Religious and Confessional Spaces

by Heinrich Richard Schmidt

Europe is a space that has been formed – albeit to varying degrees – by the three monotheistic religions Christianity, Judaism, and Islam. In fact, the contemporaneity and mixing of these influences are an essential element of that which we call Europe. These religions assigned a normative status to their own beliefs and doctrines, which implied a duty of loyalty to God which obliged believers to arrange the world according to God's will. In this way, the religions defined the way in which people viewed themselves, as well as their behaviour, their view of their own personal freedom and responsibility, how they worshiped God, their attitudes to marriage and broader social relationships, and how they organised their laws and their states. In these areas, many similarities can be identified in spite of the diversity which existed. This article describes in broad outline how lifeworlds came to be defined by religion and confession as a result of historical actors acting in accordance with their confession, resulting in the emergence of "religious and confessional spaces in Europe". It draws on research into confessionalisation in central Europe. It is also a contribution to the study of the interconnection between actors and structures, and to recent conceptual discussions in spatial sociology which can be usefully applied to history.

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Confessional Culture and Space: A Preliminary Discussion

To start with, some important concepts must be defined. What is a space? What constitutes a confessional space? What is the difference between religions and confessions? The last question seems the simplest to answer. Religions (Christianity, Judaism and Islam) are divided into subgroups by the category of "confession". However, this simple answer is problematic, as there have been similarities between confessions of different religions. For example, the Reformed Protestant confession seems rather similar to Islam in the way it attempted to arrange the societal order in accordance with "dem gsatz, das got geben hat".[1] Similarly, the Catholic idea of the human soul as a spark of divine light and the Orthodox Christian idea of the divinisation of humans, which defines humans as possessing free will in order to do good, are similar to concepts in Islam and Judaism. As well as the differences, this contribution seeks to describe the commonalities, that is, to draw attention to the similarities and intersections between the confessions. For this reason, this article adopts a not very common position[2] by referring to all branches of the big monotheistic religions as "confessions". They are all confessions because they all profess a faith which is articulated as a surrendering and a loyalty to God (the Latin word *fides* means fidelity; the Arabic word *Islam* means surrender), and which seeks to arrange the world in a particular way. All of them have creeds which believers recite to affirm their faith and which as texts promote a sense of identity. In the case of Christianity, there are the Apostles' Creed, the Nicene-Constantinopolitan Creed and the Athanasian Creed. There is the Shema[3] in Judaism, and the Shahada in Islam.[4]

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In the Apostles' Creed, Christians profess:

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> I believe in God, the Father almighty, maker of heaven and earth. I believe in Jesus Christ His only Son, our Lord. He was conceived by the power of the Holy Spirit, born of the Virgin Mary, suffered under Pontius Pilate, was crucified, died and was buried. He descended to the dead. On the third day, He rose again. He ascended into heaven, and is seated at the right hand of the Father. He will come again to judge the living and the dead. I believe in the Holy Spirit, the holy Catholic Church, the communion of saints, the forgiveness of sins, the resurrection of the body and life everlasting.

And in the Lord's Prayer, they say: "Your kingdom come. Your will be done on earth as it is in heaven."[5] In addition to these, all the Christian sub-denominations have created their own statements of doctrine, which contain elements in common, as well as differences[6] (the Confession of Augsburg, the Formula of Concord, the Tridentine Creed, the Second Helvetic Confession, the Westminster Confession, etc.).

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The Jewish creed assumes the form of a warning from God to the believers, who profess their obedience during the reading of the creed by hearing it in the full sense of the word (hearing as heeding). It starts: "Hear, O Israel, the Lord is our God, the Lord is one! Praised be the name of the glory of His kingdom for ever and ever. You shall love the Lord your God with all your heart and with all your soul and with all your might. These words, which I am commanding you today, shall be in your heart."[7]

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"I profess: There is no god but God, and Mohammed is the Messenger of God". This is how the Shahada formulates the strict monotheism of the confession of Islam. The words of the *Al-Fatiha*, with which the Koran opens, express obedience to God and ask him for help in staying on the path of righteousness: "Praise be to God, Lord of all worlds, the Compassionate, the Merciful, Ruler on the day of reckoning! You alone do we worship, You alone do we ask for help. Guide us on the straight path, the path of those who have received Your grace, not the path of those who have brought down Your wrath."[8]

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But what is a confessional space? How can confessions form spaces? Modern spatial sociology understands space as a site which has been shaped by humans. A site is a place, position, or body which can be located geographically.[9] A site becomes a space when people arrange it, give it meaning, perceive it, and fill it with life:

<div style="text-align: right">▲ 6</div>

> Die Konstitution von Räumen geschieht durch (strukturierte) (An)Ordnung von sozialen Gütern und Menschen an Orten. Räume werden im Handeln geschaffen, indem Objekte und Menschen synthetisiert und relational angeordnet werden. Dabei findet der Handlungsvollzug in vorarrangierten Räumen statt und geschieht im alltäglichen Handeln im Rückgriff auf institutionalisierte (An)Ordnungen und räumliche Strukturen.[10]

This means that a space (to take the example of a church) is created by the ritual actions of the believers, on the one hand, but, on the other hand, it is an existing structure in which those who recognise it behave according to particular conventions (i.e., with "reverence").[11] Thus, for example, a forest can become a cathedral for Baptists when they hear the word of God being spoken there at night (➜ Media Link #ab).

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A room becomes a house of God when the Shema is recited there to start the Sabbath. Space emerges in actions and out of actions. Space must therefore be defined in terms of actors.[12] The space in question does not necessarily have to have a physical-material substrate[13] apart from the people who "make" it. The space in which the believer encounters God is virtual. No-one can draw it on a map. When Quakers wait in silence for the descent of the Holy Spirit, they create a space without even engaging in a physical activity and without any objects.

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Confessional spaces are special types of cultural spaces. Confessionally ordered spaces are also referred to as "provinces of meaning"[14] or "special worlds", "regional milieus"[15] or "lifeworlds",[16] which corresponds closely to the perspective being presented here. Maps showing the distribution of the confessions in 19th-century Austria-Hungary based on census data relating to religious affiliation show a high degree of confessional diversity (➜ Media Link #ac). Even in places where individual confessions predominated, they were not the only confession represented. This becomes particularly clear when the dispersal of the Jewish minority in this space is mapped. They were present everywhere with their way of life, and Jewish Europe was everywhere where Jews lived the Jewish way of life (➜ Media Link #ad).

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This demonstrates another advantage of using the concept of confessions outlined above. It enables us to apply the findings of confessionalisation research, which has focused exclusively on the Christian denominations, more broadly.[17] This research understands confessionalisation as a process in which confessional cultures emerge and reproduce themselves on an ongoing basis. It studies the way in which the respective confession constructs the social reality or the social space. Did confessionalisation re-order marriage, home life and the family, and if so, how? Did it alter the behaviour and mentality of the people? Did it bring about a re-ordering of rural and urban communities? Confessionalisation research asks all of these questions. For example, one study investigated the effect of the Presbyterian kirk sessions (parish courts for church discipline (➜ Media Link #ae)) in Scotland and ascribed to them the foundation of a "Puritan nation", which transformed a world which had previously been mired in violence and hate.[18]

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This article therefore seeks to identify the confessional colouring of the most important lifeworlds of people: the space of the devout self, i.e. the space of the individual believer; the house of God where this self encounters God and worships him; the space of law (➜ Media Link #af) as it was influenced by a religion overarching all social spaces; and the fundamental social spaces of marriage / family, the parish / congregation and societal coexistence. Subsections are devoted to the individual confessions in each case. First of all, the composition of the confessions and their relationship to the states (➜ Media Link #ag) are investigated (next section). The human lifeworlds embedded in these confessions are then investigated in the subsequent sections. This contribution cannot depict the lifeworlds of all the confessions in all their various facets. It attempts to identify the typical and representative characteristics in each case. In doing so, it depends to a large degree on research on "confessionalisation in practice".

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Structure of the Confessions

A map showing the "distribution" of the confessions in Europe at a randomly chosen point in time can at least give a vague impression of the complexity involved and can give a first overview. Europe is a continent of confessions (➜ Media Link #ah).

Catholic Europe

The "Catholic blue" covering Spain, Portugal, France, Italy, Austria, Ireland, and Poland hides differences in the Catholicism of these countries. Peter Hersche (*1941) (➔ Media Link #ai) differentiates between the space of "baroque Catholicism", the almost-Protestant "classical" Catholicism[19] with its "Jansenistic" leanings which implemented the Tridentine reforms much earlier than "baroque Europe", and the "enlightened Catholicism" of the late 18th century which reached its apogee in Josephinism.[20] The model of baroque Catholicism, which Peter Hersche describes as preferring waste and idleness,[21] corresponded most closely to Italy, Spain, and Portugal.[22] Piety remained sensual, and largely non-verbal, and was practical and haptic, for example, the veneration of saints, the celebration of feast days, the celebration of devotions, the participation in religious processions, and the use of devotional objects.[23]

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France differed from this type of Catholicism in that it was characterised by a relatively serious, less theatrical, and more disciplined piety.[24] This is particularly true of Jansenistic Catholicism, which adopted Calvinist principles. It is less true of the Jesuit strand of French Catholicism.[25] From an organisational perspective, the Pragmatic Sanction of Bourges of 1438, which was renewed in the Gallican Articles of 1682, made the French church a state church, similar to pre-Reformation Anglicanism. Due to the influence of the state and the reformed congregations, but also in response to the needs of French Catholics in the early modern period, a "de-baroque-isation" occurred in France, and the clergy became better educated, better controlled, and "more disciplined". "Ihre seelsorgerlichen Pflichten nahmen diese Pfarrer ernst, Predigt und Katechese wurden zu Selbstverständlichkeiten. Sie suchten die Grundsätze ihrer Lebensführung, in denen einige Elemente der 'Protestantischen Ethik' wie Ordnungssinn, Zeitbewusstsein, Tagesplanung, Arbeitsamkeit und Fleiß nicht fehlten, auch ihren Pfarrkindern einzuimpfen."[26] And further: "Historisch-soziologisch steht diese spezifisch französische Religiosität im Spektrum der verschiedenen 'Katholizismen' dem Protestantismus am nächsten, und hier wieder am meisten dem 'katholisierenden' Anglikanismus."[27]

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A process of modernisation (➔ Media Link #ak) of the state and the church, which was driven by the authorities, enabled Catholic countries to quickly catch up on the progress which the Protestant countries had made over a longer period. Catholic countries were even able to overtake the Protestant countries from time to time, for example through the introduction of Felbiger's reforms in the area of the training of teachers, which were emulated in other Catholic countries. However, the 19th and the 20th centuries saw the Catholic Church turning away from the Enlightenment, a process which was only temporarily halted by the Second Vatican Council.[28]

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In the case of Catholicism, the separation between the two entities of the church (*sacerdotium*) and the state (*imperium*) resulted in weaker state control over the church than in Protestant territories.[29] However, in those territories where supreme authority in both the temporal and religious spheres were vested in one person, a state church system was the result, e.g. in the Papal States, where temporal authority was vested in the ruler of the church, in Spain, Portugal, France, in pre-Reformation and post-Reformation Anglican England where the monarch had supreme authority over the church, and in the religious principalities of Germany.[30] In these territories, confessionalisation was primarily a result of cooperation between religious institutions such as the visitations and the temporal authorities. A similar situation occurred in temporal states where "religious councils" assumed control over the church or competed with the church authorities for control of the church, as it happened in Bavaria and the Catholic part of Baden.[31] The Counter Reformation was controlled by the ruler in Austria as well.

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The actual structure of the Catholic Church did not undergo change during this process. The pope was supreme head and under him there was a hierarchical structure of archbishops, bishops with cathedral chapters attending them, officials and archdeacons, priests and parishioners, i.e. a top-down church (➔ Media Link #am).

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Anglican Europe

Anglicanism[32] already existed prior to the Reformation (➔ Media Link #ao) in the form of a state church which was organisationally separate from Rome, similar to Gallicanism in France. Early modern England was Zwinglian and Calvinist in terms of doctrine, Catholic in terms of the liturgy, and pre-Reformation episcopalian in terms of church structure, with the archbishops of York and

Canterbury, and the monarch as the supreme head of the church.[33] The Puritan movement was particularly opposed to the Catholicising tendencies of the liturgy and the "unreformed" church structure. However, Puritanism only temporarily succeeded in bringing Anglicanism closer to the presbyterian and synodal model, which was common among Protestant churches on the European mainland and which had been adopted in Scotland, or in establishing a church of independent congregations.

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Lutheran Europe

In spite of Luther's doctrine of the two realms, the Lutheran churches were state churches or territorial churches.[34] Within the Holy Roman Empire of the German Nation, the authorities who governed the churches in the respective states bound these churches into the respective state structures. The church became a top-down administrative structure with a vertical chain of command, which ran from the consistory at the top to the superintendents (or deacons) and down to the parish pastor (➜ Media Link #ap).

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It was not until the 17th century that local communal church councils (usually known as *Kirchenkonvente*) came into being in individual territories – Württemberg is the best-researched territory in this regard.[35] These organs introduced into German Lutheranism the monitoring and enforcement of moral standards by the individual congregations, which had long been a normal and constitutive aspect of the Reformed churches.

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The Scandinavian countries (➜ Media Link #aq) retained the episcopal structure, though in Denmark the bishops were renamed "superintendents". However, the essential change from the pre-Reformation period was that the bishops / superintendents discharged their duties as "representatives of our King".[36] "Der König wurde somit zum obersten Repräsentanten der Kirche. Als christliche Obrigkeit besaß er die Verantwortung für die ganze Gesellschaft, die Kirche und den Seelenfrieden der Untertanen."[37] In Denmark, Sweden, and Finland, the peasants nonetheless enjoyed a large degree of local self-administration in church matters as well.[38] The Swedish parish councils (*Sockenstämma*) and the Danish presbyteries introduced in 1629 had the right to propose their own pastors, could influence the management of church property and enforced moral standards, thereby making these churches more consistorial and "Reformed" in character.[39]

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Reformed Europe

The broader structure of the Reformed church varied considerable from territory to territory.[40] However, the organisation of the church at the local level differed very little. The local church, in which the customary four duties of preaching, teaching, social provision (*Diakonie*) and the upholding of moral standards (*Kirchenzucht*) were performed, constituted the Reformed concept of the "body of Christ". For this reason, moral discipline, which was intended among other things to keep this body pure, had a special significance in these churches. This is illustrated by the fact that church discipline and moral standards were enforced in all congregations in all the Reformed churches – i.e. the Calvinist, the Zwinglian and the Erastrian churches (the latter were Reformed churches with a strong state structure above the communal church, such as in the Electoral Palatinate). This was the case even in particularly "etatist" territories.

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Given that these churches were from the start based on the principle that the local congregation of believers constitutes the church,[41] they had an "inherent" tendency to be synodal in structure, or, to put it in more modern and general language, they tended to be republican in structure with delegates from the congregations coming together at regional, and ultimately at national level in synods or parliaments. This was the case in the Netherlands, in the County of Mark and in East Frisia – two German territories where the power of the ruler was weak – and in the Grisons, as well as in the French Huguenot (➜ Media Link #ar) churches and the Scottish church (➜ Media Link #as).

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In other places, the synods were organs within a state church exercising authority over the lower levels, as in Bern. In Hungary, a collegial or consistorial organ or an elected bishop held the position of highest authority in the clerical-synodal system.

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In places where the Lutheran Reformation and church reform was followed by a Reformed "Second Reformation", such as in the

Electoral Palatinate, the Lutheran church structure was retained in as far as a "consistory" or "church council" which was directly subordinate to the ruler was retained. This served as a government department for church matters. The Reformed church in Hessen-Kassel, in Bentheim, in Nassau-Dillenburg and Palatinate-Zweibrücken had a similar structure to that in the Electoral Palatinate (➜ Media Link #at).

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Orthodox Europe

Under the Ecumenical Patriarch of Constantinople, the Orthodox church encompasses the Orthodox national churches of Greece, Russia, Bulgaria, Serbia, Rumania, Cyprus and Georgia.[42] The Orthodox churches have a synodal structure. The Orthodox national churches are governed by the bishops, with the patriarch as chairman. As it was often not possible for all the bishops to come together, the synod usually consisted of the patriarch and a committee of bishops.[43] In the Russian church, this was known as the "Most Holy Synod". As described below, this was a state authority for governing the church in the place of the patriarchate. The patriarch was elected by a council consisting of bishops and a small number of other clergy and laity.

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Theologically and structurally, the Orthodox churches were embedded in a "Symphonie zwischen Staat und Kirche" ("symphony between state and church").[44] However, after the Greek Orthodox Church and the Orthodox churches of the Balkans (➜ Media Link #au) had been confronted with an Islamic state after the Ottoman conquest (➜ Media Link #av) of the region, this fundamental principle of Orthodox Christianity could only be realised in imperial Russia.

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From the 15th century onward (and permanently from the end of the 16th century), the Russian Orthodox Church was autocephalous, i.e. it constituted a national church under the Patriarch of Moscow.[45] It was the duty of the tsar to maintain the pure faith and to provide for the material existence of the church. But the tsars also interfered internally in the church, for example in theological and liturgical matters. The symphony of church and state could easily lapse into state dominance over the church and the instrumentalisation of the church by the state. This occurred in Russia under Peter I (1672–1725) (➜ Media Link #aw). Peter abolished the institutional independence of the church and integrated it into the state administration.[46] When the Patriarch had died in 1700, the office was left vacant. In 1721, it was abolished completely and replaced by a committee known as the "Most Holy Governing Synod", which mimicked the colleges he had created as part of his government reforms – and church authorities in Protestant states – and which consisted of 12 members who had the status of state officials and who swore allegiance to the tsar.[47] The church had become an arm of the bureaucracy dealing with religious affairs. Thus, the Orthodox Church had a similar structure to that of Anglicanism, Gallicanism, and the Iberian churches in the early modern period and in the 19th century.

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Jewish Europe

As the Iberian Peninsula was gradually brought back under Christian rule during the course of the Reconquista, the position of Jews there deteriorated considerably by comparison with the Moorish period. In 1380, the Sephardic Jews (➜ Media Link #ax) (*Sepharad* being the Hebrew name for the Iberian Peninsula)[48] lost their right to operate their own judicial system in the Christian part of Spain. As they had maintained a close relationship with Christian society, large numbers of Jews subsequently converted to Christianity (*conversos*).[49] In 1492, all Jews were ordered to leave Spain, and soon after they were also expelled from Portugal, Naples, and Sicily.[50] The Sephardic Jews and also the *conversos* who had formally converted to Christianity settled in southeastern Europe (particulary in Greece and in the Ottoman Empire), the Netherlands, northwestern Germany, Africa, Asia, and America after their expulsion.

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The Ashkenazi Jews (➜ Media Link #ay) (encompassing those living in Germany, northern France, northern Italy and Britain) were primarily concentrated in the Holy Roman Empire of the German Nation (*Aschkenas* being the Hebrew word for Germany). The Jewish communities in England and France had ceased to exist due to the waves of expulsion in the 15th and early 16th centuries, as in Spain and Portugal.[51] The various crises and pogroms which the Jews of central Europe had to endure resulted in repeated waves of eastward migration, particularly to Poland and Lithuania, with the result that the Ashkenazi Jews became concentrated in these two territories under the Polish crown from the 15th and 16th century.[52] In the 15th century, 150,000 Jews were living in the Kingdom of Poland among a total population of two to three million, i.e. they constituted 5–7 per cent of the population.[53] By the mid-16th century, 300,000 Jews were living in the combined kingdom of Poland-Lithuania, among a total population of 7.5 million, i.e. they constituted about 4 per cent of the population.[54] In the aftermath of a pogrom under the leadership of the Cossack hetman

Bogdan Khmelnytsky (ca. 1595–1657) (➜ Media Link #az) in 1648, some return migration from Poland to Germany occurred.[55]

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In Poland-Lithuania, where the majority of European Jews had been resident since the 15th century,[56] the Statute of Kalisz, which guaranteed internal self-administration to the Jews, established the parameters of Jewish life until the 18th century. The Jewish communities also created governing structures above the communal level. Thus, organisational forms emerged which came close to a kind of Jewish statehood, which was viewed as the ideal. Regional provinces (*galil*) came into being as a result of multiple congregations joining together and smaller congregations subordinating themselves to larger communities. These provinces in turn joined together into a *medina* (state) at the national level. The synodal assemblies at these levels were referred to as *Vaad ha-Galil* and *Vaad ha-Medina*.[57] In terms of their organisational structure, these organs were similar to those in the individual congregations (see below). They were headed up by elders (*parnassim*), who were elected by the congregations or their representatives and by a rabbi for Jewish law (*halacha*). However, due to the central importance of the individual congregations in Jewish life, it was almost impossible to enforce legal judgements against individual congregations. Jewish self-administration in Poland reached its apogee in the "Council of the Four Lands" (*Vaad Arba Arazot*) consisting of Little Poland, Greater Poland, Podolia, and Volhynia, and in Lithuania in the "Council of the State of Lithuania" (*Vaad Medinat Lita*).[58] Each council consisted of two chambers, a political committee and a judicial committee.[59] In 1764, the Council of the Four Lands was disbanded by the Polish parliament (Sejm), after which point Jewish self-administration was reduced to the local congregations and their governing bodies (*kahal*), until these too were abolished by the Russian authorities in 1844.[60]

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The "Territorialisierung der deutschen Juden" ("territorialisation of the German Jews")[61] who had remained in the Holy Roman Empire came about as the imperial protection extended to the Jews was gradually replaced by the laws of individual lords and rulers pertaining to the Jews. By the mid-17th century, almost all Jews in the Holy Roman Empire were under the jurisdiction of the territorial rulers and the imperial knights, the few "imperial Jews" remaining lived in a few imperial cities and in the hereditary Habsburg lands.[62] From that point on, the Jews organised themselves on the basis of territory as *Landjudenschaften* represented by councils called *Judenlandtage*.[63] These were headed up by a head rabbi and an advocate who represented the Jewish community before the ruler (*schtadlan, landesbarnosse*).[64] At the beginning of the 19th century, between 400,000 and 500,000 Jews lived in the German-speaking territory in central Europe.[65] In 1910, there were 615,000 Jews in Germany. Thus they remained a fairly constant 1 per cent of the total population.[66]

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Islamic Europe

Islam (➜ Media Link #b0) has been present in Europe for a very long time (➜ Media Link #b1). Moorish Spain[67] came into being as a result of rapid campaigns of conquest which began in 710 and disappeared with the expulsion of the last Muslims, who had been forcibly converted, in 1614 (➜ Media Link #b3).

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In *Al-Andalus*, as Moorish Spain referred to itself, there were frequent conversions of Hispano-Romans to Islam. The Islamicisation of this part of Europe only began to be reversed with the beginning of the Reconquista in the 11th century, which saw the territory in the extreme north of the peninsula which had remained under Christian rule – and which portrayed itself as the heir of the Visigothic kingdom and thus laid claim to the whole of Spain – gradually extending its rule southward in a war of attrition.[68]

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Broadly speaking, *Al-Andalus* was organized as a caliphate[69] until it finally broke up into smaller kingdoms as a result of the defeat of the Muslim army by a crusading army at Las Navas de Tolosa in 1212.[70] These kingdoms fell to the Christian advance in quick succession, until by 1246 only Granada remained, which, however, survived until 1492. With the conquest of Granada, the history of the Moriscos began. These were Muslims throughout the kingdom of Spain who nominally converted to Christianity after the suppression of Islam in Castile in 1502 and in Aragon in 1526.[71] Only a minority of Muslims chose to go into exile instead of converting. These Christians – whether nominal or genuine – were now subject to the Inquisition. The policy of extirpating Islam began with the provincial synod of Granada in 1565. All forms of Muslim culture (language, clothes, ritual bathing and baths, dances, etc.) were banned. The rebellion which occurred between 1568 and 1570 in response to these measures resulted in the resettlement of 70,000 families from Granada to long-standing Catholic regions of Castile.[72] All attempts to effect a forcible confessionalisation, i.e. a real conversion of the Moriscos, failed. Consequently, deportations occurred in 1609–1614,[73] which saw Moriscos who (unlike the majority) had genuinely converted to Christianity being expelled with the rest. In total, 300,000 people were expelled out of a total Spanish population of 8.5 million.[74]

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Even under the Berber dynasties from the second half of the 11th century, which generally pursued a policy of confrontation, Christians (known as Mozarabs because they had adopted Arab culture) and Jews were not interfered with in terms of their religion, though they did adopt the Arabic language.[75] The most important works of Jewish philosophy and theology were published in Arabic, and the Hebrew language was even revitalised by the dominance of Arabic, as both are Semitic languages. The works of Plato (427 BC–347 BC) (➜ Media Link #b4) and Aristotle (384 BC–322 BC) (➜ Media Link #b5), which had been more influential in the Arabic world that in early medieval Europe, circulated in Arabic translations (➜ Media Link #b6) in Moorish Spain, and they were translated into Latin after the conquest of Toledo at the behest of the Christian kings. Thus the Arabs played an essential role in the return of classical philosophy to Europe.

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The second Islamic region of Europe was situated in the eastern European plains, where khanates had split off from the Golden Horde.[76] The Khanate of Crimea retained considerable independence even after becoming an Ottoman protectorate in 1478 and remained in existence even after losing much of that independence in the mid-16th century. It was finally annexed by the Russian Empire after 1783.

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The third Muslim-ruled region in Europe was in the Balkans.[77] The Ottoman Empire extended its rule over the Balkans during the course of the 14th and 15th centuries. Constantinople fell in 1453. Serbia was conquered in 1459, the Peloponnese in 1460, and Bosnia in 1463. Most of Hungary was conquered between 1526 and 1541; Rhodes was conquered in 1522; Cyprus came under Ottoman rule in 1571,[78] and Crete was conquered in 1669. Islamicisation proceeded particularly quickly in those regions where Christian groups like the Bogomils, who were viewed by Catholic and Orthodox Christians as heretics, predominated. These voluntarily converted to Islam in large numbers. This was particularly true of Albania, parts of which came under Ottoman rule in 1431/1432, while the entire land was conquered by 1479.[79]

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Tax records for the border region of Bosnia-Herzegovina give information on confessional affiliation.[80] While almost all households in Bosnia were still Christian in 1468, 11.9 per cent were Muslim by 1485, 14.5 per cent by 1489, reaching 46.3 per cent between 1520 and 1535. In Herzegovina, the Muslim proportion of the population reached 42.8 per cent between 1520 and 1535. The distribution of the Muslim population was particularly uneven in the Bosnian cities. In some of them, Christians remained in a clear majority, while in Sarajevo the Muslim inhabitants accounted for more than 96 per cent of the population by 1600.[81] It is estimated that the total population of Bosnia was 600,000 in 1789, of which 265,000 were Muslim, 79,000 were Catholic, and 253,000 were Orthodox.[82] The high proportion of Muslims in Bosnia created a Muslim upper class, while in the Ottoman territories in Hungary no such Islamicisation process occurred.[83] Transylvania was not ruled by the Ottoman Empire directly, but became a vassal of the sultan in Constantinople.[84] The expansion of the Ottoman Empire was ended by the Battle of Kahlenberg during the second siege of Vienna in 1683. The Ottoman Empire subsequently lost Hungary (Belgrade fell in 1688 and Sarajevo in 1697); Croatia, Transylvania, and Slavonia (except for the Banat) were lost in 1699 in the Treaty[85] of Karlowitz.[86] "Historical Hungary" was now part of the Habsburg Empire.

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At the top of the hierarchy of the Islamic world was the caliph, who was originally both the religious and temporal leader of the Islamic people. In the Ottoman Empire, the temporal ruler (the sultan) held the caliphate (which continued to exist until 1924) along with the sultanate (which was abolished in Turkey in 1922). In the cities, provinces, and districts, the sultan/caliph employed legally trained cadis, who applied Sharia law and who exercised judicial powers in both the temporal and the religious spheres.[87] This demonstrates the theocratic character of the Islamic order.

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Confessional Lifeworlds

Concepts of God and Man

Western Christianity

The theology developed by St. Paul (in the New Testament) and the related anthropology, on which the subsequent doctrine of original sin was based, was central to the Christian concept of humanity. St. Augustine's (354–430) (➜ Media Link #b7) teachings on sin had far-reaching consequences.[88] According to this doctrine, man lost his original freedom to differentiate and choose between good and evil, which he had still possessed in paradise (*posse non peccare*), when he obeyed the snake and ate from the tree of knowledge. Thus, he can no longer be without sin of his own accord (*non posse non peccare*). This original sin is taken from

humans through Christ's sacrifice. Through baptism, humans are accepted into the covenant with God, which gives them the chance of not being defeated in the constant battle against evil and of not incurring God's punishment. Eternal life is attained by those whom God has chosen (*praedestinatio*). Only Calvinism has retained the doctrine of predestination in its more strict form of double predestination (*praedestinatio gemina*), i.e. the predestination of the elect and the damned. This became a very important aspect of doctrine in some strands of Calvinism.[89]

▲41

Drawing on traditions in Greek philosophy and certain tendencies in the New Testament, St. Augustine described the spirit as being in a battle with the flesh, which stood for the sum of all ungodly desires (the *concupiscentia*). A body-soul dualism emerges, which has fundamentally defined western Christianity.[90] The Christian confessions disagree on the issue of how the possibility of a new communion with God through baptism can be realised.

▲42

Catholic Europe

According to the Catholic view as codified in the Council of Trent (1545–1563), each Christian has a free will and participates in his own justification.[91] In this process, the (Catholic) church assists him through its teaching, the sacraments and the "treasures of grace" of the saints. Central to the forgiveness of sins is the sacrament of penance, during which the priest pronounces the forgiveness of sins (absolution) on God's behalf and prescribes the penance required to expiate the guilt.[92]

▲43

Lutheran Europe

As with the Reformed churches, the Lutheran understanding of God is initially clearly predestinarian, that is, it states that God justifies man and dispenses salvation. The works of man are never sufficient, as man is not capable of doing good of his own accord. It is the mercy of God that grants man, who is himself unworthy, salvation. In this explanation, God is analogous to a temporal prince and his law is analogous to a court judgement. However, this mercy is not "without consequences" like a simple testament, but rather it bestows faith. This faith manifests itself in good works, which should be understood as a consequence, rather than a prerequisite, of mercy: *sola fide, sed fides nusquam sola* (through faith alone, though faith never remains alone).[93] The external world is where both the believers and the non-believers, i.e. those who will not attain salvation even if they are baptised and are members of the external church, live and are active. Even though good works are irrelevant for salvation, Lutheranism developed a doctrine regarding the Christian life which emphasises the *tertius usus legis* (see Philipp Melanchthon (1497–1560) (➔ Media Link #b8)) and the pedagogical element of God's commandments. True belief is oriented towards the didactic standards of the commandments in terms of the works it motivates, and the commandments thus become ethical values. A society which ignores the direction provided by the commandments must expect the punishment of God. In this way, a world-ordering impulse became part of Lutheranism as well.

▲44

Reformed Europe

The almighty and just God is at the centre of the theology of John Calvin (1509–1564) (➔ Media Link #b9). Calvin is primarily concerned with the honour of God, and secondly with the certainty of salvation of the individual. The glorification of God occurs in this world in the fight against evil (Satan). According to Max Weber's (1864–1920) (➔ Media Link #ba) thesis, the capacity to contribute actively and freely to this glorification is for a Calvinist Christian a dependable indication of his being among the elect, i.e. if he has the *fides efficax*, the effective faith, which God bestows on the elect:

▲45

> Only one of the elect really has the fides efficax, only he is able by virtue of his rebirth (*regeneratio*) and the resulting sanctification (*sanctificatio*) of his whole life, to augment the glory of God by real, and not merely apparent, good works. It was through the consciousness that his conduct, at least in its fundamental character and constant ideal (*propositum oboedientioe* [sic]), rested on a power within himself working for the glory of God; that it is not only willed of God but rather done by God that he attained the highest good towards which this religion strove, the certainty of salvation.[94]

Discipline in the sense of constant self-control, of spiritual guidance, and also of a rigid monitoring by the congregation is therefore identified by some as an essential difference of Reformed churches from other confessions of western Christianity. Protestant

Europe, and particularly Reformed Europe, placed far more focus on living in accordance with internal ethical standards than Catholicism (with the possible exception of Jansenism),[95] Anglicanism, and the Orthodox Church. Reformed Protestants also endeavoured to Christianise the world: "regnum Christi (est) etiam externum".[96]

▲46

Orthodox Europe

The Orthodox religion does not have the same concept – which emerged in (western) medieval theology – of man's guilt before God, which can only be expiated through mercy (Protestantism), or through God's mercy and the "treasury of grace" of the church (Catholicism). The Orthodox Church is much more spiritualist in its anthropology. Even after the fall from grace, in spite of his sinfulness man retains a core of the divinity in whose image and likeness he was created. The Orthodox Church acknowledges man's free will and therefore his capacity for good.[97] Through the divine strength which God has bestowed on him (divinisation, *theosis*), man can contribute (synergy, synergism) to his own salvation and that of the world. This is not interpreted as a virtue – since the punishment-reward system is not so dominant in the Orthodox religion as in the West (➜ Media Link #bb) – but as a process of gradual "divinisation".[98]

▲47

Jewish Europe

Although it identifies a human tendency towards evil (evil drive, *jezer ha-ra*), the concept of the hereditary transmission of sin ("original sin") is alien to Judaism. There are only the current sins of deed. Man is free to choose good or evil.[99] The divine commandments, which secure the path to salvation, therefore appear as attainable rather than frightening. The entire people of Israel is chosen and became God's people through the Sinai Covenant, a Covenant which holds until the end of the world.[100] The sign of this Covenant is circumcision, by means of which the promise is passed on as an inheritance. Judaism also contains the concept of a Final Judgement. This is connected to a kind of sense of mission which views salvation as part of one's own responsibility, a sense of mission which views the world to come as a continuation of the current historical world, as the realisation of the "kingdom of God on earth".[101]

▲48

Islamic Europe

The concept of the existence of original sin which makes man inherently incapable of loving God with a free heart and of obeying the commandments – this "scenario of doom" is alien to Islam.[102] Man is weak and forgetful, but he is inherently good.[103] The view that the assumption of free will contradicts the idea of God's omnipotence – because God's judgement would then be dependent on man – has given rise to a concept of predestination, though this concept has not become dominant.[104] The Asharites formulated a middle path:[105] God has planned and predetermined everything, but man is relatively free in how he appropriates the options for action which God has made available to him. Thus, the full responsibility of man and his capacity to actually fulfil all of the commandments became central to Islam.[106] Man is God's *khalifa*, his representative.[107]

▲49

According to the Koran, an original covenant between God and man and an original revelation have existed since the beginning of time. Deep in his heart, man knows God and his absolute power; obedience and the power to submit to God's will is buried in each person and accessible to each person.[108]

▲50

Humans must fulfil the commandments both in the ritual and in the ethical spheres. The ritual commandments include the profession of faith (Shahada), regular prayer, fasting, the giving of alms and the pilgrimage to Mecca, which are symbolised by the five fingers of the hand of Fatima, a popular piece of jewellery. The ethnical commandments are the same as those in the Torah and the Old Testament:[109] Worship God alone, honour your parents, help the poor, do not kill, do not fornicate, do not steal, give just measure, and do not be proud.

▲51

There is no separation between the profane and the sacred/religious spheres of life:

▲52

> Das ganze Leben ist mit Religion durchtränkt, und wie es keine Trennung zwischen staatlicher und religiöser Instanz gibt, so gibt es im Grunde auch keine profanen Handlungen – jedes Werk soll 'im Namen Gottes' angefangen und in Verantwortung vor Gott ausgeführt werden. Der Mensch steht unmittelbar vor Gott, eine Priesterkaste existiert nicht.[110]

Salvation which is secured by doing good deeds and refraining from evil deeds is not sufficient for those Muslims who embark on the path of approaching God through Sufism,[111] an Islamic mysticism which developed from the 9th century.[112] The mystic[113] is the quintessential indigent (Arabic *fakir*, Persian *darvish*, he is referred to as a Sufi due the woollen garment [*suf*] which these ascetics originally wore, the mystical endeavour is referred to as *tasawwuf*).[114] Repentance and inner purification are at the core of this mysticism. Repentance begins with an intensive examination of the soul. The Sufis see man's enemy as residing in man's own nature, in his *nafs* (the ego-self). The mystics see the *nafs* as evil/Satan within man.[115] The aim of Sufism, like all mysticism, is to attain a vision of God, and ultimately a union with God.[116] The Dervishes /Sufis formed religious orders (➜ Media Link #bc).[117] All founders of orders were venerated as saints (Arabic *Wali Allah* means "one who is close to God"), the reliquaries of whom attracted large numbers of the faithful. In addition to the mosques, the Dervish monasteries were "Zentren sozialen Lebens" ("centres of social life") in Balkan cities.[118] The Mevlevi Order played an important role in this context (➜ Media Link #bd).

▲53

The dress of the dancing Dervishes is a reminder of man's mortality and God's mercy. The tall hats symbolise the gravestone; the black coat worn over the Alba symbolises the grave, and the white dancing gown symbolised the shroud. The palm of the right hand faces upwards to symbolise the undeserved mercy of God; the palm of the left hand faces downward because the mercy is passed down to earth, to humans, animals, plants and stones.

▲54

God's House and Worship

Catholic Europe

The altar is central in a Catholic church.[119] It is a symbol of Christ, who sacrificed himself. It is also a holy tomb and thus is a reminder of the "treasury of grace" of good works, which the church possesses.[120] The rood screen separates the clergy from the laity[121] who is not permitted to enter the separate space behind the rood screen.

▲55

Particularly in the baroque era, the Counter Reformation Catholic Church emphasised the glory of God and the veneration of saints, and focused on the seeing of ritual acts instead of the hearing of sermons.[122] The high altar as the site of transubstantiation and the tabernacle as the place where the host is stored and worshiped as the real and present Christ were directly connected with one another (➜ Media Link #be).[123]

▲56

The Counter Reformation aims as manifested in the Tridentine Mass clearly focused worship on the high altar and the tabernacle with the expositorium. The relationship to God is established through the consecrated host, in which Christ is present. It is the essential element of the service, which is why not even the presence of the faithful is ecclesiologically necessary for the service.[124] The ambo (the raised place from which the Gospel is read) and the reading of the Gospel became unimportant, and the sermon became ritual in form (➜ Media Link #bf).[125]

▲57

Given the particular ornateness of the church buildings in the post-Reformation period which served to depict and created a sacred space outside of everyday existence – and which created a distance between the priest, who had previously been a "normal" part of society, and the parishioners –,[126] the way in which the congregation moved in this space is surprising. Even during the service, the people wandered around, chatted, made contacts, and conducted business: "[E]ine allgemeine Unbefangenheit und Respektlosigkeit im heiligen Haus, die sie eher an das Treiben auf dem Markt erinnerten, fielen den protestantischen Autoren auf und deuteten darauf hin, dass hier offenbar ein merklicher konfessionskultureller Unterschied bestand."[127] The house of God was and remained a "multifunktionaler sozialer Ort" ("multifunctional social site").[128]

▲58

In addition to being the site of salvation and a site of social interaction, the church was also the site of effective apotropaic (warding off evil) remedies for the vagaries of worldly life. Blessings, sacramentals, and sacraments, served as a means to preserve existence and protect against dangers. The rite was central, not – as in Protestantism – the inner attitude of the believer. Andreas

Holzem (*1961) (➔ Media Link #bg) therefore speaks of an "instrumentellen Religionsverständnis" ("instrumentalist understanding of religion ").[129]

▲59

Lutheran Europe

Lutheran churches are similar to Catholic churches in many respects. The Reformation did not remove all images and statues. Martin Luther (1483–1546) (➔ Media Link #bh) was content as long as the images were not being worshiped. Neither did the Lutherans have any problem with retaining the old altars and continuing to use them. However, they did no view the altar as a holy tomb or as a symbol of Christ, but as a reminder of the Last Supper (➔ Media Link #bi), as a place where the congregation of the faithful come together.[130] The rood screen was not dispensed with, but the faithful enter the space which it separates off during Communion, which is a symbolic expression of the priesthood of all believers.[131]

▲60

Of central importance and as important as the altar is the pulpit, from which the word of God is read. It became the second pillar of Lutheranism's understanding of itself, as – according to Reformation thinking – God himself comes to the people in the sermon.[132] The altar symbolises the redemptive effect of the sacraments, and the pulpit symbolises the power of the word of God, which Christ himself is. Lutheran church design reached its apogee in the pulpit-altar, in which the preached word and the visible word (sacrament of Communion) come together (➔ Media Link #bj).[133]

▲61

In contrast to the Catholic church, which was viewed as a multifunctional space, Protestant churches were more strictly separated from profane life as sacred spaces. As they served solely for the holding of services, they were locked at all other times. During the sermons (➔ Media Link #bk) and the Holy Communion services, the congregation sat still for long periods in their pews.[134] Like auditoria, the churches were designed for the purpose of listening to the preacher.

▲62

According to the Lutheran *Haustafel*, not only is the church a house of God, the family home is one, too. The man of the house, in his capacity as a lay priest, should therefore read the Bible aloud and provide for Christian life in the house. The Lutheran devotions for the home played a particularly important role during the era of pietism.

▲63

Reformed Europe

In contrast to Lutheran churches, Reformed churches are free of images. In the Reformed version (and the Orthodox version) of the Ten Commandments, a second commandment is added which forbids the worshiping of graven images. Thus the Reformed version differs from the traditional version (retained by both Lutheranism and Catholicism): "You shall not make for yourself any image or likeness of anything that is in heaven above or on the earth below or in the water beneath the earth. You shall not worship them or serve them."

▲64

And in contrast to the Lutheran service which was based on the Latin Mass and was thus referred to as the "German Mass", the Reformed service was based on the late medieval *Predigtgottesdienst* (sermon service) without Communion or singing. Like Zwinglian churches, Calvinist churches were free of images and crosses. The altar was replaced by the Communion table (➔ Media Link #bl). The Communion wafer was replaced with broken bread.[135]

▲65

As in Lutheran churches, the pulpit is central in Reformed churches, and it is often connected with the Communion table. When new churches were being built, the central role of the sermon was further emphasised by desiging the church like an auditorium. The floor plan was sometimes – as in the Noorder Kerk in Amsterdam – developed from the Greek cross. The compulsion to have the church building oriented towards the east was dispensed with. A plaque containing the Ten Commandments, which it was the duty of the elders to uphold, could be found in practically every Reformed church (➔ Media Link #bm).

▲66

Orthodox churches are either basilicas or are centralised in layout with an onion-dome roof, which symbolises the presence of heaven on earth and thus gives expression to the idea of the divinisation of man.[136] Orthodox churches are very ornate because they symbolise the perfection to come. They are a reflection of the next life (➔ Media Link #bn).[137]

▲67

The iconostasis separates the nave from the sanctuary (which contains the altar), but its icons depicting the saints and Christ also create a connection between the heavenly and the worldly church. It is a primary feature of Orthodox churches (➔ Media Link #bo).

▲68

Jewish Europe

The synagogue is not only the house of God, it is also the focal point of the congregation. At various times in history, it additionally housed the court and (often) the school, as well as serving as a hostel and housing charitable institutions.[138] Up to the 19th century, it was the centre of a large part of Jewish public life.[139] A synagogue could only offer regular services if a quorum (*minjan* = ten adult men) had been reached. Particularly in the Holy Roman Empire where Jewish settlement was dispersed, this meant that multiple congregations had to join together to maintain regional synagogues.[140]

▲69

The synagogue is always orientated towards Jerusalem. The Torah shrine is located at the wall which faces Jerusalem.[141] Architecturally, synagogues often exhibit Christian and Islamic influences. Some synagogues in Moorish Spain were basilicas with side-aisles or big halls.[142] In the case of the basilicas, the horse-shoe arch was adopted from Islam. In central and eastern Europe, one can find synagogues in the form of double-vaulted basilicas or simple halls with a flat ceiling or a domed roof. The bema (also known as the alememar) is always in the centre of the synagogue. The Torah is read from the bema (➔ Media Link #bp).

▲70

In traditional synagogues, there was typically a separate area for the women (➔ Media Link #bq). An eternal flame (*ner tamid*) and usually an artistic reconstruction of the seven-branched candle holder (menorah) are kept in many synagogues, as they were in the Temple of Jerusalem (➔ Media Link #br).

▲71

A Jewish house is considered to be holy similar to a synagogue. Two containers either side of the entrance door and internal doors contain parchments with the Shema (Fifth Book of Moses 6: 4–9) and the warning not to worship any other gods (Fifth Book of Moses 11: 13–21). These are touched with two fingers on the right hand as one enters and leaves, and the fingers are then kissed. When they cannot attend worship at the synagogue, devout Jews perform their thrice-daily prayers at home by putting on the prayer shawl and binding the prayer boxes (tefillin), which contain the verses from Deuteronomy from the house case, to their head and arm. The kippa remains on his head, as always.

▲72

The practicing Jew then prays quietly to himself, as does the congregation in the synagogue. At each of the three daily prayer times, the congregation always says the Shema and the Eighteen Benedictions, the individual statements of which are similar to the Christian Lord's Prayer (God is praised; the worshiper requests the forgiveness of his/her sins, and prays for the fertility of the land and the return of the scattered people of God to the promised land).[143]

▲73

The Sabbath is the holy time, a foretaste of the time of salvation.[144] The beginning of the Sabbath on Friday evening is celebrated in the synagogue by means of communal prayers, psalms, and hymns. At home, the woman of the house lights the Sabbath candles, recites a blessing, and waves her hands over the candles in order to fill the room with their light (➔ Media Link #bs).[145] Then the father of the house performs his lay-priestly duties.

▲74

The reading of the weekly text from the Torah, the reading of the *haftarah*, and (these days) a sermon are central elements of the morning service on the Sabbath.[146] Sermons were first introduced in 1821 by Isaak Bernays (1792–1849) (➔ Media Link #bt) in the

synagogue in Hamburg.[147]

The service in the synagogue is communal prayer in Hebrew and sometimes in Aramaic.[148] It is a lay service. By touching the Torah scrolls, those present symbolically affirm their membership of the community of the Torah. The reading of the weekly Torah text, which is done by members of the congregation or by a permanent cantor, is introduced by the Shema.[149] In the *Nishmat Kol Chai*, the community prays:

> Wär unser Mund voll Gesang wie das Meer, unsre Zunge voll Jubel wie das Rauschen der Wellen, unsre Lippen voll Rühmens wie des Himmels Weiten, unsre Augen leuchtend wie Sonne und Mond, unsre Hände ausgespannt wie Adler des Himmels und unsre Füße schnell wie Rehe, wir würden nicht genügen zu loben Dich, Herr, unser Gott, Gott unsrer Väter, und Deinen Namen zu preisen für eins von den tausend und aber tausend Milliarden mal, da Du Gutes getan hast an unsern Vätern und an uns.[150]

Just as the Sabbath is welcomed like a glorious bride on Friday evening, the Sabbath is concluded on Saturday evening with the *Habdalah* ("separation"), which separates the feast day and the working day.[151]

Islamic Europe

It is necessary to differentiate between Islamic prayer houses for daily prayer and the mosques in which the congregation gathers for Friday prayers.[152] Only the mosques for Friday prayer have a *minbar*, a kind of "pulpit". The prototype for all mosques is the house of Mohammed (ca. 570–632) (➜ Media Link #bu) in Medina,[153] in the garden of which the Prophet spoke to his followers from a high stool. After the Prophet's death, a mosque was built on the site of the house, and, at the point facing Mecca where Mohammed used to pray, a niche was built, which was intended as a reminder of his presence (*mihrab*). The original mosque did not have a minaret. In the Ottoman Empire, this design was developed further into the cupola mosque, which was also based on the formerly Christian cathedral Hagia Sophia. Minarets were only added to mosques at a later point, and they were based on the lighthouse Pharos in Alexandria (the name *minaret* comes from *manara(tun)* meaning lighthouse). The mosque is not a consecrated site. Outside of prayer times it serves as a place of peace and a meeting place, a place to take a midday nap, and a place of learning. However, the floor inside must be kept clean for pray, hence the rule that shoes must be taken off before entering a mosque. Apart from the pulpit (*minbar*) from which the address is delivered, the space is empty. The floor is only covered with mats. On Fridays, midday prayer and a sermon are delivered from the pulpit. Friday mosques can only be found in larger centres.

Law: Sin and Crime

Christian Europe

Though one must differentiate between sin and crime,[154] during the early modern period every crime was considered a sin by all the Christian confessions, because all of them viewed law as being anchored in God's will. Thus, it is worthwhile searching for sacral aspects in civil law and criminal law. For example, it was not unusual for temporal courts – such as, for example, the *Ruggericht* in Württemberg – to pass judgement on religious trangressions/sins as well, until special church committees (presbyteries) were established for this purpose in the mid-17th century.[155]

A defining characteristic of confessional Europe in the Early Modern period was the existence of special institutions dealing with matters of religious law (such as marriage) and sins. One such institution was confession. It is an expression of the contrition of the sinner; it facilitates the admission of sins and enables the seriousness of the sins to be established, before the priest provides forgiveness and the sinner is atoned with God (in Catholicism, this involves the imposition by the church of measures to be performed as penance).[156] Individual confession featured in Catholicism, Anglicanism, the Orthodox Church and in some forms of Lutheranism, though penance is not considered a sacrament in Lutheranism. However, confession does not exist in Judaism, Islam, or the Reformed churches. The same purpose was served by the various church councils, and episcopal-archidiaconal and parish committees for morals (in the Catholic church the so-called "send court" or visitation court; in Anglicanism the churchwardens; in Lutheranism the presbyteries and *Kirchenkonvente*; in the Reformed churches the consistories (the titles of which changed)), which were also intended to protect the community, which could be viewed as complicit in sin by failing to punish it.[157] In

the Early Modern period, all of the western Christian churches moved from the doctrine of mortal sins to the Ten Commandments as the central ethical principles. Thus the Ten Commandments formed the legal basis for the Christianisation of the world, towards which the confessions strove.[158]

▲80

Jewish Europe

Jewish law is based on the Torah (the Pentateuch or, as Christians refer to it, the five books of Moses). In addition to the narrative parts, the Torah contains many legal prescriptions regarding social behaviour and the ritual sphere. The original text was supplemented by early interpretations of the law, which are sometimes referred to as the "oral Torah" (the so-called Mishna, which was recorded around 220 CE). The Mishna itself was subsequently interpreted in the so-called Gemara (the Gemara of the Babylonian Talmud summarises this ongoing interpretation up to the 7th century; the Gemara of the Jerusalem Talmud only runs up to the 5th century). The Mishna and Gemara together make up the Talmud.[159] The Babylonian Talmud became the standard version for the Jewish tradition. The Torah, the Talmud, and the communal Takkanot, which were legal decisions at communal level revising existing law which were often based on authoritative legal opinion from outside the congregation, together made up Jewish religious law: the Halacha. The word Halacha (Halachot in plural) comes from the verb "to go" and refers to going before God (it is semantically similar to the concept of "progression" or "life progression") as the source of law.[160] Halacha therefore means prescriptions for a life that is ethically and ritually correct.

▲81

Jewish law thus encompasses all aspects of life, not just religious rites and religious behaviour in the narrower sense.[161] In particular, Jewish law governs property rights. The law pertaining to religious rites deals with questions relating to marriage and inheritance as well as the purity of religious rites. In central Europe, the *Shulchan Aruch* ("Laid Table") by Rabbi Joseph ben Ephraim Caro (1488–1575) (➜ Media Link #bv), who was born in Toledo, became a standard. He summarised all the relevant commandments, prohibitions, and customs (*minhagim*) in a kind of handbook.[162] His work became authoritative in Sephardic Judaism and, after Rabbi Moses Isserles (ca. 1525–1575) (➜ Media Link #bw) from Cracow had adapted the *Schulchan Aruch* to Ashkenazi traditions), in Ashkenazi Judaism as well. It became "[eine] Art geschriebenen Verfassung für das Leben der Juden, für das Verhalten in der jüdischen Gemeinschaft ebenso wie für die Beziehungen zur christlichen Umwelt".[163] Jewish law was interpreted and applied by the rabbi, who had studied law, and the judges in the rabbinical court of the congregation.[164]

▲82

Islamic Europe

Islamic law (➜ Media Link #bx) is referred to as "Sharia". The word is derived from the word for a watering hole (for horses) or the path leading to it. Thus, it means the path to the source, i.e. the path to God. Sharia is the totality of all expressions of the will of God, of all his commandments.[165] It includes religious and ritual duties as well as judicial and political rules.[166]

▲83

These rules are contained in the Koran or in the *hadiths*, the words and deeds of Mohammed and his followers in the original congregation in Medina (i.e., tradition). The third source is legal judgements establishing precedents, which are collated by four legal schools. Sharia is therefore not a complete and comprehensive law code, but a living and practice-based system of law. The view – which was dominant in Western Islamic studies for a long period – that Sharia primarily constituted a doctrine of ethical precepts while justice was based on the dictates of the (political) authorities has since been disproved by intensive research into Islamic legal practice.[167] It can be proved beyond doubt even for 11th-century Moorish Cordoba that court proceedings were based on "sakral motiviertem Juristenrecht (*fiqh*)",[168] which was continually further developed by lawyers.[169]

▲84

Law was practiced by the cadi.[170] In accordance with the Islamic understanding of the nature of law, he passed judgement on sins as well as on transgressions and crimes, i.e. on temporal and religious misdemeanours. Contrary to the perception created by Max Weber's description of irrational "Kadijustiz" ("cadi justice"), this justice was by no means arbitrary, but was dispensed in orderly proceedings with professionally trained lawyers on the basis of law that was considered and which was constantly being further developed[171] – and with reference to the legal reports of the *mufti* (*fatwa*) and the judgements of learned consultations (*Shura*), which performed the function of a *mufti* in this instance, i.e. they translated and clarified the word of God.[172]

▲85

Marriage and Family

Law which is based on religion claims the right to order the lives of the people in compliance with the commandments of God. This applies in particular to those institutions which were viewed as being at the heart of society in the Early Modern period and in the 19th century: marriage and family.

▲86

Catholic and Anglican Europe

In Catholicism, marriage is a sacrament which the bride and bridegroom administer to one another reciprocally and which is based on their agreement to marry. Catholic confessionalisation was more focused on the individual and on official church piety,[173] but Catholic courts nonetheless endeavoured to regulate marriage and family life. "Send courts" consisted of local judges (similar to churchwardens in Anglicanism), who were obliged to report to the archdeacon or the bishop annually on the moral and religious life of the congregation. However, these courts only existed here and there in central Europe.[174] In England, on the other hand, the visitation ("send") survived, even in the face of Puritan efforts to establish the independent control of the individual congregation over moral standards.[175]

▲87

Where the send court no longer existed, all judicial matters concerning marriage were under the remit of the *Offizial* or the archdeacons. Prior to the Reformation, women often appealed to the religious courts to have marriages upheld or to have their husbands censured.[176] A study of Bavarian Catholic archdeaconries concludes that they did not recognise the untrammelled right of the *paterfamilias* to exercise physical control (*Züchtigungsrecht*), but that they condemned this use of physical force as "tyrannical" when it went beyond a certain level.[177] Complaints of violence constituted about two-thirds of the complaints of women.[178] "Gewalt scheint für die große Mehrheit dieser Frauen eine dominante Erfahrung und womöglich das entscheidende Motiv gewesen zu sein, gerichtlich gegen ihre Männer vorzugehen."[179]

▲88

In France, the temporal justice system decided on matters relating to marriage. During the emergence of the Gallican church order in the early 17th century, marriage law was also transferred to the state judicial system. The *Châtelet* in Paris adjudicated on the dissolution of marriages and the division of property.[180] The files of the Commissariat in Paris contain the so-called "Lettres de cachet", the orders issued by the commissar in the name of the king imprisoning or banishing people. One-third of these related to marital conflicts. Most cases involved wives issuing complaints against their husbands for ongoing transgressions.[181] Complaints relating to violence were particularly common.[182]

▲89

> Vater und Mutter, Mann und Frau erwarten vom schuldigen Familienmitglied, dass es sich von seinen Untaten abwendet und sich in seinem künftigen Leben an den Normen orientiert, die ihm sein Umfeld vorgegeben hat. Die Reue erscheint hier als eine Form gesellschaftlichen Zusammenlebens: Wenn gegen die Ordnung verstoßen wird, muss die Strafe den Verurteilten gleichzeitig zur Zustimmung und zur Unterwerfung bewegen.[183]

Lutheran and Reformed Europe

In Lutheranism and Reformed Protestantism, marriage was viewed as a "weltlich Ding" (secular affair), even though it remained a "heiliger Stand" (sanctified estate). It was placed in the competence of the marriage courts/consistories which were newly established in both confessions. As a "weltlich Ding", marriage was fundamentally dissoluble, but these (central) marriage courts and (local) consistories were primarily concerned with reconciling the fighting spouses.

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As the Reformed confession in particular fundamentally viewed all "secular matters" *sub specie aeternitatis* as being of relevance to the relationship of the congregation and the individual to God (i.e., as relevant to salvation), it is not surprising that the resolution of conflicts within marriage became a primary task of the consistories which were a fundamental feature of this church – in contrast to Lutheranism, where local *Kirchenkonvente* were not universal. In roughly three-thirds of cases, marital conflicts were brought before the courts by the wives.[184]

▲91

In 1665, the following case was heard in the *Kirchenkonvent* of Unterjesingen in Württemberg: The accussed was Johannes Heinrich Heyer, who "sein junges weib übel tractieren vnd gar zu hart halten solle, dessentwegen vor dem kirchenconvent angebracht; … ist ihme ernstlich auferlegt wordten, dass er fürauß mit seinem eheweib früdsamer leben oder im widrigen [Fall] bey oberampt

verclagt werdten mieße."[185] Though he tried to justify his violence as a response to the attacks and transgression of his wife, who he accused among other things of poor housekeeping, the court found against him. Thus, David Warren Sabean (*1939) (➜ Media Link #by) concluded in his study on Württemberg that husbands were at all times obliged to prove themselves to be hardworking, responsible, and of sober habits.[186] The women used the ideology of the good *paterfamilias* deliberately and instrumentally to discipline their husbands.[187] "Patricarchy was a program rather than an entity, or perhaps better, an idiom through which significant critical discussion is always took place."[188]

▲92

If one summarises the primary source studies on marital conflicts adjudicated upon by the Reformed and Lutheran moral courts/consistories,[189] the picture emerges of an alliance between these courts and wives. In particular, the punishment of violence indicates a trend towards more partnership and less subjugation of wives to their husbands. While Protestantism fundamentally strengthened the patriarchy, it also established limits to it. Precisely because it was understood as "rechte Herrschaft" (just rule), the patriarchy was a "zweischneidiges Schwert" (double-edged sword).[190] Excessive violence was evaluated as tyranny and husbands were punished if they "mit iren wyberen gar tyrannisch handlen".[191]

▲93

Orthodox Europe

As in the Catholic and Protestant regions of Europe, in the Orthodox Church the unity of the bride and bridegroom establish the marriage (in principle). However, as early as the 10th century, the legal validity of marriage became dependent on the couple being crowned by a priest.[192] Thus, in contrast to Catholicism, the priest dispenses the marriage sacrament.[193] The reciprocal promise of fidelity nonetheless constitutes the essence of the marriage sacrament, and the couple participate in the performance of the sacrament by making this vow, but the priest's blessing is required for the completion of the sacrament. There are no studies investigating the practical application of law regarding marriage comparable to those which exist for Catholicism and Protestantism.

▲94

Jewish Europe

Celibacy and a respect for unmarried life did not exist in Judaism after antiquity. Preachers and rabbis had to be married,[194] as marriage was seen as demonstrating their trustworthiness. Inside marriage, sexual intercourse was forbidden during the period of "impurity" of the woman (during menstruation and the seven days afterwards, its end was marked by a bath in the *mikvah*). However, it was permitted at all other times regardless of whether the conception of a child was intended or not.

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Due to the strict separation of the sexes, it was nearly impossible for young Jewish people to choose their own partners. Arranged marriages were the norm.[195] A girl's father usually looked for a suitable son-in-law,[196] though professional matchmakers existed from the medieval period. From a legal perspective, the establishment of a marriage involved – and still does right up to the present in orthodox Judaism supported by legal provisions in the state of Israel – the unilateral acquisition of the woman by the man.[197] During the medieval period, males married at 15 or 16 years, and females at 13 or 14 years.[198] In the Early Modern period, marriage age among Jews became fairly similar to that among Christians, who (both men and women) tended to marry around 25 years of age.[199] In 18th-century Berlin, men married around 31 years of age and women around 24 years of age. Wealthier people could marry earlier than people from the lower social classes. In Judaism, a divorce was possible, but due to the "purchase character" of marriage, it was effectively only possible for the man to procure a divorce.[200] However, a wife could try to acquire a divorce in the rabbinical court (*bet din*) in the event of serious transgressions on the part of the husband.

▲96

Matrimonial property law and inheritance law played a decisive role in marriage, the distribution of power, the relationship between the spouses, and the relationship between the generations within a family.[201] The Mishna excluded women – both wives and daughters – from legal inheritance.[202] However, daughters had the right to a dowry of 50 dinars, which was paid directly to them. They received 200 dinars from the bridegroom, corresponding to their living costs for a year. A double revolution occurred in the medieval period in central European ("Ashkenazi") Judaism.[203] On the one hand, a prohibition on polygamy was introduced and a wife could no longer be divorced against her will. On the other hand, a "balancing of the sexes" occurred with regard to property rights as follows: in addition to the minimum *ketuba* of 200 dinars, 50 silver marks for the dowry which the wife brought and 50 silver Marks as compensation in the event of the dissolution of the marriage (thus 100 marks altogether) became a standard component of marriage contracts in the form of a bond put up by the husband.[204] This was an enormous sum, even exceeding the imperial taxes of the Jewish congregation in the city of Speyer (80 Marks). This standard sum was defined as a customary right in rab-

binical literature in the 12th century. In view of the fact that the minimum sum from antiquity of 200 dinars corresponded to a paltry 2 marks, this development constituted a massive rise which was tantamount to the widow having a claim to the entire estate of her husband. This bond system made the widow the sole heir without (technically) transgressing against the Mishna.[205] From the 13th century onward, daughters could lay claim to an equal portion of the estate as sons after the death of both parents.[206]

▲97

Due to the importance attached to the concept of the "learned man", wives were also often the heads of their households, that is, they were primarily responsible, or at least carried a considerable degree of responsibility, for the family's financial security. In addition to the situation of wives being improved in property law, this gave rise to the unusual situation where families were "nicht zwingend patriarchal organisiert" and "eine Partnerschaft mit gleichen Rechten und Pflichten für beide Seiten" often existed.[207] Historical sources which give insights into the personal and familial sphere frequently attest to good relationships between spouses.[208]

▲98

Domestic harmony is a prerequisite for harmony in the congregation, which therefore has an interest in conciliating in the event of matrimonial and familial discord through the congregation court.[209] Husband and wife were not really equal before these courts. Infidelity on the part of the wife was considered absolute grounds for divorce, but the same did not apply for infidelity of the part of the husband, and husbands did not even face sanctions for infidelity. Remarkably, Jewish moral literature explicitly rejects the physical punishment of a wife by her husband.[210] There was a consensus among the authors on the parity of esteem between husband and wife and on the point that a husband should not have any form of power which his wife does not have.[211]

▲99

The court records and rabbinical texts, particularly the reports of the "rabbinical responses", show that rabbinical courts often adjudicated on marital infidelity, but also intervened to prevent the abuse of wives.[212] However, apart from the glimpses contained in court records and personal documents, there are no sources which give insight into the internal management of marital relationships before 1800 and, consequently, no studies exist on this topic.[213]

▲100

Islamic Europe

The androcentric and misogynist gender attitudes prevalent in Arabic society at the time of the emergence of Islam[214] – like contemporary Christianity and Judaism – placed the woman in a subordinate position to the man, though both sexes were equally obliged to adhere to the ethical commandments and both sexes had an equal chance of salvation.[215] Sharia clearly privileges men – in a similar way to the Old Testament.[216] Sura 4:34 of the Koran reads as follows: "Men are in charge of women because God has created them superior to women and because they spend their property (for the support of women)." This nonetheless placed wives in a clearly better position compared with pre-Islamic law. Wives now received the "bride price" (*mahr*) themselves instead of their families of origin, and they were now allowed to control their own property.

▲101

In Islam, marriage is a legal contract between the bridegroom and the bride, who is represented by an advocate – usually her father.[217] Thus, in practical terms, marriage is traditionally an arrangement between the father of the bride and the bridegroom.[218] The bride can only consent to getting married if she is an adult. In the case of minors, the girl's guardian (also usually her father) can conclude the marriage contract with the bridegroom without the bride's consent.[219] When she reaches the age of consent, the bride can exercise her right to withdraw from the marriage and can get a divorce.[220]

▲102

Therefore, agreement between the couple was theologically irrelevant, though this did not preclude the possibility of marriage for love, which in the present day is common even in avowedly Islamic states such as Iran, particularly in the cities. The husband has to provide for his wife and children in a sufficient manner, and the wife has to run the household and raise the children. In addition to providing offspring and companionship, marriage also had the function (which was viewed positively in Islam) of satisfying the sexual drive, which is only permitted inside marriage and not outside.[221] Marriage is in fact a duty.[222] A man can marry up to four women, but he is obliged to provide sufficiently for all of them and treat them all equally, though many theologians view this as impossible and therefore argue that monogamy should be compulsory. It is possible to disown one's wife even without a judicial process. In practice, as death registers and cadi records show, instances of polygamy were a rare exception to the norm. Files from 17th-century Bursa in Anatolia show that, out of 2,000 male deaths, there were only 20 instances of polygamy.[223] Research into court reports from 16th- and 17th-century Anatolia has shown that less than 5 per cent of men had several wives.[224] Records for Nicosia (Cyprus) also prove that polygamy was "unusual".[225]

A wife can secure a divorce by judicial means[226] if her husband is not providing for her in a sufficient manner, is terminally ill or impotent, has stayed away for too long, or has treated her insufferably badly, as the divorce cases adjudicated by the cadi office in Nicosia in the 17th century demonstrate.[227] In the legal language of the cadi courts, the term "mutual incompatibility" (*adem-i imtizac*)[228] has emerged as a topos in cases where divorces are granted at the request of the wife.[229] The wife could also cite "incompatibility in bed" as grounds.[230] And divorces were very frequent, even those which occurred at the request of the wives.[231]

A wife could also bring charges against her husband for abusing her in the cadi court without requesting a divorce. The cadi office of Kayseri, the records of which have been comparatively well researched, did not uphold the principal of the obedience of the wife or her incarceration in the home as stipulated in Sharia law, and the cadi also came to the aid of women in cases of unwanted marriages.[232] The protection of wives under Islamic law has not only been proven with regard to Kayseri in the Anatolian interior, but also for Cyprus in the period between 1571 and 1640. In fact, Jewish and Orthodox Christian women in Cyprus sought to secure the same degree of protection for themselves in the event of conflict within marriage.[233] In spite of regional differences in the social order, Sharia played a central role in the entire Ottoman world.[234] It would appear that cadis increasingly intervened even in existing marriages with the aim of stabilising them.[235] Financial support of the wife, property protection, and penalising marital violence were dominant themes.[236] In medieval Cairo, Damascus and Jerusalem, cadis also took an increasingly hard line against men who abused their wives or did not provide for their maintenance.[237]

In general, research into the office of cadi[238] in various locations demonstrates that they were loosely comparable with Christian marital and moral courts, for which a degree of cooperation between wives and the court has also been demonstrated, which strengthened the position of the wife within the marriage and the family. Might this explain why in the Balkans marital conflicts been Christian couples were often brought before the cadi, whose judgements were based on Sharia law?[239]

Congregation

Christian Europe

Christianity is "innerhalb einer Gemeinde praktiziert. Im Normalfall unterscheiden sich christliche und weltliche Gemeinde nicht voneinander."[240] The entire Christian part of Europe was covered by a network of parishes or "congregations". In some cases parishes were coterminous with temporal communities. In others, a system of interconnected parent congregations and offshoot congregations remained connected to one another. Towns and cities, on the other hand, were often divided into multiple parishes.[241] In general, membership of a parish was more central to the individual's sense of identity in Lutheranism and Reformed Protestantism. Luther, Huldrych Zwingli (1484–1531) (➔ Media Link #bz), Martin Bucer (1491–1551) (➔ Media Link #c0) and Calvin sometimes referred to a congregation which gathers together in Christ's name as "the church".

Catholic Europe

"Das Konzil von Trient kanonisierte die Pfarrei im wahrsten Sinne des Wortes; sie wurde zur Heilsbedingung für die Seelen."[242] Easter Communion, attendance at High Mass, and the catechism for children became obligatory and tied to the local parish. In the parish register, priests recorded information about their "flock".[243] What was peculiar to Catholic Europe was that the faithful not only gathered together in the context of their own parishes, but they also formed confraternities which – with the exception of the Jesuit Marian Congregations – were hardly subject to clerical supervision at all.[244] They were very popular in central Switzerland, Italy, and Spain.[245] In addition to charity work and establishing harmonious community relations, the main activities of the confraternities included organising festivals, confraternity dinners, and pilgrimages.

However, the congregation played a far greater role in the structure and organisation of the Protestant churches. The link between temporal community and religious congregation in the form of local institutions for enforcing moral standards, through which the congregation performed "episcopal functions" itself, was more typical of Lutheran Europe and, in particular, of Reformed Europe. It must be noted, however, that the communion of the Eucharist as a virtual family – as Max Weber put it – contributed to the gradual decline in importance of extended families and factions compared with the congregation and the emergence of a voluntary commu-

nity based on an oath, which formed the basis of the communal principle in Christian Europe.[246]

In a study on the "Messe als soziale Institution" ("Mass as social institution"),[247] the Eucharist is portrayed as a social sacrament.[248] During the Eucharist, everyone performed the kiss of peace, the pax, in ritual form to affirm the fraternity which now existed between them and then went to receive Communion together. The pax made Communion a reconciliatory gathering with one's neighbours. The Council of Trent even incorporated into church dogma the idea that Communion reconciles all members of Christ with one another and restores a state of peace within the Christian community. According to this dogma, setting aside animosity and re-establishing friendship brings God's favour to all believers, and the social sacrament of Communion thus grants access to God's mercy through the congregation.[249]

Anglican Europe

In Anglican England where church discipline remained integrated into the episcopal structure of the church, church discipline nonetheless rested on the local churchwardens.[250] They were directly elected by the community, but they possessed no judicial powers themselves – they could only refer matters to the episcopal or archidiaconal level. A more communalised form of church discipline, as favoured by the Puritans, was not established. Puritans were thus forced to take recourse to the lowest temporal courts, for which the community had voting rights.

Lutheran Europe

The congregation, upon which Luther theologically conferred priesthood as a community of believers and among whom the actual priest was only a believer with special responsibility, nevertheless assumed the role of the "flock" in central Europe, while the priest as "pastor" assumed the role of leader of the congregation. It was usually the priest who was responsible for maintaining moral standards. He examined parishioners before Communion and excluded parishioners from Communion.[251]

However, church discipline on the basis of presbyteries existed from the very beginning in Scandinavia and in some German Lutheran territories (such as in Nassau-Dillenburg, Hesse, Palatinate-Zweibrücken, Palatinate-Neuburg and the Württemberg possession of Mömpelgard [Montbéliard]).[252] Even in Lutheran territories where the church was more hierarchical and state-dominated, a kind of communal responsibility for moral standards emerged here and there over the course of time. The dukedom of Württemberg has been particularly well researched in this context.[253] Up to the introductions of *Kirchenkonvente*, the temporal court in the village had monitored and enforced adherence to the Ten Commandments.[254] It was charged with preventing blasphemy, foul language, non-attendance at church, non-attendance at catechism, non-observance of the Sabbath or Sunday rest, the emergence of sects, magic, fortune-telling, disunity between spouses, between neighbours, or between parents and children, marital infidelity, fornication/sex before marriage, wastefulness, drunkenness, gambling, theft, usury, and illegal trading (engaging in trade outside of municipal market regulations).[255] Thus, an "un-Lutheran" mixing of the two realms or governments had occurred, in "Lutheran Spain" of all places (as Württemberg was known).[256] This phenomenon of church discipline in the broader sense (moral discipline) being enforced by temporal courts also existed in Schleswig-Holstein and Denmark, and was thus not unique.[257]

In Württemberg, Communion acquired a central role in the context of the Lutheran practice of enforcing discipline through *Kirchenkonvente*, which were introduced there in the mid-17th century. "The community was understood as being constituted within ritual."[258] This rite generated a big incentive for adversaries to reconcile their differences. Reconciliation with one's neighbours was also a prerequisite for participation in Communion in Denmark and Sweden.

The self-administration of the church in Sweden appears – precisely by virtue of its self-regulating nature – to have contributed to effective social discipline.[259] The Swedish Lutheran church had a form of church discipline which appears un-Lutheran in its severity, with its small and large anathema. In Denmark, the tradition of village autonomy was even stronger than in Sweden. At the lowest level, congregations possessed a power of enormous significance in the right to elect their own priests. Even after the crown had transferred the right to appoint priests to external patrons in the 17th and 18th centuries, the congregations still retained a veto. Most significantly, in 1629 church discipline based on the Calvinist example was introduced in Denmark – similar to Sweden and Württemberg – which granted to the elected priest and the congregation elders far-reaching powers in relation to all non-criminal

transgressions, thereby paving the way for an Old Testament religiosity, including the anathema.

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The theological position was defined as follows:

▲116

> Die lutherisch-orthodoxen Theologen verstehen die Abendmahlsgemeinschaft im doppelten Sinn. Zum einen findet hier die Gemeinschaft des einzelnen mit Gott seinen [sic] sinnenfälligen Ausdruck ... Dogmatisch betrachtet, ist das Abendmahl die sakramentale Version der Rechtfertigung, hier erfolgt sichtbar die Annahme des Sünders unter Nichtan-rechnung seiner Sünde. Zum andern wird durch die Rede von den Gliedern des einen Leibes Christi die soziale Funktion der Abendmahlsgemeinschaft stark betont. Die Erinnerung an die christliche Liebe soll hier der Antrieb zum Handeln sein.[260]

For this reason, Communion in Lutheranism – like the Eucharist after the pax in the Catholic liturgy – has been described as a "soziales Sakrament" ("social sacrament").[261]

▲117

Reformed Europe

Maintaining the purity of the Communion gathering and fidelity to God was the responsibility of the presbytery,[262] which was a typical feature of Reformed Protestantism (➜ Media Link #c1). Its aims were more restorative than punitive, i.e. it attempted to bring sinners back to the righteous path so that they would live in harmony with God's commandments again. Thus, the emphasis lay on warnings and admonishments. Monetary fines which were donated to the poor fund, temporary imprisonment and *Schandstrafen* ("humiliating punishments"), which involved the sinner being demeaned in front of the entire community, also occurred in some communities.[263] In the Scottish church – to give just one example – the "stool of repentance" (➜ Media Link #c2), on which the sinner sat during the service, was an example of an ameliorative punishment.[264]

▲118

The most extreme weapon was the small and the large anathema. This involved the sinner being expelled from the spiritual community of the Eucharist for a period (small anathema) or being expelled from the congregation altogether (temporarily or permanently) "damit nun keiner durch vorsetzliches stillschweigen … sich deß anderen sünd theilhaftig mache".[265]

▲119

Collective responsibility for the behaviour of individuals and for the purity of the congregation forced the consistories to work intensively to reconcile congregation members with one another, and to reconcile the congregation with God. They exhorted the congregation to "vffrichtige liebe vnd einigkeit, gentzliche entschlachnus vnd abwerffung vergessung alles dessen, was sie mit einandern gehabt, auch bezeugung dessen durch hendreichung je einer dem anderen". Neighbours were exhorted to "in liebe und friden leben". Squabblers were "verhört, vereinbart, zur fründlichkeit vnd nachberlicher liebe vermanet".[266] Biblical love for one's neighbour was cited in exhortations to neighbourly love. The religious court (*Chorgericht*) performed a form of the pax.[267] We have particularly detailed information on the conciliation efforts of the consistories in the case of the Netherlands, Switzerland, the Huguenots, and Scotland.[268] Huguenots did not receive the so-called *méreaux* and the Scots did not receive "Communion tokens" – both of which were necessary to gain access to Communion – until they were reconciled with the rest of the congregation (➜ Media Link #c3).

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Jewish Europe

Jewish congregations[269] came closest to the ideal form in Poland during the period from 1348 to the pogrom of the Cossack hetman Khmelnytsky in 1648.[270] During this period, the congregation (*kehilla*) had extensive internal self-administration and judicial independence.[271] The congregation was under the leadership of elders (*parnassim*, *rashim*) and the rabbi, who had sacral-judicial authority. The congregation had its own buildings which had to be maintained: synagogue, school, yeshiva (rabbinical school), *mikvah* (ritual bath) etc.[272]

▲121

The most important social institution of the congregation was the *chevra kadisha*, a confraternity which was originally established as a funereal society, but which assumed duties in relation to provision for the poor and the sick, and thus became a kind of insurance society based on mutuality.[273]

▲122

The Jewish court (*bet din*) usually consisted of three judges (*dajanim*), a chairman, and two honorary assessors. Their judgements were countersigned by the elders of the congregation. The learned rabbi, who was paid by the congregation, was chairman of the court. The congregation adopted its own statutes (Takkanot) based on the Talmud. These were enforced by the various degrees of anathema (*cherem*), which were pronounced by the rabbi of the congregation. The Jewish congregations punished dissenters with anathema very similar to the way in which the Christian churches punished heretics. The most famous example is the Sephardic Jew Baruch Spinoza (1632–1677) (➔ Media Link #c4), who was excommunicated by the Jewish congregation in Amsterdam because he had developed a pantheistic system which admitted no room for a personal God.[274] The function of the rabbinical courts was similar to that of the Protestant moral courts. They made continuous efforts to resolve marital conflicts and conflicts within the congregation. Legally imposed peace thus played a central role in religious affairs and societal discipline.[275] Special courts of arbitration resolved financial disputes of all kinds.[276]

▲123

Islamic Europe

The Muslim congregation is defined as follows in the Koran: "The believers are but brothers." (Sura 49:10).[277] The believer is part of God's people, a concept which places the community of faith above family ties. The fraternity which is supposed to exist between Muslims obliges them to mediate in conflicts between others in the congregation and to resolve their own conflicts in a conciliatory manner.[278] This was the responsibility of the cadi, who also served as a conciliator and arbitrator in marital conflicts. He was responsible for the resolution of all kinds of disputes among married couples, in neighbourhoods, in districts, or in congregations.[279] He reconciled persons between whom conflict had developed, for example, due to business disagreements.[280] He re-established the "correct order". The cadi is not defined by a congregation in the sense of a parish. He may be technically responsible for a particular town, but his remit is often geographically much broader in practice (➔ Media Link #c5).[281]

▲124

Justice must be the juridical addition to the principle of love for one's neighbour, which is why Islam in its legal form (Sharia) contains commandments and proscriptions which impinge to a very large degree on the economic and social spheres.[282] According to the doctrine, this justice must manifest itself in solidarity with the poor, who have a claim to the possessions of property owners.[283] The believers should enable the community and the state to fulfil their social duties, but the believers are also directly personally responsible for the sustenance of the poor and the weak.[284] Consequently, the cadi is also responsible for (charitable) trusts.[285] He is assisted in his supervision of markets by a special officeholder (*muhtasib*). The town governor (*sahib al-madina*) was responsible for criminal cases. However, the passing of judgement under Sharia law remained the preserve of the cadi, who was a trained lawyer. His dual function under secular and religious law combined the punishment of sins and crimes more strongly than in the Christian confessions. In its function of arbitration, the office of cadi was nonetheless similar to the consistories of the Reformed confessions. It should be noted, however, that a mosque congregation cannot be viewed as a geographical entity, and much less as a self-regulating entity, in contrast to the send courts and the presbyteries and consistories of the Lutheran and Reformed confessions. Neither is there a similarly tight ritual connection to the membership of the religious congregation (like the movement in Christianity based on the medieval pax) or the right to exclude believers (anathema) from that congregation.

▲125

Conclusion

The above discussion clearly demonstrates that Europe cannot be defined in terms of a predominant confession, but in terms of the simultaneous presence of multiple confessions. In fact, early modern and 19th-century Europe can be understood as the region of the world in which space was defined by the three large monotheistic religions. The way in which the confessions created their own spaces was quite similar: they wanted to allow the will of God to be effective in daily life. And they all understood this will in a similar way. As reforming Muslim theologians stated in 2007:

▲126

> Whilst Islam and Christianity are obviously different religions—and whilst there is no minimising some of their formal differences—it is clear that the *Two Greatest Commandments* are an area of common ground and a link between the Qur'an, the Torah and the New Testament. … Thus the Unity of God, love of Him, and love of the neighbour form a common ground upon which Islam and Christianity (and Judaism) are founded (➜ Media Link #c6).[286]

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Appendix

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Notes

1. [^] Zwingli, Schlussreden 1523 1908, p. 324. Zwingli also used the expression "Schnur Christi" (Christ's guideline) for this (ibidem). See also p. 323: "Darumb söllend all ire gsatzt dem götlichen willen glychförmig sin" ("Therefore, all the laws [of the

authorities] should be in conformity with the will of God"), the authorities said. ("the law that God has given us", transl. by N.W.)

2. ^ For example, in the excellent study by Klieber, Lebenswelten 2010.
3. ^ Tilly, Das Judentum 2010, p. 157.
4. ^ Tworuschka / Tworuschka, Der Islam 2007, p. 30.
5. ^ See: Staats, Glaubensbekenntnis 1999; Evangelische Bekenntnisse 1997, p. 18. Cf. Art. "Lord's Prayer" http://www.britannica.com/EBchecked/topic/348087/Lords-Prayer and Art. "Apostles' Creed". http://www.britannica.com/EBchecked/topic/30242/Apostles-Creed.
6. ^ Dingel, Bekenntnis 2005.
7. ^ Quoted from: Tilly, Das Judentum 2010, p. 203, transl. by N.W.
8. ^ Kaddor / Müller, Koran 2008, p. 7 (Sura 1). On the Shahada, see: ibidem, p. 20. Cf. Art. "shahadah" http://www.britannica.com/EBchecked/topic/537735/shahadah and Art. "Fātiḥa". http://referenceworks.brillonline.com/entries/encyclopaedia-of-the-quran/fatiha-COM_00063
9. ^ Löw, Raumsoziologie 2009, p. 199.
10. ^ ibidem, p. 204. ("Spaces are created by means of structurally arranging social goods and people in places. Spaces are established in action when objects and individuals are synthesised and ordered in relation to each other. In this context, actions are performed within pre-arranged spaces. Everyday actions go back to institutionalised orders and spatial structures", transl. by C.M.)
11. ^ Renate Dürr also bases her study on the church space on this concept of space: Dürr, Politische Kultur 2006, pp. 18–22. Cf. Rau, Raum und Religion 2008, p. 18.
12. ^ In this way, Löw transfers Giddens' structuration theory to spatial sociology, in which structure and action are understood as a duality (instead of a dualism).
13. ^ See: Löw, Raumsoziologie 2009, pp. 137f. Löw always assumes the existence of such a substrate.
14. ^ Klieber, Lebenswelten 2010, p. 22.
15. ^ For both, see ibidem, p. 29.
16. ^ ibidem, p. 163.
17. ^ For a summary, see: Schmidt, Konfessionalisierung 1992.
18. ^ Todd, Scotland 2002, pp. 402–412.
19. ^ Hersche, Muße und Verschwendung 2006, p. 898.
20. ^ Cf. Reinhard, Barockkatholizismus 2010, p. 429.
21. ^ Hersche, Muße und Verschwendung 2006, p. 116.
22. ^ ibidem, p. 59.
23. ^ ibidem, p. 116.
24. ^ ibidem, p. 126.
25. ^ ibidem, pp. 124–146, on Jansenism pp. 136–138.
26. ^ ibidem, p. 132. On similarities to Puritanism, see ibidem, p. 136 ("These priests took their pastoral duties seriously. The sermon and catechism became standard practice. They tried to instil the principles by which they lived, which included some elements of 'Protestant ethics' such as order, punctuality, daily planning, and diligence, in their parishioners." transl. by N.W.).
27. ^ ibidem, p. 137 ("From a historical-sociological perspective, on the spectrum of the various 'Catholicisms' this specific French religiosity stood closest to Protestantism, and in particular to 'Catholicising' Anglicanism", transl. by N.W.).
28. ^ ibidem, pp. 1029–1061.
29. ^ Klueting, Das konfessionelle Zeitalter 2009, p. 205.
30. ^ Schmidt, Konfessionalisierung 1992, pp. 35–41.
31. ^ Klueting, Das konfessionelle Zeitalter 2009, pp. 289–302. Cf. Schmidt, Konfessionalisierung 1992; on the church structures and the religious councils, pp. 24–44; on the temporal states, p. 30–35.
32. ^ Klueting, Das konfessionelle Zeitalter 2009, pp. 241–247.
33. ^ Greyerz, England 1994, p. 77.
34. ^ Klueting, Das konfessionelle Zeitalter 2009, p. 205.
35. ^ See this collection of essays: Ehmer / Holtz, Kirchenkonvent 2009.
36. ^ Olesen, Dänemark 2003, p. 60.
37. ^ ibidem ("The king thus became the supreme representative of the church. As the Christian authority, he had responsibility for the whole society, the church, and the peace of mind of his subjects", transl. by N.W.).
38. ^ Buchholz, Schweden 2003, pp. 120f. On this and on Denmark, see also: Schmidt, Gemeinde 1996, pp. 193f.
39. ^ Buchholz, Schweden 2003, pp. 118f. Sundin, Control 1981, on the *Sockenstämma*.
40. ^ See: Schmidt, Kirchenordnung 2009; idem, Konfession 2005; idem, Gemeinde 1996; idem, Die reformierten Kirchen 2012.
41. ^ For all the details in this paragraph, see ibidem.
42. ^ Klueting, Das konfessionelle Zeitalter 2009, pp. 332–338 on the Orthodox Church.
43. ^ Döpmann, Die orthodoxen Kirchen 1991, p. 105.
44. ^ Bryner, Die Ostkirchen 1996, p. 40.
45. ^ idem, Die orthodoxen Kirchen 2004, p. 83.

46. ^ idem, Die Ostkirchen 1996, p. 40.
47. ^ ibidem.
48. ^ Battenberg, Die Juden in Deutschland 2001, p. 7.
49. ^ idem, Das europäische Zeitalter der Juden 1990, vol. 1, p. 129.
50. ^ ibidem, p. 21.
51. ^ ibidem, p. 232.
52. ^ ibidem, p. 208.
53. ^ ibidem, p. 219.
54. ^ ibidem, p. 236.
55. ^ Herzig, Jüdische Geschichte 1997, p. 127. Cf. Battenberg, Das europäische Zeitalter der Juden 1990, vol. 1, pp. 232f.
56. ^ Schreiner, Rechtsstellung 2001, p. 60.
57. ^ ibidem, pp. 66f.
58. ^ ibidem, p. 66. Cf. Battenberg, Das europäische Zeitalter der Juden 1990, vol. 1, pp. 229–231.
59. ^ Battenberg, Das europäische Zeitalter der Juden 1990, pp. 230f.
60. ^ Cf. also Kosman, Art. "Jüdische Gemeinde" 2007, p. 94.
61. ^ Battenberg, Das europäische Zeitalter der Juden 1990, vol. 1, p. 136.
62. ^ ibidem, p. 241.
63. ^ ibidem, pp. 242f.
64. ^ ibidem, p. 243. Cf. Ullmann, Nachbarschaft 1999, p. 213.
65. ^ Volkov, Die Juden in Deutschland 1994, pp. 4f.
66. ^ Kaplan, Konsolidierung 2003, p. 227.
67. ^ Bossong, Das maurische Spanien 2007.
68. ^ ibidem, p. 18.
69. ^ A caliph is literally "God's representative" or "successor" (refer to the subsection "Islamic Europe" in the section "Concepts of God and man" of this article). The realm of a caliph is called a caliphate. The caliph combines religious and temporal authority in one person and a caliphate thus constitutes a theocracy. Mohammed's rule in Medina was already such a caliphate.
70. ^ Bossong, Das maurische Spanien 2007, pp. 50f.
71. ^ Monter, Zwangskonfessionalisierung 1995.
72. ^ ibidem, p. 139.
73. ^ ibidem, p. 142.
74. ^ Bossong, Das maurische Spanien 2007, p. 65.
75. ^ ibidem, pp. 68–70.
76. ^ See: Franke, Islam 2012, also on the special group of Lipka Tartars in the territory of Poland-Lithuania.
77. ^ The most recent description is: Koller, Ungarn 2010. See also the article on EGO: Koller, Ottoman History 2012.
78. ^ Faroqhi, Kultur und Alltag 1995, p. 46.
79. ^ ibidem, p. 46. On Albania, see: Bartl, Albanien 1995; and idem, Albania Sacra 2007, with detailed information on Islamicisation, Coptic Christianity, and visitation reports of the diocese of Alessio.
80. ^ Dzaja, Nationalität 1984. For similar information on the Macedonian-Albanian border region, see: Gjorgiev, Islamisierung 2005. Cf. Franke, Islam 2012, for confessional statistics from the 1520s for Edirne (82.1 per cent Muslims), Sofia (66.4 per cent), Larissa (90.2 per cent), Bitola/Manastir (75 per cent), and Skopje (74.8 per cent). See here also on the late conversion in Albania and Kosovo, which did not occur until the 17th century, and on the conversion of Crete and parts of Bulgaria in the 18th century.
81. ^ Schimmel, Der Islam 1991, pp. 70–75.
82. ^ ibidem, p. 82.
83. ^ Koller, Ungarn 2010, p. 178.
84. ^ Leppin, Siebenbürgen 2005. See also: Petritsch, Siebenbürgen 2005; and Zach, Siebenbürgen 2005. Cf. also Klueting, Ostmitteleuropa 2005; and Bahlcke, Ostmitteleuropa 1999.
85. ^ Digital edition of the Karlowitz Peace Treaty, 26/01/1699, Leibniz-Institute of European History, Project "Europäische Friedensverträge der Vormoderne" [06/12/2012].
86. ^ Bryner, Die orthodoxen Kirchen 2004, p. 59.
87. ^ Southeastern Europe became the large province of "Rumeli", which was divided into sub-provinces, which were again subdivided into court districts, each under the authority of a cadi. Koller, Ottoman History 2012. On the office of cadi, see also the article "Kadi" 2012.
88. ^ Talabardon, Christentum 2009, p. 30.
89. ^ Klueting, Das konfessionelle Zeitalter 2009, p. 221.
90. ^ Talabardon, Christentum 2009, p. 31.
91. ^ Klueting, Das konfessionelle Zeitalter 2009, p. 265.
92. ^ Talabardon, Christentum 2009, p. 31.
93. ^ Heiler, Christentum 1999, p. 451.
94. ^ Weber, Protestant Ethic 1958, pp. 114f. http://solomon.soth.alexanderstreet.com/cgi-bin/asp/philo/soth/get-

doc.pl?S10023904-D000005

95. ^ Hersche, Muße und Verschwendung 2006, p. 62.
96. ^ Lavater, Regnum Christi 1981.
97. ^ Döpmann, Die orthodoxen Kirchen 1991, p. 264.
98. ^ ibidem, p. 269.
99. ^ Heiler, Judentum 1999, p. 396.
100. ^ ibidem.
101. ^ Battenberg, Das europäische Zeitalter der Juden 1990, vol. 1, p. 10.
102. ^ Khoury, Das Ethos 1993, p. 181. Cf. Tworuschka / Tworuschka, Der Islam 2007, p. 66. See also: Schimmel, Der Islam 1999, pp. 506f.
103. ^ Tworuschka / Tworuschka, Der Islam 2007, p. 66.
104. ^ Haußig, Islam 2009, pp. 21–27.
105. ^ Khoury, Der Islam 1992, p. 72.
106. ^ ibidem, p. 101.
107. ^ ibidem, pp. 100f.
108. ^ ibidem, p. 84.
109. ^ Tworuschka / Tworuschka, Der Islam 2007, p. 66. Cf. Khoury, Der Islam 1992, pp. 150–153.
110. ^ Schimmel, Der Islam 1999, p. 502 ("All of life is permeated by religion, and just as there is no separation between temporal and religious power, neither is there in principle such a thing as secular actions. Every action should be begun 'in God's name' and carried out as God would wish. Man stands directly before God, there is no caste of priests in between", transl. by N.W.).
111. ^ For an overview, see: Schweizer, Der unbekannte Islam 2007.
112. ^ Haußig, Islam 2009, p. 28.
113. ^ On mysticism, see: Schimmel, Der Islam 1991, pp. 91–109.
114. ^ Halm, Der Islam 2007, p. 52.
115. ^ Wild, Der Böse 2009, p. 60.
116. ^ Halm, Der Islam 2007, pp. 52f.
117. ^ Cf. Popovic, Un ordre 1993. Clayer, Pays de derviches 1990, on Albania.
118. ^ Koller, Ungarn 2010, p. 106.
119. ^ On the following section, see also: Slenczka, Abendmahlslehre und Abendmahlspraxis 2010.
120. ^ Beyer, Geheiligte Räume 2008, p. 84.
121. ^ ibidem, p. 87.
122. ^ ibidem, p. 122.
123. ^ ibidem, p. 129.
124. ^ Gerhards, Feierraum 2008, p. 17.
125. ^ ibidem, pp. 17f.
126. ^ Holzem, Katholische Konfessionalisierung 2009, pp. 271f.
127. ^ Hersche, Muße und Verschwendung 2006, p. 702 ("a general laxity and lack of respect in the holy house, which is more reminiscent of a market, were noticed by the Protestant authors and were illustrative of the fact that a noticeable cultural difference existed between the confessions", transl. by N.W.).
128. ^ ibidem, p. 703.
129. ^ Holzem, Katholische Konfessionalisierung 2009, p. 275.
130. ^ Beyer, Geheiligte Räume 2008, pp. 84–87.
131. ^ ibidem, p. 87.
132. ^ ibidem, p. 89.
133. ^ ibidem, pp. 101–103.
134. ^ Hersche, Muße und Verschwendung 2006, p. 709.
135. ^ Beyer, Geheiligte Räume 2008, p. 110.
136. ^ Heiler, Christentum 1999, p. 469.
137. ^ Döpmann, Die orthodoxen Kirchen 1991, p. 112.
138. ^ Tilly, Das Judentum 2010, pp. 195f.
139. ^ Beyer, Geheiligte Räume 2008, p. 21.
140. ^ Liberles, An der Schwelle 2003, p. 95.
141. ^ Beyer, Geheiligte Räume 2008, p. 21.
142. ^ On this and the following, see: Künzl, Jüdische Architektur 2001, pp. 182f.
143. ^ Heiler, Judentum 1999, pp. 399f.
144. ^ Tilly, Das Judentum 2010, p. 192.
145. ^ ibidem, p. 193.
146. ^ ibidem; Heiler, Judentum 1999, p. 402.
147. ^ Volkov, Die Juden in Deutschland 1994, p. 26.
148. ^ Tilly, Das Judentum 2010, pp. 197f.

149. ^ ibidem, pp. 203f.
150. ^ Quoted from: Heiler, Judentum 1999, p. 401 ("Even if our mouths were as full of song as the sea, our tongues as full of rejoicing as the crashing of the waves, our lips as full of praise as the expanses of heaven, our eyes as radiant as the sun and moon, our hands outstretched as the eagles of the air and our feet as swift as deer, we would not suffice to celebrate you, Lord, our God, God of our fathers, and to praise your name for just one of the many thousand billion times that you have done good for our fathers and for us", transl. by N.W.).
151. ^ ibidem, p. 402.
152. ^ Behrens-Abouseif, Mosque 2008, p. 158.
153. ^ Halm, Der Islam 2007, pp. 62–65. On mosques, see: Artikel "Masdjid" 2012.
154. ^ Cf. Schilling, "History of Crime" 1987.
155. ^ Schnabel-Schüle, Kirchenzucht 2009; cf. also Schmidt, Lutherische Kirchenkonvente 2009.
156. ^ Hersche, Muße und Verschwendung 2006, p. 692.
157. ^ Schmidt, Das Abendmahl 2002, p. 88.
158. ^ Bossy, Moral Arithmetic 1988.
159. ^ The following is from: Battenberg, Das europäische Zeitalter der Juden 1990, vol. 1, pp. 27f.
160. ^ Galley, Halachische Traditionen 2001, p. 104.
161. ^ Cf. Klein, Art. "Jüdische Gerichtsbarkeit" 2007, p. 98.
162. ^ Battenberg, Das europäische Zeitalter der Juden 1990, vol. 1, p. 172.
163. ^ ibidem, p. 174 ("a kind of written constituion for the lives of Jews, for behaviour in the Jewish community as well as for the relationship with Christian society around them", transl. by N.W.).
164. ^ Klein, Art. "Jüdische Gerichtsbarkeit" 2007; and Kosman, Art. "Jüdische Gemeinde" 2007.
165. ^ Halm, Der Islam 2007, pp. 74–77.
166. ^ Schimmel, Der Islam 1999, p. 520.
167. ^ Müller, Gerichtspraxis 1999, p. XI.
168. ^ ibidem. Cf. also: Muranyi, Das Kitab Ahkam Ibn Ziyad 1998 ("religiously motivated law developed by lawyers (*fiqh*)", transl. by N.W.).
169. ^ Müller, Gerichtspraxis 1999, p. XIII.
170. ^ See: Khoury, Der Islam 1992, pp. 176–182.
171. ^ Müller, Gerichtspraxis 1999, pp. 142–146 on procedure in Cordoba.
172. ^ ibidem, pp. XIVf., 103.
173. ^ Holzem, Familie und Familienideal 2008, pp. 271f.
174. ^ idem, Religion und Lebensformen 2000, on the "send court" in Münster.
175. ^ Houlbrooke, Church Courts 1979; and Ingram, Church Courts 1994, on the Anglican religious courts.
176. ^ Albert, Der gemeine Mann 1998.
177. ^ Beck, Frauen in Krise 1992, p. 144.
178. ^ ibidem, p. 146.
179. ^ ibidem, p. 148 ("Violence appears to have been a dominant experience for the vast majority of these women and was possibly the deciding factor in their decision to commence legal proceedings against their husbands", transl. by N.W.). On "Hausen" as a key concept with regard to the material provision for the house and the fulfilling of roles by the husband and the wife, see ibidem, pp. 150–156.
180. ^ Francini, Moralia coniugalia 1998, pp. 185–205 and appendix.
181. ^ Farge / Foucault, Familiäre Konflikte 1989, pp. 9–57.
182. ^ ibidem, pp. 36f.
183. ^ ibidem, pp. 55f ("Father and mother, husband and wife expect from the guilty family member that he or she turns away from their transgressions and adheres to the norms which his milieu has set for him in the future. Repentance appears in this instance as a form of social coexistence. If there has been transgression against the order, the punishment must move the condemned person simultaneously to acquiescence and submission", transl. by N.W.).
184. ^ Among other works, see: Schmidt, La violence 2004; idem, Hausväter 1998.
185. ^ From the minutes of the *Kirchenkonvent* of Unterjesingen of 17/08/1665 in Schmidt, Männergewalt 2003, p. 43 ("treated his young wife badly and too harshly, and was brought in front of the *Kirchenkonvent* as a result; … he was earnestly warned to live with his wife more peacefully in future or he would otherwise have to be charged before the *Oberamt*", transl. by N.W.).
186. ^ Sabean, Property 1997, p. 111.
187. ^ ibidem, p. 115.
188. ^ ibidem, p. 116. Cf. p. 132: However, relatively speaking, problems relating to violence, drunkenness, and swearing featured considerably more often than the problem of material maintenance (*Hausen*) in the charges brought by wives against their husbands.
189. ^ For a summary, see: Schmidt, Männergewalt 2003.
190. ^ idem, Hausväter 1998 with the subtitle "Der Patriarchalismus als zweischneidiges Schwert" ("Patriarchalism as a double-edged sword").
191. ^ Archive of the congregation of Vechigen: 26/05/1622; cf. ibidem: 03/04/1625. In: Schmidt, Männergewalt 2003, pp. 42f

("behaved tyrannically towards their wives", transl. by N.W.).

192. ^ Döpmann, Die orthodoxen Kirchen 1991, pp. 233f.
193. ^ ibidem, pp. 234f.
194. ^ Fonrobert, Frauen im Judentum 2001, p. 79.
195. ^ Keil, Die Familie im Judentum 2001, p. 92.
196. ^ Berger, Sexualität 2003, p. 145.
197. ^ Keil, Die Familie im Judentum 2001, p. 98.
198. ^ ibidem, p. 92.
199. ^ Liberles, An der Schwelle 2003, p. 46.
200. ^ Keil, Die Familie im Judentum 2001, pp. 97f. Cf. Blau, Ehescheidung 1970.
201. ^ See: Klein, "Angleichung der Geschlechter" 2008.
202. ^ ibidem, p. 228.
203. ^ ibidem, pp. 231f.
204. ^ ibidem, pp. 232f.
205. ^ ibidem, p. 235.
206. ^ Keil, Die Familie im Judentum 2001, p. 99
207. ^ Klein, "Angleichung der Geschlechter" 2008, p. 234 ("not necessarily organised patriarchally", "often a partnership with equal rights and duties on both sides", transl. by N.W.).
208. ^ Lowenstein, Anfänge der Integration 2003, p. 149.
209. ^ Keil, Die Familie im Judentum 2001, p. 95.
210. ^ Berger, Sexualität 2003, p. 199.
211. ^ ibidem, p. 213.
212. ^ Liberles, An der Schwelle 2003, pp. 50f.
213. ^ Keil, Die Familie im Judentum 2001, p. 96.
214. ^ See: Walther, Die Frau im Islam 1997, pp. 61–89: the chapter "Der Alltag in Familie und Gesellschaft".
215. ^ Ahmed, Women and Gender 1992, p. 238.
216. ^ Halm, Der Islam 2007, pp. 81–84.
217. ^ Gottschalk, Die Kultur der Araber 1971, p. 104.
218. ^ Haußig, Islam 2009, pp. 106f.
219. ^ Merkelbach, Die Protokolle 1991, pp. 307f.
220. ^ ibidem, p. 312.
221. ^ Khoury, Der Islam 1992, p. 160.
222. ^ Tworuschka / Tworuschka, Der Islam 2007, p. 70.
223. ^ Gerber, Bursa 1980, p. 232.
224. ^ Gerber, Anthropology 1989, p. 412.
225. ^ Jennings, Christians and Muslims 1993, p. 29.
226. ^ idem, Divorce 1993.
227. ^ Khoury, Der Islam 1992, p. 165. Cf. Merkelbach, Die Protokolle 1991, p. 313.
228. ^ Jennings, Studies 1999, p. 522: "incompatibility". Cf. Gulubov / Duda, Sofia 1960, on the records from Sofia.
229. ^ Merkelbach, Die Protokolle 1991, p. 313.
230. ^ Jennings, Studies 1999, p. 523.
231. ^ Merkelbach, Die Protokolle 1991, p. 312.
232. ^ Jennings, Studies 1999, p. 197; idem, Kadi 1978; and idem, Women 1975.
233. ^ idem, Christians and Muslims 1993, pp. 16f. However, in the case of cases brought before the cadi by Orthodox Christians, the proportion of women was higher than among the Muslim claimants.
234. ^ ibidem, pp. 16, 31f., 102f.
235. ^ Rapoport, Marriage 2005, p. 114.
236. ^ Jennings, Christians and Muslims 1993, pp. 16f.
237. ^ Rapoport, Marriage 2005, p. 114.
238. ^ Cf. Gradeva, Judicial Functions 2005, on the cadi office of Sofia.
239. ^ ibidem, pp. 24f.
240. ^ Venard / Vogler, Die kollektiven Formen 1992, p. 959 ("practiced within a congregation. Normally, the Christian and the temporal communities are identical to one another", transl. by N.W.).
241. ^ ibidem, pp. 959f.
242. ^ ibidem, p. 961 ("The Council of Trent canonised the parish in the truest sense of the word. It became a prerequisite for the salvation of the souls", transl. by N.W.).
243. ^ ibidem, p. 963, on the concept of the parishioners as "sheep", which began to become prevalent from the late 16th century.
244. ^ Hersche, Muße und Verschwendung 2006, p. 399.
245. ^ ibidem, pp. 400–402. On the internal organisation and its functions, see ibidem, pp. 406–419.
246. ^ Schmidt, Das Abendmahl 2002.

247. ^ Bossy, The Mass 1983.
248. ^ ibidem, Christianity 1987, pp. 45–48, 53.
249. ^ ibidem, The Mass 1983, pp. 53f.
250. ^ See Schmidt, Gemeinde 1996, p. 193.
251. ^ Rublack, Lutherische Beichte 1993. In Württemberg, only the supreme church council could impose the "little anathema": Schmidt, Konfessionalisierung 1992, p. 19.
252. ^ ibidem, Gemeinde 1996, pp. 191f.
253. ^ Ehmer / Holtz, Kirchenkonvent 2009.
254. ^ Cf. Schnabel-Schüle, Kirchenzucht 2009.
255. ^ Schmidt, Konfessionalisierung 1992, p. 66.
256. ^ Schnabel-Schüle, Kirchenzucht 2009, p. 17.
257. ^ Schmidt, Konfessionalisierung 1992, p. 66.
258. ^ Sabean, Power 1984, p. 40.
259. ^ Cf. Parker, Success and Failure 1992, pp. 77–79.
260. ^ Holtz, Theologie und Alltag 1993, p. 137 ("Orthodox Lutheran theologians understand the communion of the Eucharist in a twofold way. Firstly, the communion of individuals with God is expressed in a physical and visual manner in the Eucharist ... From a dogmatic perspective, Communion is the sacramental version of justification, as the sinner is accepted without account being taken of his sins. Secondly, the concept of communicants as members of the one body of Christ strongly emphasises the social function of the Eucharist. The reminder of Christian love is intended to inform actions here", transl. by N.W.).
261. ^ Schmidt, Das Abendmahl 2002.
262. ^ Most recently: idem, Lutherische Kirchenkonvente 2009. Cf. also idem, Gemeinde 1996.
263. ^ Cf. idem, Die reformierten Kirchen 2012.
264. ^ Cf. Todd, Scotland 2002.
265. ^ Rennefahrt, Sammlung Schweizerischer Rechtsquellen, 1. Teil: Stadtrechte, vol. VI, 2, Nr. 31s, 931–944: 18/3/1661 – The "great mandate of the city of Bern to act against all types of vices which are prospering" – quoted in: Schmidt, Dorf und Religion 1995, p. 5 ("so that no-one becomes complicit in the sins of another … by deliberately keeping quiet about them", transl. by N.W.).
266. ^ Quoted from Schmidt, Dorf und Religion 1995, p. 307 ("sincere love and unity, to completely refrain from, reject and forget about all animosity which has been between them, and to demonstrate this by each shaking hands with the other", "live in love and peace", "questioned, brought to an agreement, and warned to live in friendship and neighbourly love", transl. by N.W.).
267. ^ Cf. Grosse, "Pour bien de paix" 2006, on Reformed Francophone Switzerland. idem, Les rituels de la Cène 2008, on Geneva. For a detailed discussion of the pax, see: Schmidt, Gemeinde 1996, pp. 195–202.
268. ^ See: Todd, Scotland 2002, pp. 227–264.
269. ^ See: Ullmann, Nachbarschaft 1999, pp. 172–179. Cf. Kosman, Art. "Jüdische Gemeinde" 2007, p. 95.
270. ^ Schlör, Jüdische Siedlungsformen 2001, p. 39.
271. ^ Schreiner, Rechtsstellung 2001, pp. 62–65, on congregation structure. On autonomy, see also: Kosman, Art. "Jüdische Gemeinde" 2007, p. 93.
272. ^ ibidem, p. 93.
273. ^ Battenberg, Die Juden in Deutschland 2001, p. 45.
274. ^ Heiler, Judentum 1999, p. 393.
275. ^ Kosman, Art. "Jüdische Gemeinde" 2007, p. 93.
276. ^ Klein, Art. "Jüdische Gerichtsbarkeit" 2007, pp. 102f.
277. ^ Khoury, Der Islam 1992, p. 170, transl. by the author.
278. ^ ibidem, p. 172.
279. ^ Jennings, Christians and Muslims 1993, p. 104.
280. ^ Gradeva, Judicial Functions 2005, p. 33.
281. ^ The activities of the cadi office in the Moorish city of Cordoba have been well researched: Müller, Gerichtspraxis 1999.
282. ^ Khoury, Der Islam 1992, p. 174.
283. ^ ibidem, p. 171.
284. ^ ibidem.
285. ^ Dannhauer, Qadi-Amt 1975; and Ivanova, Charity Foundations 2005.
286. ^ Open Letter and Call from Muslim Religious Leaders 2007, p. 13.

Translated by: Niall Williams

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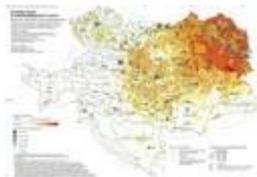
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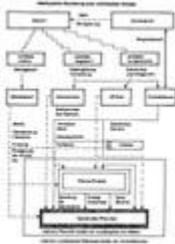
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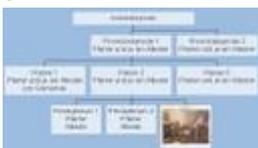 Structure of the Lutheran Church in Electoral Saxony in 1580

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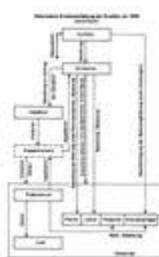- Confessional Migration of the Huguenots (http://www.ieg-ego.eu/en/threads/europe-on-the-road/confessional-migration/ute-lotz-heumann-confessional-migration-of-the-reformed-the-huguenots)

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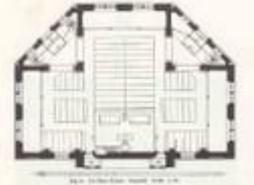 Pulpit-Altar in St. Pankratius Church, Neuenfelde

Link #bk

- Predigt (http://www.ieg-ego.eu/de/threads/europaeische-medien/medien-des-religioesen-transfers/sabine-holtz-predigt)

Link #bl

 (http://www.ieg-ego.eu/en/mediainfo/a-communion-table-and-pulpit-in-a-reformed-church)
A Communion Table and Pulpit in a Reformed Church

Link #bm

 (http://www.ieg-ego.eu/en/mediainfo/floor-plan-of-the-new-church-in-emden)
Floor Plan of the New Church in Emden

Link #bn

 (http://www.ieg-ego.eu/en/mediainfo/centralised-layout-of-orthodox-churches-christ-the-saviour-cathe-dral-in-moscow)
Centralised Layout of Orthodox Churches: Christ the Saviour Cathedral in Moscow

Link #bo

 (http://www.ieg-ego.eu/en/mediainfo/iconostasis-in-the-previously-greek-church-in-trzciana)
Iconostasis in the Previously Greek Church in Trzciana

Link #bp

 (http://www.ieg-ego.eu/en/mediainfo/the-bema-in-the-old-synagogue-in-cracow)
The Bema in the Old Synagogue in Cracow

Link #bq

 (http://www.ieg-ego.eu/en/mediainfo/the-synagogue-in-london-around-1819)
The Synagogue in London Around 1819

Link #br

- (http://www.ieg-ego.eu/en/mediainfo/plundering-of-the-temple-of-jerusalem)
  Plundering of the Temple of Jerusalem

Link #bs

- (http://www.ieg-ego.eu/en/mediainfo/celebrating-the-sabbath)
  Celebrating the Sabbath

Link #bt
- Isaak Bernays (1792–1849) VIAF (http://viaf.org/viaf/45046830) DNB (http://d-nb.info/gnd/116137207)

Link #bu
- Mohammed (ca. 570–632) VIAF (http://viaf.org/viaf/97245226) DNB (http://d-nb.info/gnd/102038201)

Link #bv
- Joseph ben Ephraim Caro (1488–1575) VIAF (http://viaf.org/viaf/88686046) DNB (http://d-nb.info/gnd/118990179)

Link #bw
- Moses Isserles (ca. 1525–1575) VIAF (http://viaf.org/viaf/45134090) DNB (http://d-nb.info/gnd/172781086)

Link #bx
- Islam and Islamic Law (http://www.ieg-ego.eu/en/threads/models-and-stereotypes/from-the-turkish-menace-to-orientalism/richard-potz-islam-and-islamic-law-in-european-legal-history)

Link #by
- David Warren Sabean (*1939) VIAF (http://viaf.org/viaf/261853772) DNB (http://d-nb.info/gnd/123463939)

Link #bz
- Huldrych Zwingli (1484–1531) VIAF (http://viaf.org/viaf/71399367) DNB (http://d-nb.info/gnd/118637533) ADB/NDB (http://www.deutsche-biographie.de/pnd118637533.html)

Link #c0
- Martin Bucer (1491–1551) VIAF (http://viaf.org/viaf/2478527) DNB (http://d-nb.info/gnd/118516507) ADB/NDB (http://www.deutsche-biographie.de/pnd118516507.html)

Link #c1

- (http://www.ieg-ego.eu/en/mediainfo/the-chorgericht-religious-court)
  The "Chorgericht" (Religious Court)

Link #c2

- (http://www.ieg-ego.eu/en/mediainfo/stool-of-repentance)
  Stool of Repentance

Link #c3

- (http://www.ieg-ego.eu/en/mediainfo/communion-token-and-mereaux)
  Communion Token and Méreaux

Link #c4

- Baruch Spinoza (1632–1677) VIAF ⬚ ↗ (http://viaf.org/viaf/22149024) DNB ↗ (http://d-nb.info/gnd/118616242)

- (http://www.ieg-ego.eu/en/mediainfo/baruch-spinoza-163220131677)
  Baruch Spinoza (1632–1677)

Link #c5

- (http://www.ieg-ego.eu/en/mediainfo/before-the-cadi)
  Before the Cadi

Link #c6

- (http://www.ieg-ego.eu/en/mediainfo/mohammed-and-issa-jesus-on-the-donkey-riding-side-by-side-in-har-mony)
  Mohammed and Issa (Jesus, on the Donkey) Riding Side by Side in Harmony