refusal to participate in the Catholic reform—involving 1,500 to 2,000 voters—was severely punished by the Geneva authorities, who eliminated the priests' salaries and seized almost all the churches in the following years.

The new project's primary supporters were people from the City of Geneva and the suburban communes, all laity and, for the most part, males. Women, who were not granted the right to vote, stayed away from the project or fought it directly. On May 10, 1874, during the elections of the High Council, the executive body of the new church, 2,003 people voted out of 6,139 Catholic voters registered in the entire canton. Between 1878 and 1906, an average of 600 voters voted in the elections of the Old Catholic Church of Geneva. These faithful were from the Geneva working and lower middle class with a proportionally significant number of civil servants. There were only a few rare academics among them. Between 1873 and 1907, some 5,000 persons were involved with the Old Catholic Church of Geneva, plus some forty clergy, of whom thirty were of French origin, out of a Catholic population of some 50,000.²⁵ It, therefore, was a minority church, but one which still concerned around one in ten Catholics in Geneva at the time and formed a congregation significant enough to be taken into account politically.

²²Louis Jeantet, *Le cardinal Mermillod, 1824–1892* (Paris: P. Lethielleux, 1906). For a precise account of this question, see Franz Xaver Bischof, "Kulturkampf," trans. Pierre-G. Martin, in *DHS*, last modified 6 November 2008, <http://www.hls-dhs-dss.ch/fr/articles/017244/2008-11-06/>.

²³The synod comprised twenty-five lay and five clerical members. It was supposed to be elected every four years by an electoral college of all the Catholic voters of the canton.

²⁴The census of 1870 has a total population of 93,239 persons for the Canton of Geneva, including 40,510 Genevans, 17,142 Swiss from other cantons, and 35,587 foreigners. Broken down by religion, it recorded 43,639 Protestants, 47,868 Catholics, 961 Jews, and 771 "others." There were 16,099 electors, of whom almost 5,000 did not turn out for any election or vote: Paul Bairoch, Jean-Paul Bovée, and Jean Batou *Annuaire statistique rétrospectif de Genève* (Genève: Département d'histoire économique, Université de Genève, 1986).

²⁵Scholl, *En quête d'une modernité religieuse*, 149, 248–263.

The first priests elected in the Geneva parishes all came from France and had left the Roman Catholic Church voluntarily or had been forced out. This made the new church even more difficult for the rural population to accept, contrary to what had happened in Solothurn with Paulin Gschwind. The most charismatic and best known among the French priests was the former Carmelite Hyacinthe Loyson, a famous liberal preacher from Notre Dame of Paris who broke with his order in 1869 and married in 1872, all while insisting on remaining a priest.²⁶ Hyacinthe Loyson conceived of his action as a sign of the integrity of his conscience, meaning by this that he could not betray his innermost convictions by remaining in the Roman Catholic Church.²⁷ In this regard, he was a product of his times, heir to a Kantian legacy widely diffused and acknowledged within society, as well as the advocate of an entire generation of Catholics who no longer could conciliate themselves with the principle of authority, defined as “the absolutism of a teaching imposed before being examined.”²⁸ For the protagonists of the Geneva Old Catholic movement, the reclaiming of one’s own power of reflection had become indispensable as much to citizenship as to religiosity.

The church that they thus created immediately rallied the Old Catholic communities of Europe and participated in the founding of the Swiss Old Catholic Church.²⁹ The first national synod was held in 1875 in Olten. A bishop—“spiritual head of our religious democracy”³⁰—was elected in 1876 for all of Switzerland. Eduard Herzog received the episcopal consecration from the German Joseph Hubert Reinkens, himself consecrated by the bishop of Deventer of the Church of Utrecht Hermanus Heykamp.³¹

²⁶Regarding Loyson, see Albert Houtin, *Le Père Hyacinthe*, vol. 1, *Dans l'Église romaine, 1827–1869* (Paris: E. Nourry, 1920); Albert Houtin, *Le Père Hyacinthe*, vol. 2, *Réformateur catholique, 1869–1893* (Paris: E. Nourry, 1922); Albert Houtin, *Le Père Hyacinthe*, vol. 3, *Prêtre solitaire, 1893–1912* (Paris: E. Nourry, n.d.); Angela Berlis, “Hyacinthe Loyson dans le vieux-catholicisme: Un esprit libéré des frontières religieuses,” in Amsler and Scholl, *L'apprentissage du pluralisme religieux*, 189–214; Valentine Zuber, “Hyacinthe Loyson: D’un catholicisme à l’autre. . .,” in *L’intelligentsia européenne en mutation, 1850–1875: Darwin, le Syllabus et leurs conséquences*, ed. Alain Dierkens (Bruxelles: Éditions de l’Université de Bruxelles, 1998), 197–214; and Lucienne Portier, *Christianisme, Églises et religions: Le dossier Hyacinthe Loyson (1827–1912); Contribution à l’histoire de l’Église de France et à l’histoire des religions* (Louvain-la-Neuve: Centre d’histoire des religions, 1982).

²⁷He wrote: “I have indeed promised monastic obedience, but only so far as is consistent with the integrity of my conscience and the dignity of my person and of my ministry.” “I protest against the act of those who are striving their utmost to bring about divorce as impious as it is mad [sic] between the Church, who with regard to eternity is our Mother, and the society of the nineteenth century, whose sons we are with regard to time, and to whom also we are united by the ties of love and duty”: Hyacinthe Loyson, *My Last Will and Testament, My Protestation, My Marriage, Before the Veil*, trans. Fabian Ware (London: Casselle, 1895), 16–18.

²⁸“Nos destinées,” *La Fraternité*, February 1883, 19. On the importance of the notion of free examination for liberal theology, see Joseph Lecler, “Protestantisme et ‘Libre Examen’: Les étapes et le vocabulaire de controverse,” *Recherches de Science Religieuse* 57, no. 3 (1969): 321–374.

²⁹Angela Berlis, *Frauen im Prozeß der Kirchwerdung: Eine historisch-theologische Studie zur Anfangsphase des deutschen Altkatholizismus (1850–1890)* (Frankfurt am Main: Peter Lang, 1998); Victor Conzemius, *Katholizismus ohne Rom* (Zurich: Benzinger Verlag, 1969); and C. B. Moss, *The Old Catholic Movement: Its Origins and History* (London: SPCK, 1964).

³⁰“Sur le synode helvétique,” *Catholique suisse*, 10 April 1875, 1. See also Eduard Herzog, *Lettre pastorale de l’évêque Herzog, le jour de sa consécration, le 18 septembre 1876* (Berne, 1876), 6.

³¹Angela Berlis, ed., “Eduard Herzog (1841–1924): Christkatholischer Bischof, Rektor der Universität, Wegbereiter der Ökumene; Neue Forschungsperspektiven zur Geschichte der Christkatholischen Kirche der Schweiz,” special issue, *Internationale Kirchliche Zeitschrift* 101, no. 3–4 (2011); Victor Conzemius, “Eduard Herzog (1841–1924), exégète, premier Evêque catholique-chrétien de Suisse,” *Internationale Kirchliche Zeitschrift* 81, no. 3 (1991): 149–157; “A propos du centenaire de l’évêque Herzog: Le rôle de

The Old Catholic Church thus claimed to be the depository of the ancient Catholic faith, the faith dating from before the promulgation of the dogma of the Immaculate Conception and before the first Vatican Council. But the reforms that were implemented aimed above all at a deep renewal of religious culture with the intention of making it compatible with the modern mindset. This was especially true for Geneva and was quickly accomplished through two substantial undertakings in 1873–1874: the transformation of the status of priest and, concomitantly, church authority, as well as liturgical and sacramental renewal. Church reforms of the first order were drafted immediately, under the aegis of the laity and in parallel with the institutional establishment of the new church through the cantonal legislation of March 1873. The effervescence created in Geneva by the possibility of reforming the Catholic Church from below was recounted by the Protestant Professor Marc Monnier, who was himself rather skeptical of the methods chosen:

As for religion, they [men] pride themselves on drafting, with their own intelligence, a liturgy, a catechism, a corpus of dogmas relative to modern ideas, to the rights of man and to railroads. I am inventing nothing: I have heard, in the cafés, discussions on these matters of theology. Reducing the articles of faith, simplifying the *Credo*, doing away with the saints, the Virgin, Jesus Christ, leaving only God, leaving as little as possible of Him, at the most Reason or the Supreme Being, such was the program of the noisiest.³²

In fact, the first three changes concerned church discipline (with priests authorized to marry), the liturgy (with the adoption of the mass in French), and the sacraments (with the abolition of compulsory auricular confession). In Geneva, the liturgies and catechisms were entirely rewritten in the first months of the reform, long before the election of the bishop.

It is worth discussing in detail the arguments in support of both the abolition of auricular confession and the marriage of priests, for these were two reforms that had already been highly pertinent at the time of the Protestant Reformation in the sixteenth century, although involving other social and theological arguments. Indeed, during the *Kulturkampf*, the question of individual freedom was at the heart of the problem, eclipsing the question of the conformity of the rules with the biblical corpus.

V. The Problem of Auricular Confession and the Status of the Clergy

In the nineteenth century, auricular confession—the disclosure by word of mouth of sins upon the part of the penitent into the *auris*, or ear, of a priest in the confessional—was central in church theology and practice, as well as for the spirituality of the faithful Catholics. Furthermore, it was an important element of control over not

Genève dans l'institution et l'élection de l'Évêque de l'Église catholique-chrétienne de la Suisse," *Le Sillon: Organe catholique-chrétien*, January 1941, 1–3; "Centenaire de l'évêque Herzog," *Le Sillon*, February 1941, 1–4; "Centenaire de l'évêque Herzog," *Le Sillon*, May 1941, 1–2; "Centenaire de l'évêque Herzog," *Le Sillon*, June 1941, 2–6; "Centenaire de l'évêque Herzog," *Le Sillon*, July–August 1941, 1–10; Walter Herzog, *Bischof Dr. Eduard Herzog: Eine Lebensbild* (Laufen: Volksfreund, 1935); and B. W. Verhey, *L'Église d'Utrecht: Son histoire, sa vie et sa doctrine, sa place dans "l'Union d'Utrecht," ses relations avec les Anglicans, les Orthodoxes, les Catholiques romains, sa place dans le Mouvement œcuménique* ([Leiden]: [Centraal oud-katholiek boekhuis], 1984).

³²[Marc Monnier], "On nous écrit de Genève, le 13 août," *Journal des débats*, 15 August 1874, 1.

only religious life but also political life and family morality.³³ As historians have shown, the sacrament of penance was indeed part of the maintenance of the Catholic social order by the clergy. It was the obligatory passage to absolution, itself indispensable to Communion. And Communion remained the manifest sign of membership in the community, exclusion from which posed major problems of sociability. For these reasons, the sacrament of penance was highly contested by the anticlericalists.³⁴ The Geneva Old Catholics took up these arguments and called for its abrogation in the name of citizen autonomy and full individual responsibility over moral questions. Their criticism concerned political and sexual matters. They deemed confession “perverse, impure, [and] libertine” as well as “ambitious, indiscreet, [and] underhanded”.³⁵

Regarding the political dimension, the Old Catholics affirmed that auricular confession placed the entire political field under the sway of the clergy, who used the information thus gained and the power of absolution to model society.³⁶ For example, Father Hyacinthe Loyson explained during an 1873 lecture that if the “Catholic brothers” of Geneva were absent from his auditorium, it was “because they go to confession, and they are told that they are not forgiven. They are reproached for their presence at our lectures and they will be damned to hell because of it.”³⁷ The confessional was thus considered a place of “anatomy of consciences,” unacceptable in a democratic society, the purpose being to “cadaverize consciences, cadaverize Christian society,” a process perfected by the Jesuits, according to the author.³⁸ Confession was understood here to be a tool to negate the freedom of conscience so dearly won—by stages—in the course of the nineteenth century. This freedom was being enshrined in paragraph three of the 1874 Swiss constitution at the same time as these discussions were taking place. Moreover, the “sin-confession-Penance-absolution” system was considered contrary to the autonomy of citizens who should freely choose their actions and assume responsibility for the consequences. Loyson spoke of the abdication of the individual conscience and characterized as immoral “unburdening oneself into the hands of a fallible man.”³⁹

³³Groupe de la Bussière, *Pratiques de la confession: Des Pères du désert à Vatican II; Quinze études d'histoire* (Paris: Cerf, 1983), esp. the articles by Philippe Boutry, Michel Lagrée, and Yves Lambert in the section “Vers la crise contemporaine”; and Philippe Boutry, *Prêtres et paroisses au pays du curé d'Ars* (Paris: Cerf, 1986), 377–451. Francis Python shows how the Fribourg priests tried to regulate evening gatherings through confession and absolution (or not) of the faithful: Francis Python, *Mgr. Etienne Marilley et son clergé à Fribourg au temps du Sonderbund 1846–1856: Intervention politique et défense religieuse* (Fribourg: Éditions universitaires, 1987), 369.

³⁴Jacqueline Lalouette, *La libre pensée en France, 1848–1940* (Paris: Albin Michel, 1997), 226–232. For a general survey of liberal thought on confession, see Pierre Larousse, ed., *Grand Dictionnaire Universel du XIX^e siècle: Français, historique, géographique, mythologique, bibliographique, littéraire, artistique, scientifique, etc.*, etc. (1866–1879; repr., Geneva: Slatkine, 1982), s.v. “Confession.”

³⁵*Pourquoi faut-il rompre avec l'Église romaine? Par un prêtre catholique-libéral* (Geneva: Imprimerie Centrale, 1881), 30.

³⁶*Pourquoi faut-il rompre avec l'Église romaine?*, 29.

³⁷“Sixième conférence du Père Hyacinthe (Mercredi 21 mai),” *La Patrie*, 22 May 1873, 4. Regarding a political act, for example voting for a candidate hostile to religion, being explicitly considered a “sin” to be confessed, see Yves Déloye, “Socialisation religieuse et comportement électoral en France: L'affaire des ‘catéchismes augmentés’ (19e–20e siècles),” *Revue française de science politique* 52, no. 2–3 (2002): 179–199, esp. 192.

³⁸“La confession,” *La Fraternité*, October 1884, 149.

³⁹“Sixième conférence du Père Hyacinthe,” 4.

Further, confession was denounced because it subjected marital sex to minute inquiry. The practice was thus seen as meddling in the private life of the citizen, the head of the family. This was all the more so in that it impeded the use of contraceptive methods, fast developing in Switzerland as elsewhere in Europe.⁴⁰ Moreover, that a celibate priest should speak of sex was judged a “vicious” practice. This was because, in the minds of the Old Catholics, chastity was considered unnatural, unhealthy, and even impossible. From this perspective, the priest’s relationship to sexuality could only be perverse, and the priest thus lost all legitimacy to enter into the private life of his flock. A pamphlet of 1920 asked rhetorically: “What would you do with someone who would put his eye or his ear in the keyhole of your door, to know and hear all that you do and say, day and night, in your own home, even in your bedroom? . . . The confessor of the woman must be her husband.”⁴¹ The gender issue is here explicit; we see the importance of this theme in the construction of a virile citizenship.

Auricular confession was replaced by community confession without the narration of the sins committed. In the first years of the reform, when the Old Catholics took over a church after having driven out the Roman Catholic priest (most of the time with the help of the police forces), they removed the confessionals from the building and sometimes destroyed them. This gesture strongly and indubitably expressed the rejection of the power of the priest over his flock.

The Geneva Old Catholics set up a systematic program to desacralize the status of priests, thus concretizing within their church the ideological and symbolic combat of the nineteenth-century anticlericalists.⁴² They wanted to finish with the idea that “the entirety of religion is in the priest”⁴³ and abolish the clerical caste. They affirmed that “the clergy are servants and not masters.”⁴⁴ As “servants” of the community, the priests were constrained to respect the obligations defined by it.⁴⁵ The abolition of casual offerings was among the first demands of the Old Catholics.⁴⁶ They introduced the principle of sacraments free of charge, seeking to make of the church a public service available to all, paid for by taxes. The priest was seen as a civil servant. He was

⁴⁰Claude Langlois, “Les mémoires fluctuantes d’une institution religieuse: L’Église catholique et la régulation de la sexualité conjugale (vers 1815–1968),” *Revue suisse d’histoire religieuse et culturelle* 100 (2006): 245–257.

⁴¹*L’Église catholique chrétienne: Les principes de l’Église catholique-chrétienne* (La Chaux-de-Fonds: Coopératives réunies, 1920), 9–10.

⁴²Regarding the status of Catholic priests in the nineteenth century, see inter alia: Paul Airiau, “La formation sacerdotale source d’anticléricalisme au XIXe siècle” in *L’anticléricalisme croyant (1860–1914): Jalons pour une histoire*, ed. Christian Sorrel (Chambéry: Université de Savoie, 2004); Vincent Petit, *Le curé et l’ivrogne: Une histoire sociale et religieuse du Haut Doubs au XIXe siècle* (Paris: L’Harmattan, 2003); and Marcel Launay, *Le bon prêtre: Le clergé rural au XIXe siècle* (Paris: Aubier, 1986).

⁴³“Affaire Risse,” *Catholique suisse*, 4 April 1874, 1.

⁴⁴*Les principes de l’Église catholique-chrétienne* (Geneva: Imprimerie Ad. Soldini, 1911), 11.

⁴⁵*Règlement sur les obligations et droits des curés et des vicaires du 17 novembre 1892, Intérieur*, Ke 13, 1892, Archives d’Etat de Genève; and Église catholique-chrétienne de Genève, *Mémorial des séances du Conseil supérieur* (Geneva: Église catholique-chrétienne, 1878–1882), 59.

⁴⁶Casual offerings were a supplement to the salary paid to the priest by the state; rates were set by the diocesan bishop for each service. For France, Guillaume Cuchet speaks of between one and a half and two French francs per mass for the dead, the equivalent of a day’s earnings for the least paid workers. For baptism, the casual offering was at the discretion of the faithful. The financial sacrifice was part of the system, justified by the needs of the priest and as a charitable gesture: Guillaume Cruchet, *Le crépuscule du purgatoire* (Paris: Armand Colin, 2005), 170–179; and Boutry, *Prêtres et paroisses au pays du curé d’Ars*, 327–332.

expected to marry all Catholics who asked to be married—even those who married a Protestant—and he could not refuse anybody a funeral.

The prohibition of wearing any religious habit in public, decreed in Geneva in August 1875 by the Liberal-Radical majority of the cantonal parliament, was a logical and very visible consequence of this idea of a “modern priesthood.”⁴⁷ In the course of the nineteenth century, the cassock had become the indissociable symbol of the Catholic priest’s status. It was worn everywhere and at all times, thus marking the religious presence among the population while distinguishing the priest from the rest of the people. The cassock represented the renunciation of the world by him who wore it; it was the sign of the priest’s “superhumanity.”⁴⁸ By means of a cantonal law, the Liberal-Radicals, with the agreement of the Old Catholics (some of whom were the same people), prohibited the wearing of the cassock (and any other religious gown) outside the house of worship. In the street, the priest—like the pastor—became an ordinary man. But he could also be so in his own home.

The abolition of so called “forced celibacy” was an important theme of the Geneva reform.⁴⁹ The arguments against priestly celibacy were of two sorts. On the one hand, the Old Catholics, in keeping with the rest of the reforms that they carried out, called for the reestablishment of the practices of the first Christian centuries, insisting, for example, that most of the apostles were married or recalling that marriage of priests in the Orient was recognized by the papacy.⁵⁰ On the other hand, the Old Catholics emphasized social, moral, physiological, and medical reasons for changing the celibacy policy. Celibacy was considered an unnatural institution. This must be paralleled with the construction of a “muscular Christianity” at the same time in the West and also with a hypervalorization of family life and the status of family man.⁵¹ The priest’s “human nature” was stressed. Marriage was considered hygienically necessary, based on the conviction—derived from a redefinition of virility specific to the nineteenth century—that men had social and sexual needs difficult to suppress that should be expressed in the context of married life. All these arguments were implicitly legitimated in Geneva by daily coexistence of Catholics with Protestant pastors who were married and fathers of families.

Beyond the redefining of dogma and ritual, the Geneva Old Catholics expected that a priest be educated; open to the values of modernity in science, in morality, and in

⁴⁷Grand Conseil de la République et Canton de Genève, *Mémorial des séances du Grand Conseil* (Geneva: J. Carey, 1875), 993–1492.

⁴⁸Boutry, *Prêtres et paroisses au pays du curé d’Ars*, 210–213; and Louis Trichet, *Le costume du clergé* (Paris: Cerf, 1986), 167–192.

⁴⁹Gustave Gaspard, *Recueil de documents: La nature, la Bible, le cléricalisme et le pouvoir civil dans la question du célibat forcé des prêtres* (Geneva: Taponnier and Studer, 1884); Fortuné Chavard, *Le célibat des prêtres et ses conséquences* (Geneva: J. Benoit, 1874); Ch. Renault, *Réponse à M. Victor Marchal: Ex-missionnaire, ex-aumônier des armées françaises, ex-curé libéral de Carouge et de la Chaux-de-Fonds, actuellement en disponibilité* (Geneva: Ziegler et Cie, 1876); Eugène Michaud, *Sacerdoce et mariage: Discours prononcé le 17 mars 1879 à l’Église de la Chaux-de-fonds pour la bénédiction du mariage de M. le curé Ch. Hénotelle et de Madame V. A. Barthélémy-Herzog* (La Chaux-de-Fonds: National Suisse, 1879); and Félix Carrier, *Réponse par F. Carrier, curé aux conférences, sur le célibat ecclésiastique, donnée par M. l’abbé Carry, dans l’église de Saint-Joseph* (Geneva: Presbyte’re de Notre-Dame, [1905]).

⁵⁰Angela Berlis, “Celibate or Married Priests? Polemical Gender Discourse in Nineteenth-Century Catholicism,” in *Gender and Christianity in Modern Europe: Beyond the Feminization Thesis*, ed. Patrick Pasture, Jan Art, and Thomas Buerman (Leuven: Leuven University Press, 2012), 57–71.

⁵¹For an in-depth treatment of this last theme, see Sarah Scholl, “Honneur ton père et ta mère soumise à son mari,” *Journal des Anthropologues* 144–145 (2016): 77–99.

religion; republican in politics; respectful of the democratic processes within the church; and a good speaker in order to awaken a spiritual interest among those inclined to leave the church. It was practically impossible for the Genevans to find such personalities in spite of the dozens of candidates from all over Europe. Many priests applied to come to Geneva in order to get married while continuing their ministry.⁵² This deeply shocked part of the Catholic population, especially in the countryside, where the priest's celibacy was a major sign of his sacred mission.

VI. A Minority Project

As these two examples show, historical analysis of the creation of the Old Catholic Church enables a closer examination of the religious and cultural crisis experienced by individuals seeking to adopt the values and achievements of modernity while remaining Catholics. They wished to create a public service church in harmony with the principles of freedom and equality as well as with the scientific conclusions to which they were attached. Other examples are to be found in the same vein, such as the abandoning of Latin in the liturgy, the questioning of transubstantiation, and the adoption of Communion under both species, justified by a desire for democratization and rationalization of the ritual.⁵³ Their efforts encountered enormous resistance not only from both clerical and lay Catholic elites in power but also among the people. For example, desacralization of the priestly status made the Old Catholic priest a political adversary like any other. It was thus opposed by sometimes violent demonstrations and sabotages.⁵⁴ This contributed very concretely to the failure of the Liberal-Radical Kulturkampf. It is worth noting that many Catholics converting to Old Catholicism moved on without difficulty to liberal Protestantism or free thinking.

The effective resistance of the centralized and intransigent Catholicism of Pius IX thus foiled this liberal and statist program. The recognition of Roman authority as superior to civil authority for everything relating to religion was presented and accepted as deriving from the essence of Catholic theology. Only a tiny minority of Catholics have continued to keep Old Catholicism alive until today.⁵⁵ The conflict long reinforced Roman Catholics in their position of retreat and rejection relative to the Protestant and liberal-radical populations. Furthermore, during the last third of the nineteenth century, Catholic practices were revitalized and associational life acquired a new vitality. This situation permitted a specifically Catholic political investment and enabled the foundation of Christian Democratic parties.⁵⁶ Urs Altermatt has spoken of a Catholic

⁵²*Candidats aux fonctions ecclésiastiques, 1876–1881*, Commission executive, no. 1.23, Archives of St-Germain, Eglise catholique chrétienne de Genève; and Documents anciens (env. 1874–1900) concernant des candidatures à des postes de prêtres dans l'Eglise catholique-libérale, nos. 1.26–1.29, Archives of St-Germain, Eglise catholique chrétienne de Genève. Roughly half of the parish priests elected in Geneva between 1874 and 1907 were married or got married during this period.

⁵³Scholl, *En quête d'une modernité religieuse*, 313–329.

⁵⁴Sarah Scholl, "Intolérance contre les intolérants? Microhistoire des violences religieuses du XIXe siècle, Genève 1870–1900," in "Religions et violence en context de modernité," ed. Daniela Campo, Emmanuel Kreis, Christophe Monnot, and Sara Teinturier, special issue, *Cahiers d'études du religieux* 19 (2018).

⁵⁵They were 13,312 in the 2000 census in Switzerland: Claude Bovay, *Recensement fédéral de la population 2000: Le paysage religieux en Suisse* (Neuchâtel: Swiss Federal Statistical Office, 2004).

⁵⁶Markus Ries, "Kulturkämpfe als Treiber nationaler Integration in der Schweiz des 19. Jahrhunderts," in *Europäische Kulturkämpfe und ihre gegenwärtige Bedeutung*, ed. Ulrich Lappenküper, André Ritter, and Arnulf von Scheliha (Paderborn: Ferdinand Schöningh, 2017), 39–50.

“counter-society” which remained well organized until the 1950s.⁵⁷ This, nonetheless, was made all the more possible by the enshrining of freedom of conscience and of worship in the 1874 Swiss constitution.

VII. 1874: A Difficult Quest for Freedom

As discussed above, during the *Kulturkampf*, the Swiss Protestants and Catholics belonging to the Liberal-Radical movement did not seek to relegate religious matters to private life by separating the church from the state. For them, Christianity remained a constituent element of their personal and national identity. In their minds, to build a modern state, it was not only necessary to deprive the churches of their ancient prerogatives (civil registration and education) but also to transform religion itself in the name of individual freedoms. They thus provoked major culture wars even within their own confessional community.

Conversely, the Evangelical Protestants and the Roman Catholics worked for the independence of the churches from the state, all while promoting rather conservative theological worldviews. The former did so in order to promote communities of converts, ready to live according to their evangelical faith. The latter sought to avoid interference from the political sphere in the church’s organizational structure.

One must bear this historical reality in mind in order to understand the enshrining of religious freedom in the Swiss constitution in 1874. The objective was to circumscribe and limit the influence of the conservative currents of Christianity on daily life by enshrining freedom of conscience and belief—individual rights—in the constitution. But freedom of worship—a community right, first and foremost—was also guaranteed.⁵⁸ The formulas chosen when drafting the constitution of 1874 illustrate the eminently conflicting background in which these freedoms were asserted:

ARTICLE 49⁵⁹

Freedom of conscience and belief shall be inviolable.

No one shall be forced to belong to a religious association, to undergo religious instruction, to carry out a religious act, or be subject to punishment of any sort because of religious opinion.

The person exercising paternal or guardianship authority shall have the right to determine, in conformity with the above stated principles, the religious instruction of children up to the age of sixteen.

The exercise of civil and political rights shall not be limited by prescriptions or conditions of a clerical or religious nature of any sort.

No one shall be excused from fulfilling a civic duty for reasons of religious opinion.

No person is obliged to pay taxes the product of which is specifically allocated to direct expenses of the worship carried on by a religious community to which said

⁵⁷Urs Altermatt, *Katholizismus und Moderne: Zur Sozial- und Mentalitätsgeschichte der Schweizer Katholiken im 19. und 20. Jahrhundert* (Zurich: Benziger, 1989).

⁵⁸Sylvie Guichard and Sarah Scholl, “De la liberté collective du culte à la liberté individuelle de conscience dans les constitutions suisses du XIXème siècle,” *Commentationes historiae iuris Helveticae* 15 (2018): 41–61.

⁵⁹The Swiss constitution of May 29, 1874 is available online: “Constitution de la Confédération suisse,” *Digithèque de matériaux juridiques et politiques*, <https://mjp.univ-perp.fr/constit/ch1874c.htm>.

person does not belong. The final implementation of this principle shall be enabled by federal legislation.

ARTICLE 50 (first part)

The free exercise of worship shall be guaranteed within the limits compatible with public order and acceptable social mores.

The Cantons and the Confederation shall be empowered to take measures necessary for the maintenance of public order and peace among the members of the various religious communities, as well as against infringement by church authorities of the rights of citizens and of the State.

These freedoms, nonetheless, were restricted by a series of “exception articles” which were specifically directed against the Roman Catholic Church to prohibit the creation of bishoprics without the approval of the confederation (article 50, second part), to reinforce the prohibition of the Jesuits (article 51), and to prevent the establishment of new houses of religious orders (article 52).⁶⁰ Further, the clergy, including pastors, lost their right to stand for election to the lower house of parliament (the National Council) (article 75). However, given the power play at the federal level, the 1874 constitution, unlike that of Geneva, did not provide for theological and ecclesiastic interference in church affairs. Yet the subject was very current, as testified by the intense debate over the necessity of freedom within the churches and on the prohibition of ecclesiastical penalties (such as the refusal of absolution and communion).⁶¹ The compromise that was finally reached was built on basic secularizing measures, common to most of the countries of Europe: the state took care of marital status, guaranteeing the right to marriage as well as decent burial places for everybody. In addition, public schools were generally partially secularized.⁶² With the Kulturkampf, an important “threshold of secularism” had been crossed.⁶³

VIII. Conclusions: A Secular or Confessional Age?

This secularization of institutions and society was aligned with a certain confessional exacerbation. The Roman Catholic Church emerged from the Kulturkampf reinforced in its doctrinal and organizational intransigence. Evangelical Protestantism experienced a boon in this context. Thus, the Kulturkampf can be read two ways. On the one hand, it opened a republican anticlerical front against Roman Catholicism: the “Catholic-Secular Culture Wars” described by Christopher Clark and Wolfram Kaiser, as well as by Emile Poulat and, more recently, by Jérôme Grévy for France.⁶⁴ On the other hand, it fractured Christianity into multiple currents and cliques, as much on the

⁶⁰René Pahud de Mortanges, “Zur Geschichte der konfessionellen Ausnahmeartikel im schweizerischen Verfassungsrecht,” in Lappenküper, Ritter, and Scheliha, *Europäische Kulturkämpfe und ihre gegenwärtige Bedeutung*, 51–66.

⁶¹Assemblée fédérale, *Procès-verbaux des délibérations des Chambres fédérales relativement à la révision de la Constitution fédérale: 1873–1874* (Berne: K.-J. Wyss, 1877).

⁶²Rita Hofstetter, Charles Magnin, Lucien Criblez, and Carlo Jenzer, eds., *Une école pour la démocratie. Naissance et développement de l'école primaire publique en Suisse au 19e siècle* (Berne: Peter Lang, 1999).

⁶³Jean Baubérot and Micheline Milot, *Laïcités sans frontières* (Paris: Seuil, 2011), 204; and Jean Baubérot, *La laïcité, quel héritage? De 1789 à nos jours* (Geneva: Labor et Fides, 1990), esp. chaps. 2, 5.

⁶⁴Emile Poulat, *Liberté, Laïcité: La guerre des deux France et le principe de modernité* (Paris: Cerf and Cujas, 1988); and Jérôme Grévy, *Le clericalisme? Voilà l'ennemi! Un siècle de guerre de religion en France* (Paris: Armand Colin, 2005).

Protestant as on the Catholic side, in a “Second Age of Confessionalism.” This theorization of Olaf Blaschke for Germany is pertinent here, but it has to take into account more than the two majority currents (Roman Catholic and Protestant).⁶⁵ The diversity of Christianity reinforcing itself in the nineteenth century was at the very heart of the religious transformation in Europe as had been the case in the United States a century earlier.

Swiss history shows that confessionalism and secularism were not two contradictory movements. They were interdependent and were both part of modernity. Confessional identities became exacerbated because the ideas of freedom emerged in part from the religious field itself and worked on Christianity from the inside, creating tensions and divisions in Catholicism as much as in Protestantism.⁶⁶ In reaction, this new plurality of confessional memberships threw into crisis all the religious monopolies and opened wide spaces for the state recognition of freedom of conscience and worship. This came to eclipse confessional affiliation at the national level. In the process, individuals and families of mixed religious affiliations, non-Christians, free thinkers, and atheists saw their citizenship fully recognized. Some of them formed what Todd H. Weir, in his study on Germany, called “the fourth confession,” opting for a secular way of life.⁶⁷ But secularism was above all a mode of social and political organization in the nineteenth century, allowing diversity, *métissage*, and coexistence in the population. This development was decisive compared with earlier periods. Thus, instead of refighting the religious wars of bygone days, the diversity of convictions and the renewal of confessional affiliations in the nineteenth century gave birth to freedom of religion.

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⁶⁵Olaf Blaschke, *Konfessionen im Konflikt: Deutschland zwischen 1800 und 1970; Ein zweites konfessionelles Zeitalter* (Göttingen: Vandenhoeck and Ruprecht, 2002).

⁶⁶See the very significant case of Dutch Protestantism: Herman Paul, “Religious Discourse Communities: Confessional Differentiation in Nineteenth-Century Dutch Protestantism,” *Schweizerische Zeitschrift für Religions- und Kulturgeschichte* 101 (2007): 107–122.

⁶⁷Todd H. Weir, *Secularism and Religion in Nineteenth-Century Germany: The Rise of the Fourth Confession* (New York: Cambridge University Press, 2014).

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