

Profiles of Power : The Work of the Genevan Consistory, 1542 - 1544
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Introduction¹

John Calvin and his intellectual system have affected the historian's view of the impact of the Reformation on society. Reform in Calvin's day is typically attributed to Calvin's theological influence on the people of Geneva and across Europe. This has marginalized the importance of society itself in the sixteenth-century. Conventional knowledge of Calvin's theology usually holds no explanation of the consequence for the whole of society. There is an inherent tendency to minimize Calvin's activity and practices in order to maximize his theology from pen and pulpit. Calvin's theology does not explain the impact of the Reformation message. Additionally, the tendency to discuss Calvin's ideas as timeless misrepresents the man living in his own time.

Over the past 30 years, scholarship has tended to minimize theology as the driving force in understanding Calvin and Geneva. This has been beneficial to a certain extent. Social historians have conducted sharp reconsiderations about the impact of the Reformation in society.² These efforts have uncovered aspects of the period when Calvin lived in Geneva that have been overlooked, misunderstood or simply ignored.

¹ I am grateful to my supervisor, Andrew Pettegree, for his guidance in developing this topic. His ability to identify my strengths and academic interests in Calvin and Geneva has provided me with an exceptional learning experience. His willingness to provide attention to this project has been a great source of encouragement. Many thanks also to Jeff Watt who shared Andrew's enthusiasm for a quantitative analysis of the Consistory minutes and lent helpful personal reflections on the Consistory. I am also indebted to Carl Trueman for his help navigating the importance of ideas in society and formulating the term "form of life" to "way of life." John Witte, Jr. also made helpful reading suggestions on the topic of Legal Reformation and familiarized me with some of his own arguments on the topic. William C. Kriner provided direction on the proper use of legal terms. Deep gratitude goes to the Lenore Anne W. Macko Trust. My greatest debt is to my wife and family for their love and support.

² E. William Monter, *Calvin's Geneva* (Huntington, NY:Kreiger, 1975/1967) and William Naphy, *Calvin and the Consolidation of the Genevan Reformation* (Louisville, KY:WJK, 2003/1994).

Studies on reform in Calvin's Geneva have focused on the vast source material in the Geneva State Archives, namely the minutes of the Geneva Consistory.³ These materials, now available in print because of the tireless work of Robert Kingdon and other talented scholars, document important aspects of daily life and discipline in Geneva.⁴

The Consistory minutes introduce challenges to think about both theological priority and social reality.⁵ Calvin's Geneva must be understood as a culture where the interplay of ideas and social situations are not at odds, but in constant exchange. From this the historian can construct a form of living or a way of life that describes sixteenth century Geneva. When the historical conversation turns toward an objective of cultural understanding, there is provided an enhanced understanding and appreciation of the cultural community that was Geneva.

The purpose of this analysis is to accurately portray the Consistory in order to understand what it did (activity) in its early years. This is best accomplished by a quantification and classification of cases recorded in the minutes. Quantitative analysis contributes a comprehensive look at the whole of the Consistory's activity as a basis for drawing conclusions about its work. Starting with the source material, special attention will be given to what the source says about the Consistory's activity before considering the theoretical foundations of the institution.⁶ Looking at the source material, I have discovered that the social reality prevented the full implementation of the Consistory's aims. Identifying the places of this disjunction is vital to understanding the authority, implementation and acceptance of consistorial practice.

The classification of cases between 1542 and 1544 provides a wholesale vision of what the Consistory did at its early stages. How did it execute and define

³ *Registers of the Consistory of the Geneva in the Time of Calvin*: Robert Kingdon, Thomas Lambert and Isabella M. Watt (eds.), M. W. McDonald (trans.) from the French, Volume I: 1542-1544, (Grand Rapids, MI, 2000).

⁴ Robert M. Kingdon, "Calvin and the Establishment of Consistory Discipline in Geneva: the institution and the men who directed it" in *Nederlands Achief voor Kerkgeschiedenis*, 70 (1990), pp. 158-172; *idem*, "A New View of Calvin in Light of the Registers of the Geneva Consistory" in Neuser and Armstrong (eds.), *Calvinus Sincerioris Religionis Vindex*, Sixteenth Century Essays and Studies Vol. 38 (Kirksville, MO : Sixteenth Century Journal Publishers, 1994), pp. 20-33; *idem*, "The Geneva Consistory in the time of Calvin" in Pettegree, Duke and Lewis (eds.), *Calvinism in Europe 1540-1620* (Cambridge, 1994), pp. 21-34.

⁵ Gordon, *Calvin* (Yale, 2009). Recently, Bruce Gordon's biography conveyed a fine understanding of Calvin's interactive and complex. His personal convictions, human relationships, and a social setting are all delivered with great insight that stand Calvin in the center of his day, not above it.

⁶ That is, the *Ecclesiastical Ordinances (1541)* and the ideas of Calvin himself.

discipline and priorities? A comprehensive picture of the Consistory's work also aids in developing an understanding of its priorities and the importance of the legal system for implementing laws to modify behavior. While there were conflicting views in Geneva on the scope of consistorial discipline – the nature of discipline still remains a sharp question among historians – its legal purpose for society becomes apparent.

The legal standing of the Consistory helps define the kind of discipline it could conduct in Geneva. Law enforcement was a civil and spiritual process. Therefore, the aim of the activity of the Consistory was an effort to introduce a new standard of discipline into an already existing system of law and order. Like print, picture and sermon around the Reformation world, the law was a mechanism to communicate reform and introduce a new way of life in Geneva.

Chapter 1

The Activity of the Consistory

Between February 1542 and July 1544, the Genevan Consistory carried out a stunning amount of work. Across almost 29 months the Consistory convened on 104 Thursdays – the designated day for sessions – 10 Tuesdays, one Wednesday and two Fridays. Occasionally, the court would sit twice a week or move proceedings to another day because of an obstacle.⁷ Through these years, the Consistory initiated and pursued a total of 449 cases brought against members of the Geneva community. The work of these Consistory cases is preserved in nearly 800 entries recorded during each session. The peak of consistorial work was usually conducted during the sessions before and after the Lord’s Supper (see Appendix 2). Minimal work was done during the summer months.⁸ The average number of entries recorded per session between 1542 and 1544 was 6.6 while the average for sessions prior to communion was 10.3, 56% above the average.

Structure and Quantification of the Consistory Minutes

The values in the chart below represent the amount of work done by the Consistory recorded in entries during the Consistory’s 116 sessions.

Table 1.1: Basic Quantification of the Consistory Minutes (1542 - 1544)

	<i>1542</i>	<i>1543</i>	<i>1544</i>	<i>Total</i>
Sessions ^A	48	41	27	116
Entries ^{B*}	347	296	150	793
Cases ^C	198	207	93 (203)	449

* entries pertaining to cases

⁷ I have calculated 28 and $\frac{3}{4}$ months. The editors of the *Registers* calculate 24 active months total by adding weeks when the Consistory did not sit. The Consistory did not meet 28 February 1544 because a delegation from Bern was in the city (RConsist. p. 343). On 27 May 1544, the Consistory was not held and the reason was not disclosed in the minutes. Interestingly, a defendant, Perneté Bordaz, was scorned for her rebellion the week after even though she had come. On 6 July 1542, the Consistory had assembled, but the preachers were not in the city (RConsist. p. 90).

⁸ The Consistory heard few cases in the summer of 1542. Also, the Consistory suspended its work in the Summer of 1543 (17 May to 23 August) due to plague (RConsist. p. 257). Only cases of “importance” were heard that summer on 5 July and 27 July (RConsist. pp. 259-261).

The structural and procedural style of the recorded Consistory minutes is well documented.⁹ However, the framework of this study relies heavily on a particular kind of organization of the source.

Sessions denote times when the Consistory sat. These sessions are made up of various recorded entries. Most entries consisted of the cases the court heard. In addition to recorded cases, the other business of the court was documented: ordinances for the celebration of communion, elder attendance, payments disbursed to Consistory members financed by the city, election of elders and the examination of officers.

Entries that described cases often detailed an appearance of a defendant, but some cases were decided *in absentia*. From among the sessions the Consistory held between 1542 and 1544, entries constitute the fundamental unit for the classification of cases and the analysis of the court's activity. Entries are comprised of three major parts: issue, examination, and decision.

Classification Method of Case Categories by Issue

The organization of the Consistory minutes relies on the quantification and classification of the cases using recorded entries. The activity of the Consistory consisted of procedure within its authority as established in the *Ecclesiastical Ordinances*: it could summon people, examine them, and give decisions.¹⁰ All of the cases during this time are classified by means of this method of organization.

The reasons people were summoned and the nature of examination form the basis of the development of case categories. The process typically included a recorded reason why the defendant was summoned (issue) and, in some cases, a pressing topic that dominated the proceedings.¹¹ The issue of a case was usually recorded in the very first segment of an entry. It constituted the first moments of an examination.

⁹ Robert Kingdon, *Adultery and Divorce in Calvin's Geneva* (Harvard, 1995), pp. 14-22; John Witte Jr. and Kingdon (eds.), *Sex Marriage and Family in John Calvin's Geneva*, Vol.1 (Eerdmans, Grand Rapids, MI, 2005), p. 66; and RConsist. *Intro.* xxviii – xxxi.

¹⁰ *Registers of the Company of Pastors of Geneva in the Time of Calvin* (R.C.P.), Philip E. Hughes (ed. and trans.) (Eugene, OR : Wipf and Stock, 2004/1966), pp. 48-49; *RConsist. Appendix 1*, pp. 419-421; Kingdon and Witte, *Marriage*, pp. 92-93 and *CO* 10:15-30.

¹¹ An issue used here refers to the matter to be decided by the court. Bouvier states “an issue in fact is one in which the truth of some fact is affirmed or denied” William E. Baldwin (ed.), *Bouvier's Law Dictionary*, (Cleveland, Ohio: Banks-Baldwin Law Publishing Co., 1934) p. 594 c. 1.

Entries varied in length depending on how involved the examination of a defendant had become. The duration is nearly impossible to determine. Many cases with long entries, especially in 1544, included a substantial pool of witnesses who were called to the court.¹² These entries encompass stages of time through which, presumably, the officer would retrieve people to testify while the others waited. Defendants most often appeared before the Consistory alone or, from time to time, in pairs when a confrontation was necessary to find the truth. For example, the Consistory acted quickly after hearing the testimony of Guilliermeta Martin about fornication. The court ordered: “someone go to get the host of the Savage [Inn] immediately in order to confront them with each other.” Jehan Curt then appeared in a later entry in the same session on the issue of fornication.¹³ Confrontations sometimes turned ugly. In the presence of her husband, Anthoyne Tondu exploded into a tirade against her spouse when they appeared on the issue of a quarrel.¹⁴

Cases could include an accumulation of entries on the same issues over several sessions. For instance, the Consistory pursued a single case against Loys Gajouz between May and September 1542 that confronted four issues: blasphemy, sermons, quarreling and adultery.¹⁵ Three of these issues were addressed in one session and recorded in one entry. Jehan Bornand was pursued on the issue of faith and doctrine through the course of an entire year.¹⁶ New issues added to cases typically involved the same defendant. The introduction of new issues and witnesses shaped the classification of cases. Secondary and tertiary issues in a case are given with an asterisk (see Appendix 3). While Jehan Bennard and his wife were initially questioned for issues of faith and doctrine on 1 February 1543, their case turned to an issue of baptism on 29 March.¹⁷

Alternatively, some defendants appeared over several cases involving different issues. By April 1544, Pierre Mercier, a citizen, had appeared in two previous cases with issues of engagement, usury and quarreling.¹⁸ Jehan Curtet appeared regarding

¹² 20 March 1544, Case 403 (RConsist. pp. 356-359) and 21 February 1544, Case 393 (RConsist. pp. 338-342) are some of the longest recorded entries.

¹³ 22 February 1543, Case 234 (RConsist. 195-196).

¹⁴ 30 August 1543, Case 320 (RConsist. p. 269). The primary issue of the case is the quarrel although Anthoyne’s husband Tyvent confessed to beating her.

¹⁵ 26 May 1542, Case 84 (RConsist. pp. 78 and 86).

¹⁶ Between 17 August 1542 and 30 August 1543, Jehan Bornand and his wife were pursued on faith and doctrine as described above. (RConsist. pp. 108, 113, 130, 158, 165, 210, 219, and 267).

¹⁷ Case 227 (RConsist. p. 184-185, 220).

¹⁸ Cases 194, 294 and 409.

two cases of fornication and one on sermons in 1544.¹⁹ Similarly, Maurisaz Talluchete was summoned for issues of faith and doctrine, quarreling, and engagement.²⁰ Each entry was classified as a different case because a different issue was presented in each.²¹

Defendants remanded by the Consistory were ordered to return at another time for the same issue. Remands form a basis for a case since the continuation of a single issue extended over several sessions (see Tables 1.7a and 1.7b). In other words, remands constitute proof that the accumulation of some entries form cases. This is based on its issue.

Some difficulties arose when classifying cases. The issue and reason for summons was sometimes disconnected from the examination of the defendant. That is, a reason might be given for a summons supplying the foundation for a case, but the examination veered from the issue. The court tried to determine more facts beyond the reason the defendant was initially summoned. For example, Ayma Du Foin appeared on 12 April 1543 on an issue of sermons. However, the examination focused on healing, papistry and how she received communion.²² Perneté Bordaz endured a lengthy examination after being summoned on an issue of sermons. The examination covered a quarrel, blasphemy, whether she had any scruples with religion, and praying to the Virgin Mary.²³ An entry of this size is difficult to classify with a single issue.²⁴ Likewise, some entries without a stated issue required further analysis of the record to define its class. If the issue was not documented, classification was based upon the series and style of the recorded examination. Some given issues are quite vague. In several cases, the initial issue of a case remains entirely unknown or is later uncovered in a subsequent entry.²⁵

¹⁹ Cases 412, 418, and 445.

²⁰ Cases 3, 198, and 238.

²¹ I found no instances of a single defendant appearing on a single issue between different cases.

²² Case 281 (RConsist. p. 231).

²³ Case 383 (RConsist. p. 328).

²⁴ Entries with two or more issues are listed twice under certain days in Appendix 1. For example, see the case of Thibauda Arpin and Perneté Torniez with issues of papistry and quarreling, 15 March 1543, Case 254 (RConsist. p. 208).

²⁵ Cases 303, 306 and 363.

Table 1.2a : Categories of Cases in the Genevan Consistory (1542 - 1544)

<i>Case</i>	<i>1542</i>	<i>1543</i>	<i>1544</i>	<i>Total</i>	<i>%</i>
Sermons ¹	41	56	25	120	26.7%
Quarrel	32	27	22	75	16.7%
Faith and Doctrine ^{1*}	44	18	5	65	14.5%
Papistry ¹	20	31	7	54	12.1%
Fornication ^{2*}	22	18	17	48	10.7%
Engagement ³	23	13	8	43	10.0%
Blasphemy	11	9	6	26	5.7%
Communion ¹	10	8	9	25	5.6%
Unknown	7	7	8	22	< 5.0%
Separation ³	10	9	2	21	–
Rebellion	10	8	1	19	–
Adultery ²	8	4	6	18	–
Abuse	4	9	3	16	–
Gaming	8	8	3	14	–
Magic	6	5	3	14	–
Baptism	5	1	5	11	–
Divorce ³	3	2	4	9	–
Usury	–	7	1	8	–
Drunkenness	–	4	–	4	–
Waste	1	3	–	4	–
Procuring	–	1	2	3	–
Idleness	1	2	–	3	–
Marriage ^{3*}	1	0	3	3	–
Infanticide	1	1	–	2	–
Rape ²	–	2	–	2	–
Suicide	–	1	–	1	–

* Supercategories, see Table 1.2b.

According to the given classifications schemes, the data show that the Consistory disciplined in four major areas. I have organized two tables to assist in understanding the major categories of cases. Over 25% of cases pursued the issue of sermon attendance (“Sermons”). Additionally, cases concerning papistry and quarreling are substantial. When the cases concerned with issues of faith, marriage, and fornication are compiled into supercategories, they constitute nearly 60% of all cases the Consistory pursued during this period. To some degree these data correspond with Naphy’s important contribution concerning the first years of the Consistory. His data and strategy – dividing the consistorial cases into four major groups – also reveal a large number of religious cases concerning papistry, prayer, and sermons.²⁶

²⁶ Naphy, *Consolidation*, p. 109-110. Naphy’s category combination (Sermons, Papistry and Prayer) yields a 50.2 % value while the independent categories in my analysis yield a 50.5% value for 1542 (Sermons % + Papistry % + Faith and Doctrine %).

The most prominent case supercategory concerned faith and doctrine. These cases featured general questions regarding the knowledge of prayers and a person's religious views. More specific classifications in this group were compiled when the issue focused on issues of faith and doctrine. These specific categories included cases of papistry, sermon attendance, and communion (denoted "1" in Table 1.2a).

Cases of papistry involved Genevans who still maintained Catholic beliefs and practices. Suspected papists were typically asked about the keeping of feasts, praying in Latin and saying prayers to the Virgin Mary and saints. Special attention was also given to Genevans suspected of traveling into neighboring territories to receive the Mass. Jehan Du Nant was questioned about sending his child to La Roche to receive an education. The Consistory urged his wife to recall the son to Geneva.²⁷ In the same way, on 8 March 1543, Dominique Du Gerdy was questioned on the issue of the Mass and about his trips to Evian.²⁸ In another similar case, Claude Clement told the Consistory he did not go to Chambéry in Savoy for Mass.²⁹

Genevans were also disciplined for sermon attendance and habits concerning the Lord's Supper. Cases about the Lord's Supper focused on whether or not Genevans were partaking worthily. These cases pursued topics of knowledge in Reformed doctrine or grudges and resentment (quarreling) when celebrating communion. Based on the activity of the Consistory on sermons and communion, it held the sanctity of the communion table in high priority.

The second supercategory consists of fornications (denoted "2" in Table 1.2a). Cases of fornication were classified with adultery (fornicating while married) and rape (forced fornication). These three categories concern sexual behavior. The largest subcategory of fornication was adultery, fornicating while married. Cases of fornication were typically built on the suspicion that a woman was pregnant. When Tevina Glectire appeared before the Consistory, she was questioned why her apron "lifts itself."³⁰

Marriage cases comprise the third supercategory of cases in the Consistory (denoted "3" in Table 1.2a). Marriage cases were made up of other smaller categories: engagement, separation and divorce. Engagement cases typically involved a dispute over marriage promises. Several engagement cases were pursued with an additional

²⁷ Case 197 (RConsist. pp. 101, 138-139).

²⁸ Case 83 (RConsist. p. 202).

²⁹ Case 339 (RConsist. p. 285).

³⁰ 25 January 1543, Case 224 (RConsist. p.182).

issue of fornication when the defendants were thought to have engaged in sexual behavior before marriage. Marital separations are found in cases where a married couple is living apart. For instance, Jane Troctiere was living in Geneva while her husband was in Padua.³¹

Finally, quarrels and blasphemy constitute a portion of the Consistory cases between 1542 and 1544. Quarrels usually consisted of two or more parties in conflict for various reasons. Quarrels make up the fourth supercategory (denoted “4” in Table 1.2a). Even as an independent classification, quarreling cases comprise almost 17% of the work of the Consistory. Blasphemers, issues in cases where a defendant was charged with cursing or bad language, constitute a marginal but important case category to consider. Usually blasphemers were disciplined for bad language with a remedy grounded in the need for new belief. Blasphemy cases comprise 5.7% of all case categories.

Table 2b : Supercategories of Cases in the Genevan Consistory (1542 - 1544)

<i>Supercategory</i>	<i>1542</i>	<i>1543</i>	<i>1544</i>	<i>Total</i>	
Faith and Doctrine	114	113	46	263	58.6%
Fornication	30	24	23	77	17.1%
Marriage	37	24	17	76	16.9%
Quarrels*	18	12	9	75	16.7%
Other (< 5.0%)					

NB: Quarrels are classified as both a category and a supercategory. Case categories were not combined to form this classification.

Various social issues such as gender, marriage and family have received much attention from scholars in recent years.³² Yet, marriage cases as a group only

³¹ 21 December 1542, Case 135 (RConsist. p. 159). At this time Padua was in the Republic of Venice.

³² Jeffrey Watt, “Childhood and Education: the evidence from the Genevan consistory,” *Sixteenth Century Journal*, 33 (2002), pp. 439-56; *idem*, “Women and the Consistory in Calvin’s Geneva” in *Sixteenth Century Journal*, 24 (1993), pp. 429-439; Witte and Kingdon (eds.), *Sex Marriage and Family in John Calvin’s Geneva*; Kingdon “The Control of Moral in Calvin’s Geneva” in Lawrence P. Buck and Jonathan Zophy (eds.), *The Social History of the Reformation* (Columbus, OH, OSU Press, 1972), pp. 3-16 Raymond Mentzer (ed.), *Sin and the Calvinists: Morals Control and the Consistory in the Reformed Tradition* (Sixteenth Century Journal Publishing, Kirksville, MO, 1994); Jeannine Olsen, *Calvin and Social Welfare* (Susquehanna University Press, Selinsgrove, PA and London, 1989); Kingdon, “Social Control and Political Control in Calvin’s Geneva” in ARG Special Edition (1993), pp. 521-532. Wietse de Boer uses a helpful cross-confessional comparison to generalize sixteenth-century discipline. Scholars have not recognized the overall place of discipline in the cross-confessional setting. For instance, I believe an adequate comparison between the Roman Inquisition and the Genevan Consistory deserves more attention). Both institutions have similar doctrinal priorities and commence work in and around 1542. His attempt to analyze Carlo Borromeo and Calvin removes theology. He states: “Formal theologies do not lend themselves well to a comparison of disciplinary systems.” De Boer, “Calvin and Borromeo: A Comparative Approach to Social Discipline” in

represent about 35% of consistorial work between 1542 and 1544. Other scholarly works focus on cases that, categorized on their own, constitute less than 5% of the Consistory's work during this period.³³ Yet, they fall into a minor categorization that can hardly be said to represent the work and pursuit of discipline on the whole between 1542 and 1544. It cannot be said that the focus of the Consistory's activity and discipline during this early stage is understood by highlighting just one type of case. The quantitative approach sets forth a comprehensive view of the Consistory's activity without preference. The tendency to generalize the work of the Consistory as social or behavioral discipline does not match a quantitative analysis of the early years of its existence.

Examination in the Consistory

We have noted the difficulty in arranging entries into cases due to an occasional detachment between the issue and examination. A quantification of the topics covered during the examination phase of an entry in the Consistory minutes requires a closer look at the features of each recorded examination. When a defendant was summoned on an issue, when they appeared the examination process would approach various subjects. These subjects addressed during examination are quantifiable topics.

The examination phase is usually the longest of the three parts of entries. Robert Kingdon suggests the Consistory used an inquisition-style interrogation where questioning was employed to find the facts of a case.³⁴ The transcription of the questions and responses of the examination, I believe, goes beyond Kingdon's analysis. There was more of a positive exchange than an interrogation or repeated questioning suggests.³⁵ Nowhere in the minutes for 1542 to 1544 is there a clear indication of the style of the discourse.

Comerford and Pabel (eds.) *Early Modern Catholicism: Essays in Honor of John W. O'Malley, SJ* (University of Toronto Press, 2001), pp. 84-96, esp. 87.

³³ On the topic of cases of adultery (18), baptism (11), and rape (2) see Kingdon, *Adultery*; Spierling, *Infant Baptism in Reformation Geneva: The Shaping of a Community, 1536-1564* (WJK, 2009); Naphy, *Sex Crimes, From Renaissance to Enlightenment* (Tempus, 2004). These excellent works use exceptional cases to form an argument about the nature of the Consistory. Such focused studies do not represent the Consistory or people of Geneva at this time.

³⁴ Kingdon, *Adultery*, pp. 21-23 and Naphy, *Consolidation*, p. 8.

³⁵ Edward Peters, *Inquisition* (University of California Press, 1989), pp. 40-52; Peters notes inquisition as a procedure aimed at belief and behavior, but with a strong coercive and persuasive tone – especially in its medieval and early modern manifestations. These rigid elements are not seen in the recorded

On the whole, the examination phase remains obscure. There is no substantial evidence describing who is asking the questions. A few recorded references offer no solution to this obscurity. On 17 August 1542, Syndic Pertemps, the president for that particular session, posed two questions to two defendants, Andrier Piard and Benoyte Amyaulx.³⁶ These entries only lead to speculation. Either it was a rare occasion that Pertemps raised a question worthy of note, or, possibly, the scribe did not typically record who was speaking. The latter seems much more probable. Kingdon and the editors of the *Registers* believe the syndic conducted examinations in Consistory sessions.³⁷ Several presiding syndics are documented giving reports to the court. This is the case with syndics Amied Porral, Domaine d'Arlod and Pertemps.³⁸

In addition to the unresolved identities of the examiners, the defendant's involvement is unclear. A majority of the time it is unknown whether a defendant is responding to a question or asserting a point. The formula of question and answer may not have been as static as an inquisition or deposition style may suggest. As a result, there is no way of knowing whether some topics are raised by the Consistory or by the volition of an individual appearing before the court. With this obscurity considered, I believe it is possible that the Genevan Consistory resembled a scenario of examination by discussion rather than inquisition. Presumably, the rules the Consistory enforced were not optional, but this does not mean that a rigid or inflexible process was required to reach a decision.

The classification of the examination phase must be quantified and discussed as topics. Topics discussed by the examiners and defendants were initiated together rather than a simple question and answer exercise. The minutes are unclear as to who is speaking or responding. In fact, a number of cases on the record show defendants giving substantial information, seemingly unprovoked and unquestioned. Information gleaned from the examinations shows a remarkable amount of variation among defendant responses. If the Consistory employed a strict inquisition style, then how can we account for such variations, colorful personalities, and multiple views expressed seen through a quantitative approach of the source?

minutes of the Consistory of Geneva. In my view, the tendency to call the Genevan Consistory inquisitorial ought to be clarified to maintain distinction.

³⁶ Cases 98 and 122 (RConsist. pp. 108-109).

³⁷ Kingdon, *Adultery*, pp. 14, 16-17 and RConsist. *Intro.* xxix.

³⁸ (RConsist. pp. 10, 57 and 70).

The categorization of the topics covered during the examination phase of entries has been divided into several themes given below. These themes develop a foundation for the quantitative analysis of examinations.

Table 1.3: Topics in Examinations in the Consistory Minutes (1542 - 1544)

	<i>1542</i>	<i>1543</i>	<i>1544</i>	<i>Total</i>
Prayer	160	122	36	318
Attendance	104	124	53	281
Law*	53	56	38	147
Communion	73	46	20	139
Papistry	46	66	22	134
Residence	25	25	5	55
Marriage	24	25	10	59

Foremost among the topics examined concerned the ability to say prayers and attend sermons. This topic was raised more than any other in the examination. An individual who appeared before the Consistory was examined on their ability to say the prayer and confession. Genevans were expected to recite the Lord’s Prayer and Confession of Faith in the vernacular tongue.³⁹ Those who could not were asked to return. The data give a sense of improvement among Genevans who appeared and were required to recite the prayer and confession of faith before the Consistory.

Table 1.4a: Defendant Examination of Prayer and Confession

	<i>1542</i>	<i>%</i>	<i>1543</i>	<i>%</i>	<i>1544</i>	<i>%</i>	<i>Total</i>
Able	79	49%	61	50%	23	64%	163
Unable	81	51%	61	50%	13	36%	155

A substantial number of Genevans were also asked about sermon attendance. The topic was broached 281 times and included examination of where the defendant attended service, the name of the preacher and the subject of the message. The primary fact-finding strategy the Consistory used was to ask the defendant to identify who preached. Defendants who identified a preacher incorrectly were chastised for lying. Called to the Consistory on an issue of gambling, Gonyn Floutet affirmed he

³⁹ The *Pater Noster* (*qui in caelis es...*) and the Apostle’s Creed (*Credo in Deum Patrem omnipotentem*).

attended sermons by identifying Henri de La Mare, but was found in a lie since he did not preach on the day in question.⁴⁰ A larger number of defendants were unable to remember the subject matter preached when pressed by the Consistory. Some responded well. Anthoyne de Crouz was summoned to the Consistory on an issue of blaspheming and quarreling on 15 March 1543. When asked about sermons, he responded that he heard Calvin preach on the departure of Joseph in the book of Genesis.⁴¹ Jane Symond testified that she was at sermon the day before and the sermon covered the beheading of St John.⁴²

The question of sermon topic arose 70 times between 1542 and 1544. Over half of the defendants asked to recall the topic preached could not remember (53%). These numbers lend foundation to speculation that the Reformation message might not have connected through the medium of the pulpit.

Table 1.4b: Defendant Responses Regarding Sermon Attendance

	<i>1542</i>	<i>1543</i>	<i>1544</i>	<i>Total</i>
Remembered	24	9	0	33
Forgot	18	18	1	37
Unable to Id.	6	6	5	17

The top two examination categories of prayer and sermon attendance affirm the imperative of the Consistory to examine Genevans on matters of doctrine. This was vital to the implementation of the Reformation in Geneva. The ability to pray and the necessity to attend sermons were promoted through consistorial work and discipline. These data further indicate the need for prayer and sermons as the impetus for the Genevan Reformation.

Defendants were also examined about communion and papistry. These exchanges were frequently written in entries that closely resemble case issues of the same category. In terms of discussion, defendants more often initiated an exchange when topics of communion and papistry were raised often replying to a question with a denial, explanation, personal view or excuse (see Table 2.5).

Table 1.5a shows the quantified data concerning cases where examination was on the topic of papistry and communion. These explain the connection between issue

⁴⁰ Case 136 (RConsist. p. 118).

⁴¹ 15 March 1543, Case 249 (RConsist. p. 205-206); Anthoyne was asked about quarreling with his mother, but the main issue in both is distinct.

⁴² 9 November 1542, Case 71 (RConsist. p. 145).

and examination as part of the quantification process. Furthermore, the data reveal a broad array of cases when the topic of papistry was raised. For instance, 17 cases with an issue of sermon attendance included an examination about papistry. In 1542 and 1543, the topic of communion was raised in greater frequency in cases of general faith and doctrine and sermon attendance than cases of communion. Between 1542 and 1544, the topic of communion was a steady concern for quarreling cases.

Table 1.5a: Cases Concerning Papistry

	<i>1542</i>	<i>1543</i>	<i>1544</i>
Faith/Doctrine ^{1*}	6	7	0
Communion ¹	5	2	4
Papistry ¹	20	25	5
Sermons ¹	6	17	8
Abuse	1	1	0
Quarrel	2	4	0
Fornication ^{2*}	1	2	0
Gaming	1	0	0
Drunkenness	0	1	0
Separation ³	1	1	0
Engagement ³	3	2	1
Magic	0	2	0
Blasphemy	4	3	0
Rebellion	3	3	0
Baptism	0	1	1
Idleness	0	1	0
Unknown	0	2	0

Table 1.5b: Cases Concerning Communion

	<i>1542</i>	<i>1543</i>	<i>1544</i>
Faith/Doctrine ^{1*}	16	5	0
Communion ¹	10	7	5
Papistry ¹	7	7	2
Sermons ¹	9	12	2
Abuse	2	0	0
Quarrel	9	7	6
Fornication ^{2*}	5	5	1
Rape ²	0	1	0
Adultery ²	1	1	0
Gaming	1	0	0
Marriage ^{3*}	3	1	1
Separation ³	1	1	1
Engagement ³	2	0	0
Magic	2	3	0
Blasphemy	4	2	0
Rebellion	3	0	0
Suicide	0	1	0
Baptism	2	0	1
Unknown	0	1	0

NB: Calculated by analyzing censures and questions per to Communion habits in entries by case category. New case issues are included only when the defendant is censured or questioned a subsequent time. LS = issue + (comm v Censured) + (comm + Censured).

Decisions: Verbal, Compulsory, Instructive, and Restorative

The Consistory's most potent disciplinary tool rested in the power to render opinions and decisions. Decisions made by the Consistory represent their largest collection of activity. Between 1542 and 1544 1,181 decisions were made. The reach of the Consistory's power can be understood from the kinds of decisions it made. With a categorization of decisions, the court's jurisdiction and the priorities of discipline take shape.

Decisions were given at the very end of entries after examination. Sometimes they were rendered in the middle of proceedings. Typically, a verbal opinion was always given before the defendant was dismissed.

Table 1.6 : Decisions and Opinions of the Consistory (1542 - 1544)

	<i>1542</i>	<i>1543</i>	<i>1544</i>	<i>Total</i>
Admonitions	136	126	58	320
Remands	93	66	32	191
Orders	79	57	20	156
Remands to the Council	46	44	22	112
Advice	49	18	6	73
Censures	28	13	2	43
Remonstrances	25	54	42	121
Summonses *	9	10	25	44
Advisory Opinions	16	26	12	54
Procurator General	0	1	1	3
Proposals	6	2	1	9
Resolutions	9	1	0	10
Commands	3	4	5	12
Excommunications	2	0	0	2
Exhortations	5	11	7	23
Remands to the Lieutenant	1	2	0	3
Imprisonments	2	1	0	3
Charges	1	0	0	1
Pardons	2	0	0	2
Total	513	434	234	1,181

* related to entries and cases already in process

The most frequently used decision was the admonition. Verbal decisions were commonplace among the work of the Consistory. Over half of the decisions given were verbal, opinions read by the court while the defendant was present. Other widely used decisions were remonstrances, exhortations, commands, orders, resolutions, proposals and advice. Each carried with it a corresponding degree of force, but none were binding unless the defendant was kept in custody.

Quantifying the specific content of admonitions and other verbal decisions is difficult. From time to time a specific reference about the subject and conveyor of admonitions is found. From these few specific clues, we can derive a rudimentary profile, but cannot suppose the content of a verbal formula. The admonition was most likely based on the Word of God. A case of rebellion reported by the syndic was heard in the Consistory against Anne Perrin. The decision in this case demonstrates the content of an admonition:

“The Consistory admonished her to be more steady in the future and not mock the Word of God any more and have the fear of the Lord and not scorn the Word of God in this way, and that she not do thus again and that she not trouble the church again, and honor the Word of God.”⁴³

Due to the length of this admonition, it is understandable why the scribe did not often record all of the details of verbal discipline. It may be that admonitions referred to a style comparable to this Perrin decision.

The entries are inconclusive when it comes to confirming a pattern for verbal decisions. Several recorded examples leave interesting instances of verbal discipline, but offer no comprehensive explanation. On 3 July 1544, it was recorded that the “lords” of the Consistory delivered the remonstrances.⁴⁴ A more specific reference is given 31 March 1542: “The lords preachers having given him proper admonitions and given him leave....” Calvin is mentioned several times for his impressive admonitions.⁴⁵ He admonished Jane Pertennaz “from the Word of God.”⁴⁶ These examples do not offer a consistent pattern to affirm the normal delivery or content of verbal decisions. Verbal decisions are similar to the uncertainty of a spokesman in

⁴³ 23 February 1542, Case 7 (RConsist. p. 10).

⁴⁴ Case 387 (RConsist. pp. 413-414).

⁴⁵ 17 April 1544, Case 406 (RConsist. p. 387) and on 1 February 1543 Calvin’s admonitions are recorded early in the entry, Case 226 (RConsist. p. 184).

⁴⁶ 4 April 1542, Case 29 (RConsist. p. 30).

consistorial examination (see Table 3). The minutes indicate nothing about an official spokesman of the court in terms of conveying the opinions of the court.

Compulsory decisions were particularly powerful tools of the Consistory reaching far beyond verbal discipline. Procedurally, these decisions were also given verbally, but required the defendant’s obedience, failure of which incurred a penalty. These decisions were binding.

The Consistory possessed the power to call people to the court beyond the procedure of an initial summons. It held the authority to call additional persons as witnesses or defendants for cases already in process. The court could also remand people. A remand held people in the custody of the court. A remanded defendant was ordered to return to the Consistory at another time, usually to analyze their improvement. The period of time a defendant was remanded was anywhere from one week to six months. For example, Claude Du Chesne was given one month to learn the confession in order to “come here to recite and explain it.”⁴⁷ Some defendants were remanded indefinitely.

During this period of the Consistory’s work, a remand was given every six decisions and 1 in 3.75 defendants were told to return. The data confirm that remanded cases typically fell within the jurisdiction and initiatives of the Consistory. The decision to remand a defendant usually came in cases the court regularly pursued. Decisions to remand correspond with our analysis that the Consistory’s initiatives focused on certain kinds of cases.

Table 1.7a : Orders to Return to the Consistory (1542 - 1544)

	<i>1542</i>	<i>1543</i>	<i>1544</i>	<i>Total</i>
Remands	94	67	32	193
Frequency in entries	3.69	4.41	4.69	4.11
Frequency in decisions	5.46	6.48	7.31	6.12
Frequency among defendants	3.53	4.31	5.25	3.71

⁴⁷ 13 September 1543, Case 228 (RConsist. p. 276).

Table 1.7b : Cases Remanded – Discipline Concerning Remands by Case Category (1542 - 1544)

	1542	1543	1544
Abuse	1	1	1
Adultery ²	0	2	0
Baptism	1	1	0
Blasphemy	6	3	1
Communion ¹	3	1	3
Divorce ³	2	1	0
Engagement ³	8	3	3
Faith/Doctrine ^{1*}	17	8	2
Fornication ^{2*}	10	3	2
Gaming	0	1	0
Magic	1	0	0
Papistry ¹	4	7	0
Quarrel	10	9	8
Rebellion	1	0	0
Separation ³	4	3	1
Sermons ¹	15	11	7
Unknown	2	1	3
Usury	0	0	1

The Consistory also issued decisions to place defendants into the custody of other law courts in Geneva. Cases given to the Council demonstrate both a relationship of the Consistory with the government and a separation of powers.⁴⁸ A large portion of cases given over to the Small Council fell into certain categories outside of the jurisdiction of the Consistory. Marriage and fornication cases were most readily given over to the Council. On average, between 1542 and 1544, over half of all marriage cases were translated. Likewise, 1542 and 1543 saw a high percentage of fornication cases turned over to the Council. Conversely, very few cases of faith and doctrine and quarrels were given over to the Council for punishment.⁴⁹

Table 1.8 : Cases Remanded to the Council by Supercategory (1542 - 1544)

<i>Supercategory</i>	1542	%	1543	%	1544	%
Marriage	21	57.0%	17	70.8%	7	41.2%
Fornication	16	53.3%	11	45.8%	4	17.4%
Faith/Doctrine	8	7%	10	8.8%	1	<1.0%
Quarrels	3	9.4%	3	11.1%	1	1.1%

⁴⁸ Cases given over to the Council (or Seigneurie) from the Consistory translated to the Small Council or Council of Sixty (LX).

⁴⁹ Evidence as to the procedure of remanding to the Council is found 13 September 1543, Case 323 (RConsist. pp. 275-276). Apparently, the Consistory would decide to give the entire written record over to the Small Council to examine when cases were translated.

Cases remanded to the Council were usually given with an advisory opinion. The Consistory gave the Council advice as to how to proceed or punish. Examples of this advice include the calling of witnesses or suggestions as to the best form of punishment to pursue.

Some decisions in the Consistory were severe. The most prevalent severe decision given by the Consistory was a censure (see Table 1.6). A censure meant an individual was forbidden participation in Holy Communion. A total of 43 censures were given between 1542 and 1544. The censure was a manifestation of the court’s theological and political interests – to protect the Communion table and exercise an exclusive ecclesiastical power in the city. Besides the prohibitive censure, severe decisions were not common in the Consistory at this time. The court did, however, issue its fair share of warnings to frighten defendants with the full extent of the law. Bluff warnings, like threatening to give people over to the Council, occurred 39 times (denoted “*” in Appendix 3).

Table 1.9 : Severe Decisions in the Consistory (1542 - 1544)

	<i>1542</i>	<i>1543</i>	<i>1544</i>	<i>Total</i>
Warning	2	1	2	5
Excommunication	3	1	0	4
Corporal Punishment	1	1	0	2
Banishment	2	0	0	1
Imprisonment	5	1	0	6

Most of the severe decisions made by the Consistory were given as advisory opinions for the Council (denoted “!” in Appendix 3). The data show the Consistory rarely administered harsh penalties and did not have the legal right to conduct such punishments.⁵⁰

Two individuals were excommunicated in 1542 and 1543. Jane Pertennaz and Jehan Curtet were excommunicated for papistry and quarreling, respectively. In both instances, there are clues that these harsh decisions came from the ministers in the Consistory. Curtet, after being advised to reconcile with his brother, was declared “outside the union of the faithful and considering this, the preachers do not hold him as belonging to religion.”⁵¹ Pertennaz was the mother of the presiding syndic when

⁵⁰ *R.C.P. (Hughes)* p. 49. It would appear Julian Recouz’s widow was directly imprisoned by the Consistory, 11 January 1543, Case 217 (RConsist. p. 179).

⁵¹ RConsist. p. 53.

she was excommunicated one of three times.⁵² After giving a lengthy theological explanation on 31 March and being admonished by Calvin the next week, she was in both instances “declared outside the church.”⁵³

Although we can categorize verbal decisions used to warn people and compulsory decisions used to bring people into custody of the Genevan legal system, the work of the Consistory can only be understood fully by also quantifying how the court issued instructive decisions. Instructive decisions were designed to oblige defendants to learn religion. In this category, the initiatives of new belief and conversion are prioritized by the decisions of the court. Of all decisions made in the Consistory between 1542 and 1544, 20% were used to instruct people to attend sermons and learn prayers. Roughly 1 in 3 defendants were instructed to attend sermons and learn prayers (underlined in Appendix 3, e.g., “Ordered”).

Table 1.10 : Instructions to Attend Sermons and Learn Prayers

	<i>1542</i>	<i>1543</i>	<i>1544</i>	<i>Total</i>
Total	120	90	26	236
Frequency in entries	2.89	3.29	5.77	3.36
Frequency in decisions	4.25	4.82	9.00	5.00
Frequency among defendants	2.77	3.21	6.46	3.03

The Consistory also invested much of its activity in reconciling quarreling individuals. As we have seen, quarrels fell within the parameters of consistorial work. A number of decisions were ruled specifically to compel quarrelers to come to agreement (denoted “rec” in Appendix 3).

Table 1.11a : Instructions to Reconcile

<i>Decision</i>	<i>1542</i>	<i>1543</i>	<i>1544</i>	<i>Total</i>
Admonished	7	3	2	12
Ordered	5	2	3	10
Advised	6	0	0	6
Exhorted	3	5	1	9
Remanded	3	3	2	8

⁵² That is, Claude Bonna (called Pertemps), son of Jana Bonna. He was syndic and president of the Consistory in 1542. He was not present when his mother appeared twice that year.

⁵³ RConsist. pp. 28, 30-31.

Although these decisions are not as numerous as instructions to attend sermon and learn prayer, they do suggest something about the Consistory’s role in resolving disputes. Nearly 40% of all quarrel cases were resolved in the Consistory suggesting the court’s authority to initiate settlements and amity.⁵⁴

Table 1.11b : Reconciliations among Quarrel Cases

	1542	1543	1544
Consistory	10	11	8
Church	8	3	0
Council	3	3	0
Unknown	2	5	2
Unresolved	9	5	0
<i>Total</i>	32	27	22

In many instances, the decisions of the Consistory do appear rather arbitrary. An entry on 5 October 1542 involving Jehan Bornand and his wife documents how they were treated gently even after an unimpressive examination concerning how they profited in the Word of God. Bornand’s wife could not recite the Creed. Both were admonished.⁵⁵ Jana Vuy was treated amicably because she confessed to her crime on 1 May 1544.⁵⁶ Pierre Guillermet “spoke insolently” but was admonished to frequent sermons and avoid scandalizing others. He was suspected of fornication with his servant girl and later given strong admonitions and remanded to show improvement in religion. He later complied and promised to do better. In a later session, he told the Consistory that he swore “freely” and begged the mercy of God. He further promised to improve and frequent sermons.⁵⁷ In a bit of a mixed decision, Estienne Furjod was “given good remonstrances and proceeded against more sharply.”⁵⁸

All of the decisions and opinions of the Consistory exhibit a concern with belief as a primary reason to address behavior. An individual who believed wrongly could very well behave wrongly and threaten society and the church. It cannot be overlooked that the authorities of Geneva disciplined with a focus on belief.

⁵⁴ See also Kingdon, “A New View of Calvin”, pp. 30-33.

⁵⁵ Case 121 (RConsist. pp. 130-131).

⁵⁶ Case 427(RConsist. p. 391).

⁵⁷ Case 253 (RConsist. pp. 207, 208, 235 and 268).

⁵⁸ Case 214 (RConsist. p. 176).

Discipline to correct violations according to the standard of the Word of God was a subject well within the understanding of the ministers who sat on the Consistory.⁵⁹

The methods of quantification and classification show the difference between the reason for summons and topics discussed in examination. This demonstrates that the Consistory typically moved far beyond finding the facts about an issue, but pursued many different topics to examine a defendant. Thus, the Consistory's priorities are not based in finding the facts about an issue, but rather raised topics to determine the faith or spiritual condition of a person. The court had to employ a far-reaching vision to pursue the impossible task of finding facts about a person's inner disposition.⁶⁰ This is probably why there was no body of case law to determine standards for procedure or judgment. The legal standard was the Word of God and procedure focused on determining the spiritual condition on an individual basis.

In all of these quantitative analyses, a consistent theme emerges that portrays an activity as the work of the Genevan Consistory. Although a quantitative analysis alone cannot elaborate on exceptional cases, or the intricacies of the motivations and ideologies of the court, the numeric evidence overwhelmingly suggests certain cases fell within the power and priority of the Consistory. These included individual cases of sermon attendance, quarreling, general faith and doctrine, and papistry. When combined, cases of faith and doctrine, marriage, fornication, and quarreling comprise the most substantial groups of cases. The activity of the Consistory indicates an imperative for proper doctrine as a means to good behavior, social order and conversion. This religious concern was a foundational mechanism of consistorial decisions in Geneva.

⁵⁹ For Calvin, discipline was a matter of worship. The Consistory and its aims were closely associated to the life of the church: prayer, sermon attendance, admonition and the later power to exclude people from the sacrament (David Keck, "Sorrow and Worship in Calvin's Geneva: their Place in Family History" in Forster and Kaplan (eds.) *Piety and Family in Early Modern Europe: Essays in Honour of Steven Ozment* (Ashgate, 2005), p. 212.

⁶⁰ See n. 147.

Chapter 2

The Consistory and the People of Geneva

The quantification and classification of the activity of the Consistory over its first months of existence yields an understanding of what the institution prioritized. However, this is only one factor in trying to unpack the meaning of discipline, the work and the impact of the Reformation through the Consistory in Geneva. A critical step of this quantitative study is to analyze the effects of the work of the Consistory on the people of Geneva.

It is important to remember that the Consistory was conducting its work in a very specific social setting. The Consistory was not simply a venue to implement ideas, but rather an institution where the priorities of the court met a social reality. The Consistory minutes hardly show any character of a law book with rigid standards.⁶¹ I have found ample evidence from among minutes that the people who appeared in the Consistory initiated an interchange. Although the people were the target of disciplinary initiatives, their views were heard. The minutes show the preservation of the human and institutional element of the Consistory. After all, the focus of the transcription of the proceedings was to document the positions and attitudes of the people who appeared. The source material is rich with personality, emotions and contradictions.

Even though a transcription does not fully uncover the mandates and ideological framework of the court and the city's laws, this is not meant to suggest that the Consistory was only a forum of negotiation without standard.⁶² As a law court, the Consistory possessed authority that was binding and obligatory. Each entry in the Consistory minutes reflects the non-negotiable principles of the institution. However, we cannot assume that all the priorities and expectations of the Consistory were understood by everyone who appeared. Thus, the burden of explaining the city's new laws became a method of communication that rested partially on the Consistory.

⁶¹ For an excellent contrast see the example of sixteenth-century Catholic heresy law in Eymeric's *Directorium Inquisitorum* edited and republished several times during this period, mostly in Rome.

⁶² Margo Todd, *The Culture of Protestantism in Early Modern Scotland* (Yale, 2002).

The impact of these initiatives on the population was a work-in-progress from 1542 to 1544.

A quantitative view of Genevan attitudes shows the Consistory seldom possessed the rigidity in persuasion and, in some ways, adjusted and compromised in order to put laws into practice.⁶³ As we have seen, the decisions given by the Consistory were never uniform or mandatory, but adaptable on a session-by-session basis. In turn, the social reality of Geneva and the attitudes of people had a strong influence upon the work of the Consistory.

Finding the intersection of the work of the Consistory and the attitudes of the people is an attempt to understand institutional impact, the social influence of people and how the culture of Geneva became reformed.

Quantifying People: Gender, Class, and Population

Between 1542 and 1544, 718 people appeared before the Consistory. Almost half of these people came to the Consistory in 1542 (46%). In all three years, there was no targeted preference for gender.

Table 2.1: Defendants Appearing before the Consistory by Gender (1542 - 1544)

	<i>1542</i>	<i>1543</i>	<i>1544</i>	<i>Total*</i>
Male	166	148	99	365
Female	166	143	69	353
Total	332	291	168	718

The quantity of people who appeared is quite distinct from the total number of people involved in cases and the number of people summoned. I have only counted individuals who appeared before the consistory in order to understand the impact of the court for several reasons. First, I do not believe counting a summoned individual captures the work or impact of the Consistory, especially if that individual did not appear. Second, categorizing individuals named in cases, but not present can be problematic. It is difficult to comprehend just how an individual is involved in the case. Often, by implication, they were not the focus in the issue of the case. Sometimes it was difficult to know if a named person was implicated by a defendant

⁶³ Kingdon and Witte, *Marriage*, p. 15. Kingdon and Witte show that a mandatory penalty was not always realistic. Most of the decisions given were adjusted.

or mentioned in an explanation in the examination process. Counting a named individual who never appeared does not produce results that capture the impact of the activity of the Consistory. It only tells a story of resistance and disobedience. In essence, a defendant did not participate in the disciplinary activity of the Consistory unless they appeared.

Table 2.2 : Profile of Classes Represented at the Consistory (1542 - 1544)

<i>Class</i>	<i>Total</i>	<i>%</i>
Citizens	77 - 82	10.7 - 11.4%
Bourgeois	218 - 244	30.3 - 33.9%
Habitants	98 - 135	13.6 - 18.8%
Villagers	44 - 50	5.9 - 6.9%
Foreigners	18 - 25	2.5 - 3.5%
Unknown	182 - 264	25.3 - 36.7%

Approximately 40-45% of those who appeared before the Consistory were citizens or bourgeois. These classes had privileges to property, business ownership and the right to hold office. Distinguishing between certainty and possibility amongst these two class categories was based on information recorded in entries and biographical details supplied by the editors of the *Registers*.

Habitants, those living in Geneva without landed status, constitute a large category with a wide margin of possibility. This classification was based on biographical details, entries and examinations. Roughly 30% of habitants were identified as immigrants living in the city. Typically, the Consistory raised the topic of residence and duration of residence in Geneva. In 1542 and 1543 residence was discussed 49 times with defendants who were predominately immigrant habitants and foreigners.⁶⁴ The Consistory and authorities may have suspected unfamiliar individuals in the city. During this time the fear of fornicators and Catholics coming to Geneva bolstered the initiative to keep them out.⁶⁵

Estimations of people appearing in the Consistory from the countryside are imprecise, but do give some indication of the reach of the Consistory outside of the city. Villagers are categorized as Genevans living outside of the city walls. Foreigners

⁶⁴ 21 out of 25 defendants or 85% in 1543. Monter and Naphy focus a great deal on population increase attributable to refugees around 1555, but the refugee question and the political strain surrounding this increase is not yet an issue at this time.

⁶⁵ For example a complex case unfolded in 1544 concerning prostitutes from Lausanne visiting inns as they visited the city, 10 April and 1 May 1544, Case 418 (RConsist. p. 378, 379, 381-384 and 390).

are categorized as living outside of the city and outside of Genevan possessions. Typically, villagers and foreigners were identified in entries, but sometimes there is no record of residence. The Consistory conducted discipline with institutions abroad. It was in contact with other foreign consistories in Gex, Lausanne, Coppet, and Ternier concerning cases of people native to the countryside.

Historians have traditionally outlined how remarkable the reach and impact of the Consistory was by calculating the percentage of the population touched by its work. Monter suggests that the population of the city stood at 10,300 in 1536.⁶⁶ Helpful tables compiled by Naphy using Geneva's State Archives show an increase in bourgeois admittance between 1536 and 1542 of 123 persons.⁶⁷ Given these figures and the reliable estimation of the editors of the *Registers*, Geneva's population probably stood around 11,000 or 12,000 in 1542.

A calculation of the population of Geneva's countryside possessions is difficult. Genevan territories near the towns of Jussy, Satigny, Peney, and Céligny were not large, but the Consistory recorded a fair amount of business with these places.⁶⁸ Evidence indicates that the Consistory attempted to expand its jurisdiction in the countryside during the winter of 1542-1543. In November, Henri de La Mare proposed to the Consistory that the villages of Petit Saconnex, Champel, and Cologny be assumed into consistorial jurisdiction. It was forwarded to the Council for discussion.⁶⁹ Additionally, the Consistory requested that the Council place more wardens in Jussy and Peney.⁷⁰ These records suggest that the villages were significant and, in the view of the Consistory, areas that needed attention and resources.

When estimating a percentage of impact based on appearances alone, types of social classes and population estimates that include a more generous view of countryside possession and adjacent territory, the Consistory likely saw 5% of 13,000 to 14,500 people in the region. This is based on a reasonable estimate that the social status of 70-75% of those who appeared is certain.

⁶⁶ Monter, *Calvin's Geneva*, p. 2 and Harro Höpfl, *The Christian Polity of John Calvin*, Cambridge Studies in the History and Theory of Politics (Cambridge, 1985), p. 136.

⁶⁷ Naphy, *Consolidation*, p. 24-26. Naphy elsewhere places Geneva's population at 10,000 in Naphy, "Calvin and Geneva" in Andrew Pettegree (ed.) *The Reformation World* (Routledge, 2002), p. 209.

⁶⁸ On 27 April 1542 the consistory examined local men for the court in Peney and did the same on 10 May 1543 for wardens of the castellan's court in Jussy (RConsist. pp. 51 and 254). These places were under the city's control by the placement of a castellan. Not all of these territories held a Geneva pastor, but still answered to the Consistory (e.g., Peney); cf. map in Monter, *Calvin's Geneva*, p. 130.

⁶⁹ 9 November 1542 (RConsist. p. 145).

⁷⁰ 15 February 1543 (RConsist. p. 193).

Reputation

No one from the Geneva community was exempt from the reach of the Consistory. Regardless of class, a number of reputable individuals were disciplined. As this profile shows, the work and discipline of the Consistory included even those in high position. Given the relatively high percentage of landed persons that appeared before the Consistory, high profile cases are not surprising.

Table 2.3 : Profile of Reputable Genevans

<i>Name</i>	<i>Station</i>	<i>Charge</i>	<i>Case</i>
Colleta Mailliet	Wife of scribe George Mailliet	?	414
Thomas Genod	Procurator General in 1542	Abuse	336
Jehan Mouri	Curé of Peissy	Adultery	166
Jehan Desboys	<i>Dizquier</i> (Fusterie)	Faith/Doctrine	95
Claude Magnin (Goudoz)	<i>Dizquier</i> (St Christofle)	Faith/Doctrine	37
Pierre Vernaz	Son of Pierre Vernaz, elder of the Consistory	Fornication	283
Francois Bonivard	Patriot/Chronicler	Gaming	365
Mermet de Loermoz	Brother of Just de Ulmo, elder of the Consistory	Idleness	311
Jane Pertennaz (Bonna)	Mother of Syndic Pertemps	Papistry	29
Mye Goulaz	Wife of the Master of the Mint, Henri Goulaz	Papistry	189
Loys Savarin	<i>Dizquier</i> (Maison de la Ville)	Papistry	76
Jehan Du Nant (Corajod)	<i>Dizquier</i> (Poissonnerie)	Papistry	197
Bartholomé D'Orsières	Sister of Pierre D'Orsières, elder of the Consistory	Papistry	61
Pierre Tissot	Treasurer of Geneva	Quarrel	333
Jaques Des Vignes	<i>Dizquier</i> (Rhône Bridge)	Quarrel	183
Petremand Falquet	Grand Sautier of the Council	Separation*	343
Jana Mermet	Mother-in-law of François Beguin, secretary of state	Sermons	170

*Appears in support of his daughter against Estienne Furjod

Two high profile cases from 1544 further illustrate the counterbalancing elements of reputation and discipline. On 10 April, Pierre Berthet brought a complaint against syndic Michiel Morel for an insult. Apparently, the Consistory was more concerned that Berthet give up the grudge than gather details about Morel. They questioned the allegation. In return, Berthet submitted himself to punishment if he was lying and, out of frustration, exclaimed “if it were anyone else it would not be

passed over in this way.” After an indeterminate time, Berthet was calmed and he pardoned the syndic. He was admonished and given strong remonstrances.⁷¹

On 29 May, a servant of Jehan Pensabin stole wine from Jehan Achard and it was reportedly consumed over a dinner with guests from Evian. The servant, Gonyne Michaud, implicated Pensabin – a devoted member of the Consistory in attendance that session – for quarrelling with Achard over the missing wine. She also fully disclosed the theft and the involvement of one of Achard’s maids. She was remanded to appear again and ask mercy of Achard. Additionally, a decision to admonish Pensabin was reached after his recusal from the bench. He was also ordered to reconcile with Achard the next day after sermon and relieve Gonyne from his service.⁷²

Although no one escaped the Consistory’s exercises of authority, status was consequential. The foregoing cases illustrate that the reluctance to pursue the syndic resulted in the accuser being the accused. And, while an elder was dismissed and admonished, there was strict discipline for the maid who exposed him. The Consistory was not immune from social and political influence. These cases instruct as to why people did not often come voluntarily to the Consistory (see Table 2.4).

The pastors participated in a different disciplinary system altogether. They did not sit under the discipline of the laws of the city in terms in ministerial discipline.⁷³ During this time, none of the pastors were disciplined by the Consistory, the proper venue for ministerial discipline. This fact contributes to our understanding of jurisdiction battles on the right to discipline.

Attitudes of Genevans toward the Consistory

Appearances were documented in the Consistory minutes and present a wide spectrum of attitudes and views. But were these expressions authentic or artificial? Did defendants display a genuine belief or a fear of sanction? Was the non-conformist spirit greater than the initiatives of the establishment? The quantification of people’s remarks presents an excellent way to try and measure such a range of interactions and expression. The following data concern whether the impact of the Reformation was authentic or artificial among people who appeared in the Consistory.

⁷¹ Case 420 (RConsist. p. 383). The president for that Consistory session was Jean Philippin. Interestingly, the elder Jehan Pensabin delivered the admonitions in this case.

⁷² Case 438 (RConsist. pp. 401-402).

⁷³ *R.C.P. (Hughes)*, p. 38.

A remarkably limited amount of people appeared before the Consistory on their own accord. Only a small portion of the population apparently found use for the Consistory as a venue that could rectify a wrong or establish a right.

Table 2.4 : Voluntary Appearance

	1542	%	1543	%	1544	Total
Supplications	9		2		7	
Complaints	0		4		2	
Requests	8		8		1	
Voluntary*	18	9.1%	12	5.8%	10	9.7%

*Total of cases initiated by a suppliant, complainant or petitioner

Attitudes are organized from the examination portion entries. This was when defendants gave information by responding and asserting views. All of these interchanges are documented in transcription and reflect the views of Genevans. The table below quantifies these attitudes, some of which were powerful blocks and rebuttals to the work of the Consistory.

Table 2.5 : Basic Quantification of Attitudes among Defendants

	1542	1543	1544	Total
Denial	91	151	61	303
Cooperation	82	88	39	209
Excuse	46	53	27	126
Submission	26	42	26	94
Disobedience	18	11	9	38
Fear	2	1	2	5

The most substantial attitude among defendants was denial. This category is cast from a defendant who did not know why they were summoned, directly denied a charge, or directly denied a question by answering in the negative. Ignorance was an important tool in an individual's defense. The denial was a particularly powerful form of rebuttal to discipline since the Consistory did not have the power to force defendants to take an oath at this time.⁷⁴ It is possible that a majority of defendants knew this and put the authority of the Consistory to the test.

⁷⁴ See the example of denial on 26 April 1543, a case of marriage concerning Loysaz Mallier, Case 292 (RConsist. pp. 243-244). The case was remanded to the Council.

Defendants who cooperated typically gave information willingly and in abundance. They also, at times, fully confessed to committing the fault for which they were charged. Mermet Mouri told the Consistory that he lived a quiet life and admitted to sometimes blaspheming and receiving communion even though he did not understand what it was.⁷⁵ In a similar way, Amed Servey, on his third appearance in the Consistory, offered to learn the prayer after failing to say it properly again.⁷⁶ Ayma Gallaz freely admitted to fornication with Vincent Broliion. Gallaz also confessed fleeing to La Roche for a time where she had a child who died shortly after the birth. She provides an abundance of details about the affair.⁷⁷ Robellaz Falcat was also under suspicion for traveling in Catholic lands. After detailing her travels she explained that she had permission from the syndic Claude Roset. By these facts she denied the charges that she had received Mass.⁷⁸ Bernard Marcer and his wife Pernon provided many details about the charges of threatening and name-calling. They asserted that they were “not worthy of being in the present company.”⁷⁹ On his seventh appearance on 19 December 1542, Jaques Emyn brought a Bible he kept in his house to demonstrate he obeyed the Consistory’s previous order given 17 August.⁸⁰ Jehan L’Ostoz complied with a remand after he was given strong remonstrance 1 March 1543. He again reported to the Consistory 8 May 1543 that he was improving and doing what he was commanded to do.⁸¹ All of these examples demonstrate defendant cooperation.

The submission category denotes defendants who begged mercy or submitted to drastic punishment. It is not clear whether the defendant begged for mercy on his or her own accord, or whether they answered a formulaic question that was recorded. For instance, Claude Martignin and Anthoyne Blanc, both habitants of Geneva for six years, submitted to punishment if they were lying. He wanted his head cut off and she wanted to be dragged through the streets.⁸² Defendants typically used this drastic defense to submit themselves to prove that they were not lying and if the contrary could be proven, they would yield to stiff penalty.

⁷⁵ Case 361 (RConsist. p. 299). This case has so many issues it was impossible to categorize it based on Mouri’s initial appearance on 13 December 1543.

⁷⁶ Case 351 (RConsist. p. 311).

⁷⁷ Case 375 (RConsist. pp. 316-317).

⁷⁸ Case 43 (RConsist. p. 45).

⁷⁹ Case 376 (RConsist. pp. 319-321).

⁸⁰ Case 9 (RConsist. pp. 109 and 158).

⁸¹ Case 239 (RConsist. pp. 197-198, 251).

⁸² Case 266 (RConsist. pp. 310-311).

It is especially difficult to comprehend the sincerity of the individuals who adopted an attitude of cooperation and submission. We must be careful to suggest that these attitudes represent a genuine set of beliefs. Some cases offer examples of sarcasm. Clauda Mybella was examined in connection with a case of singing songs at night. She insisted she only sang a song called “Our Father Almighty” and that she was not mocking God or justice by singing it.⁸³ John Constant asserted that he “is more attached than he ever was to the Gospel.” However, he explained that he also knew the prayers in Latin. The Consistory’s decision to deprive him of the Lord’s Supper accounted for his “hypocrisy”.⁸⁴

While some claims and attitudes were noticeably disingenuous, bold and courageous, several entries depict episodes of great anxiety expressed by defendants. Francoyse Loup was examined on an issue of sermons and blaspheming. It was recorded that “she cried much and her hands shook in [the] Consistory before their lordships”.⁸⁵ Likewise, Andriaz Genod “asked grace, moaning and weeping”.⁸⁶ Contrition is not easily determined from reading these transcriptions. However, the discipline administered or avoided in the Consistory is the best evaluation of the sincerity of those who appeared.

Explanations and Excuses

Defendants gave some remarkably candid and sometimes ridiculous explanations of their positions. The people who appeared before the Consistory to explain themselves sometimes show no signs of pressure by speaking freely. Probably the most colorful parts of the consistorial examinations were the instances when defendants gave explanations of their views. Gabriel Curlat explained to the Consistory that he “has never been drunk, except once, a month ago.” He proceeded to explain that he stumbled and injured his nose when his candle went out and he stumbled on some dung.⁸⁷

Some explanations included especially forward religious views. On 13 September 1543, Guycharda Aubertaz bluntly told the Consistory that she did not want to go to sermons. She also stated that she was teaching her children to pray in

⁸³ Case 137 (RConsist. p. 123).

⁸⁴ Case 59 (RConsist. p. 60).

⁸⁵ 10 August 1542, Case 119 (RConsist. p. 107).

⁸⁶ 5 October 1542, Case 138 (RConsist. p. 132).

⁸⁷ (RConsist. p. 306).

both Latin and French.⁸⁸ Pierre Falcat and Nycod Mouri, former priests from Jussy, boldly proclaimed that they would not renounce the Mass since God instituted it.⁸⁹ Jane Du Nant, the wife of Jehan, claimed to have been in nearby Etrembières to watch her goods. She was pressed about hearing Mass outside of the city and keeping Lent. She asserted that keeping Lent was good and she was only living as her ancestors had taught her. The entry concludes with a warning from the Consistory.

Included in these explanations are a host of excuses. The benefit of quantification of explanations is the same as capturing the artificial spirit of cooperation or a defiant submission. Defendants typically excused themselves from sermons because of sickness or obligation to attend to a business.⁹⁰ On understanding sermons, Pernete Du Nant excused herself from explaining the topic of a recent sermon by saying she was partially deaf.⁹¹ Jehan Mouri excused himself in another way. He appeared on an issue of communion on 29 March 1543 and was accused of not celebrating the Lord's Supper. When confronted about understanding sermons at St Peters, he claimed he could not understand because he was stunned by the ringing bells.⁹² On absenteeism, Francoys Boulat excused himself from appearing at the Consistory by explaining he was outside of the city.⁹³ Lucrette Curtetie claimed she could not go to sermons in the winter because she feared the cold. She was suspected of papistic practices.⁹⁴ Lastly, had it not been for her absence from the sermons, Clauda Ravier testified, she would not have saved her two children from a fire at her home.⁹⁵

All of these explanations constitute a process of justification exercised by defendants. In many cases, appearance and explanation was for the purpose of explaining behavior not consistent with the priorities of Consistory. Some defendants knew this very well. Ignorance and sarcasm were more treacherous to the Consistory than careful explanations. Furthermore, insincerity equipped defendants with the option to conceal beliefs incompatible with those the Consistory sought to advance.

⁸⁸ Case 328 (RConsist. p. 277).

⁸⁹ 20 March 1543, Case 178 (RConsist. p. 210). Calvin is present this session. It is surprising these men were not dealt with more harshly.

⁹⁰ For his obligations as a mason, see Pierre Calibri's excuses on 20 July 1542, Case 100 (RConsist. p. 95-96). Claudaz Dechallon excuses herself in the same way on 23 November 1542, Case 182 (RConsist. p. 100).

⁹¹ Case 161 (RConsist. p. 138).

⁹² Case 261 (RConsist. p. 222).

⁹³ Case 94 (RConsist. p. 140).

⁹⁴ Case 255 (RConsist. p. 209).

⁹⁵ Case 407 (RConsist. p. 371).

Disobedience and Anger

Appearing on an issue of sermons and “other things,” Jane Mermet claimed she attended sermons every day, but could not remember anything and that she was “accustomed to [prayer] on her knees”. The Consistory then accused her of saying: “What devil wants me here?” She denied this strongly.⁹⁶

The case of Jane Mermet is one of several examples of outright defiance toward the court. The expressions and attitudes in this category move beyond the more subtle excuses, explanations and questionable submissions. I conducted a quantitative calculation of two categories of obligatory decisions: censures and remands in order to analyze disobedience. These decisions were already given to people who had appeared.⁹⁷ I found that the rate of disobedience was significant. Among cases where a censure was ruled, only ten subsequent hearings conducted a follow-up evaluation. It was found that 70% of those censured and questioned again did not obey the command to abstain from the Lord’s Supper.

Just under half of all remands given between 1542 and 1544 were violated. Some remands that were eventually obeyed did not occur within the time the Consistory had ruled. For instance, Myaz Santouzaz was told to return in a week in a decision rendered 4 May 1542. She returned on 1 June.⁹⁸ In the same manner, Pernete Bocherens appeared 13 July 1542 on an issue of separation from her husband. She was remanded to the following week with her husband. Only the husband appeared 17 August.⁹⁹

Table 2.6 : Disobedience

<i>Decision</i>	<i>Disobeyed</i>	<i>Obeyed</i>	<i>Unknown</i>
Censures	7	3	34
Remands	94*	97	–

*It is not altogether clear whether some of these decisions are ignored or unresolved and appeared another time beyond the scope of this study.

Disobedience and rebellion in some ways carried with it a great deal of anger expressed by people before the Consistory. Examples of open disrespect were sometimes recorded. It was reported that Pierre Guilliermet “spoke insolently” to the

⁹⁶ 9 November 1542, Case 170 (RConsist. 143-144).

⁹⁷ As opposed to summonses to call people who had not yet appeared to the Consistory.

⁹⁸ Case 60 (RConsist. p. 61).

⁹⁹ Or, four Consistory sessions. Case 96 (RConsist. pp. 92 and 108).

court. Similarly, in the same session, Loys Piaget was remanded to another time “in order to allay the excitement he is under at present.” He was under suspicion of papal superstition and stated that he did not say the rosary “that he knows of” and later exclaimed “the Virgin Mary is the mother of Our Lord, and may Our Lady help [me]”.¹⁰⁰ Both Andrier Piard and Pierre Rosset not only refused to obey the court, but also reproached Calvin directly.¹⁰¹ Jane Pertennaz stated: “if the lord syndic was a heretic then [I] would not want to be one.”¹⁰² This was an unexpected response to a question that was probably posed to her after giving theological positions in a number of sessions. She also contemptuously asked if Calvin was God.¹⁰³ These episodes of disobedience represent periods of anger and escalation at the Consistory.

Sometimes defendants did not direct their anger toward the Consistory, but targeted informants and witnesses. Defiant defendants typically alleged that the Consistory was “badly informed”.¹⁰⁴ In some cases, the work of the Consistory pitted members of the community against one another. Several defendants demanded the names of those who reported them to the Consistory. The widow of Julian Recouz wanted the names of witnesses “brought forward.” She faced serious charges of blaspheming and cursing the Gospel.¹⁰⁵ Claude Arthaud appeared on his own will to ask for the names of his enemies.¹⁰⁶ In a high profile case concerning the abuse of his wife, Thomas Genod stated before the Consistory that he wanted to immediately bring a criminal complaint against those who said things about him. The reasons for the charges were given “politely” by elder Pierre Vernaz.¹⁰⁷

Quantified examinations give us a wide range of the attitudes, commitments and priorities of Genevans. These attitudes on the record preserve real positions taken by people, but they do little to unpack actual inner belief. This was a goal of the Consistory that was incomplete. However, these attitudes permit judgments concerning the response to the Consistory’s initiatives and the process of reform. Cooperation and submission cannot be uniformly assumed to capture authentic views.

¹⁰⁰ 15 March 1543, Case 251 and 253 (RConsist. pp. 206-207).

¹⁰¹ Cases 98 and 375 (RConsist. pp. 109 and 332).

¹⁰² Case 29 (RConsist. p. 31).

¹⁰³ Case 29 (RConsist. pp. 28 and 211). Another good example of a case involved in deep theological views asserted by the defendant is Case 122, featured in Kingdon, *Adultery*, pp. 31-67.

¹⁰⁴ For example see 20 July 1542 when Aymoz Cortagier asserts this.

¹⁰⁵ 22 February 1543, Case 217 (RConsist. p.194). After a term in prison, this woman was turned over to the Small Council with the advisory opinion to use corporal to punish her for blasphemy.

¹⁰⁶ In connection with Case 77, Arthaud appeared three times in 1542. This is Case 213 (RConsist. p. 175).

¹⁰⁷ 18 December 1543, Case 366 (RConsist. pp. 303-304).

Various other forms of attitudes exhibited straightforward confrontation and frustrated the effectiveness of the Consistory. Some denials, excuses and disobedience were particularly strong and authentic statements contrary to the work of the Consistory. A cautious approach toward other views, attitudes and actions is required to discern the difference between genuine and feigned expressions. There are plenty of suspect explanations and excuses to consider. Whether or not the examination and disciplinary process can adequately identify the authentic and disingenuous, the Consistory did generate public awareness and a color scope of positions.

A wide range of human emotions detail the attitudes of the people of Geneva when they appeared before the Consistory. In part, the attitudes of those who appeared permit the historian to form judgments concerning the priorities and, to some extent, convictions of people toward the initiatives of the Consistory.

Chapter 3

The Consistory as an agent of the Legal Reformation

In the sixteenth century, new developments in the uses of law and authority began to develop. Since the fourteenth century, theories about new authority for the church were ongoing projects that finally broke through in the sixteenth century.¹⁰⁸ In some respects the Protestant Reformation can be described as a legal event. Scholars point to the massive shift of church property and the adoption of new civil laws to replace canon law.¹⁰⁹ Also, new theories among lawyers and theologians attempted to shape the relationship between the civil and ecclesiastical authorities. Calvin is often categorized as one of the major thinkers who vetted new ideas on the relationship between civil and ecclesiastical law and the responsibility to conduct discipline.¹¹⁰ The outworking of this process defines the context of the political struggle in Geneva during this time over the power and jurisdiction of the Consistory.

The standard of this new law and authority based its political power on the Word of God – a theological and legal proposition. With the Reformation, access to the holy was no longer bound in the sacraments, like the medieval formula. The sacred was now open to the community through the Bible, freedom of the Christian conscience, and priesthood of all believers. As a result, political power became invested in the initiatives of the secular ruler to promote reform territorially, protect the true church and establish new regulations.¹¹¹ Through the promulgation of these

¹⁰⁸ Tierney, *Foundations of the Conciliar Theory: the Contribution of the medieval canonists from Gratian to the Great Schism*, Studies in the History of Christian Thought, 81 (3rd Edition, Brill, 2008); Oakley, *The Conciliarist Tradition: Constitutionalism in the Catholic Church 1300-1800* (Oxford, 2003/8). Oberman recognizes the need for a medieval and early modern synthesis in Heiko Oberman, *John Calvin and the Reformation of the Refugees* (Geneva: Droz, 2009), pp. 80-81.

¹⁰⁹ Witte, *The Law and Protestantism: The Legal Teachings of the Lutheran Reformation* (Cambridge, 2002), pp. 70-83 and Henry J. Cohn, “Church Property in German Protestant Principalities” in E. I. Kouri and Tom Scott (eds.) *Politics and Society in Reformation Europe* (Basingstoke : London, 1987), pp. 158-187. On the rise of the modern state, see Karlheinz Blaschke, “The Reformation and the Rise of the Territorial State” in James Tracy (ed.), *Luther and the Modern State in Germany* (Kirksville, MO : Sixteenth Century Journal Publishers, 1986), pp. 61-77; Heinz Schilling, “The Reformation and the Rise of the Early Modern State” in James Tracy (ed.), *Luther and the Modern State in Germany* (Kirksville, MO : Sixteenth Century Journal Publishers, 1986), pp. 21-31. Calvin participated in this new legal tradition in while he was educated at Bourges and Orléans.

¹¹⁰ For example, J. Wayne Baker, “Calvin’s Discipline” in Schnucker (ed.), *Calviniana: Ideas and Influence of Jean Calvin*, Sixteenth Century Essays and Studies Vol. 10 (Kirksville, MO : Sixteenth Century Journal Publishers, 1988), pp. 107-119.

¹¹¹ C. Scott Dixon, “The Politics of Law and Gospel: The Protestant Prince and the Holy Roman Empire” in Heal and Grell (eds.) *The Impact of the Reformation: Princes, Clergy and People* (Ashgate,

new laws based on theological principles, civil governments assumed the authority to advance religious change with the help of protestant legal theorists and theologians.¹¹²

A political and spiritual division took hold in what was once an autonomous Christendom. In towns and territories across Europe, the authorities initiated decisions based on their religious conviction and political advantage in determining which confession to follow.¹¹³ Geneva closely resembled the major cities of Europe in the confessionalization process. Although the adoption of the Reformation came later than major cities like Zurich, Bern, Strasbourg, and Nuremberg, Geneva was among many sovereign states that confessed a new religion. Kingdon has placed Geneva in line with this historical phenomenon.¹¹⁴

Into this context developed the use of the Consistory by the authority of the Word of God and the city government. These authorities defined the process of discipline by which the people were informed of the new imperatives of religion. The Consistory minutes provide ample evidence for the confessional process in Geneva. The adoption of new laws, an abundant theme in the source material, reflects the sophistication of theories defining new law and authority grounded in theological standards. Furthermore, the process of religious reform and its practical manifestations of the new laws in the minutes display an effort to communicate new religious standards with people untrained and uninterested in theological conversation. As a result, the laws of Geneva became a platform to communicate a new religious way of life.

Protestant Legal Theory and the Consistory: Law, Authority, and the Word of God

The implementation of the Reformation was not always tidy between the Consistory and the people in Geneva. The initiation of certain priorities of the Consistory met other priorities represented by the people who appeared. The

2008) pp. 40-41 and 50; Ralph Keen, *Divine and Human Authority: German Theologians on Political Order* (Nieuwkoop, 1997), pp. 118-119, 178; Dixon, *The Reformation in Germany* (Oxford, 2002), pp. 1-3. The aforementioned give the Lutheran context. For the context of Calvin's Geneva and *ius reformandi*, see Höpfl, *Polity*, p. 124.

¹¹² Witte, *Law and Protestantism*, pp. 97-99, Keen, *Divine and Human Authority* pp. 159-162 and 182-189.

¹¹³ R. Po-Chia Hsia, "People's, City, Princes' Reformation: Rivals or Phases?" in *ARG Special Volume* (1993), pp. 294-301 and Kingdon, *Adultery*, pp. 27-28.

¹¹⁴ Kingdon, "Confessionalism in Calvin's Geneva" in *ARG* 96 (2005), pp.109-111. The idea of the importance of human conduct is incompatible with the *Genevan Confession of Faith (1536)* in *CTT* pp. 26-33. Kingdon's discussion here is the best argument for the similarities of Geneva with other confessional territories according to Schilling's thesis. Explanations of reform in Germany seem applicable to the reform process in Geneva as well.

Consistory could not implement the full force of theological initiatives without creating problems.¹¹⁵ Their attempt to standardize discipline required negotiation and adjustment since the people who appeared possessed powerful methods of defense. Likewise, the people of Geneva could not simply assert and promote their personal views without justification. They necessarily had to explain their views and their conduct as discussed in chapter two. The Reformation process, therefore, had become a quest for a point of harmony between the Consistory and the people.

One place of understanding between the Consistory and the people of Geneva was the law. The activity of the Consistory demonstrates the place of the law in the process of reform. The role of the law in the city was common ground where both the institutional standards and social forces intersected and the most effective sense of agreement evolved. Thus, the law addressed both ideological standards and social contexts in order to be understood. Law, as a standard for living, accommodated different beliefs, needs, and settings that made up a Geneva's cultural way of life.

As early as 1536, the people of Geneva were encouraged that respect for the law and the civil magistrate was a necessary framework for orderly society.¹¹⁶ The authorities wrote new laws based on new beliefs that governed acceptable social behavior in the community. The law represented the non-negotiable principles of life in Geneva and carried with it both theological standards and practical use for the community that people could understand. Discipline was necessary to keep order and maintain proper belief. Since the laws were meant to inform the public, they were only as effective as the people could understand them.

In terms of this quantitative analysis, the law is one of the most prevalent themes found in the Consistory minutes (see Table 1.3). I have developed several tables to demonstrate that the Consistory was interested in communicating a new way of life through the law. It was not just a theological or social institution. It was a legal institution with the capacity for theological ideas to impact society through the city laws.

The standardization of the Word of God is seen throughout the Consistory minutes. These constitute a high standard expected of all Genevans. References to the Word of God occur 101 times across all stages of entries (about 1 in 8). Violations of the Word of God required discipline. In some instances, the Word of God was the

¹¹⁵ Kingdon, "Confessionalism", p. 112.

¹¹⁶ *Geneva Confession of Faith (1536)* in *CTT* p. 32-33.

very reason people were summoned. Colletaz de La Tientura was summoned “because of the sermons and the Word of God”.¹¹⁷ In the same manner, Franceyse Callaz was summoned “because of the Word of God and the faith”.¹¹⁸ Although the quantification of the use of the Word of God is not as substantial as other categories, it does present sufficient evidence for one key standard of the disciplinary process of the Consistory.

Table 3.1 : Law, Authority and the Word of God in the Consistory Minutes

	<i>1542</i>	<i>1543</i>	<i>1544</i>	<i>Total</i>
Orders to own a Bible	8	3	0	11
Word of God	65	28	8	101
Evangelical Reformation*	32	37	20	89
Legal Reformation*	31	41	26	98

*These were calculated by a categorization based in this formula from Table 2 : Law = law + sub (\underline{a} + xo); ER = law (x) + sub (\underline{x} v xo); and LR = law (o) + sub (\underline{a} v xo).

Interestingly, for an initiative based on the Word of God, few Genevas were ordered to own Bibles. This remedy was certainly not used as much as other decisions in the Consistory. Sermon attendance and catechism were still the preferred method to communicate reform to Genevans. Furthermore, these data may expose relevant sixteenth-century issues such as the availability of vernacular printed Bibles and literacy.

Another significant piece of data are references to evangelical and legal reform. These categories are taken from references in the minutes that communicate civil and spiritual authority. Evidence confirms that reference to legal reform was one preferred way to communicate the work of the Consistory and the city laws it enforced. Such direct references are some of the clearest indications of what the Consistory was trying to do.

Examples of evangelical and legal reform include Aymoz Courtagier who was told to “preserve in the Evangelical Reformation.” This was a reference to spiritual reform, a process based on the Gospel. On the other hand, Dominique Du Gerdy was asked about the Reformation and the laws of the city drawing a connection between the two authorities in the examination process in the Consistory.¹¹⁹ On 8 February

¹¹⁷ 4 January 1543, Case 211 (RConsist. p. 174).

¹¹⁸ 24 August 1542, Case 121 (RConsist. p. 113).

¹¹⁹ 26 May 1542, Case 83 (RConsist. p. 76).

1543, Pernete Du Pain claimed she wanted to live according to the Reformation of the Council.¹²⁰ This confirms a relationship between the new laws of the city and the authority of the Council as the patron of the process.

Awareness of the Law

Included in the quantitative analysis of attitudes and specific displays of courage, defiance and expression, is evidence of the purpose of the Consistory through the eyes of the people of Geneva. In a majority of entries, people demonstrated an awareness of what the Consistory was doing.

It is also helpful to gather an understanding of the institution from the attitudes of the people who appeared before the Consistory. There are multiple references in the minutes that record how the people refer to the Consistory in instances of submission and cooperation. Due to the newness of the Consistory, this is not to say that everyone understood the theological and political positions of the new Reformation. However, evidence shows that people did exhibit an awareness of the Consistory as a court of law that conducted the justice and enforced the rules of the city.

Recorded submissions refer to defendants begging mercy of God and the Seigneurie or God and justice.¹²¹ It is impossible to discern whether these transcriptions were a response to a formula or an assertion. It could be that these multiple references to the law, while begging mercy, refer to an understanding in place before appearing. It is possible, though, that these recorded exchanges do not display an initial awareness but a response to a question. It could also mean defendants begged mercy and it was recorded as a formula. Regardless, if a defendant did not know the legal position of the Consistory before appearing, it was clarified before they were dismissed.

Drastic submissions also strengthen the argument for defendant awareness of the Consistory's authority. It was likely defendants who submitted to drastic punishments knew the Consistory did not have the power to proceed with the kind of punishment they described. These individuals knew the jurisdiction of the Consistory.

¹²⁰ Case 112 (RConsist. p. 188).

¹²¹ These formulas are found in several entries, for example: "God and the Seigneurie", 22 March 1543, Case 251 (RConsist. p. 215); "God and justice", 2 March 1542, Case 13 (RConsist. pp. 13-14).

Submitting to cruel punishment was, therefore, an easy and powerful denial without repercussion.

Sometimes those who demonstrated cooperation showed a remarkable awareness of the expectations and standards of the Consistory. An entry for Pierre Rugoz reads: “And he wants to live according to God and His Holy Word.”¹²² Whether Rugoz was being sincere or not in his assertion, we can assume that he knew the purpose of the Consistory. To feign a response or expression required an ultimate awareness of the work of the Consistory. A defendant had to know the expectations of the court in order to attempt to defraud the examiners.

Jurisdiction

Since it is often difficult to distinguish between the initiatives of the evangelical and legal Reformation – in a sense, whether the disciplinary activity of the Consistory was ecclesiastical or civil – other methods of defining the Consistory’s jurisdiction quantitatively are quite useful. Questions of jurisdiction highlight the powers of the Consistory. As a law court in Geneva’s justice system, the Consistory worked in cooperation with other legal institutions within the city and abroad. Table 3.1 demonstrates that the Consistory established relationships with legal institution at home and abroad.

Table 3.2 : Profile of the Relationship of the Consistory with Other Legal Institutions (1542 - 1544)

<i>Institution</i>	<i>Assumed</i>	<i>Correspondence</i>
Council (Rehabilitation, Originated in Council)	27	–
Council (Returned, Originated in Consistory)	25	–
Suprèmes Appellations	1	–
Lieutenant	26	–
Procurator General	2	–
Consistory of Gex (Ain)	–	1
Consistory of Lausanne (Vaud)	–	1
Consistory of Coppet (Vaud)	–	1
Casetellan of Peney (Geneva)*	4	–
Castellan of Jussy (Geneva)*	1	–
Consistory of Ternier (Upper Savoy)	–	1
Bailli of Thonon (Upper Savoy)	–	1
Balli of Troinex (Geneva)	–	1
Council of Bern	–	1

¹²² 1 February 1543, Case 229 (RConsist. p. 185).

*Castellan courts were of law institutions in Geneva's territories comprised of a castellan, curial and wardens. For the castellan Francois Paquet and wardens of the court of Jussy, see 12 April 1543 and 10 May 1543 (RConsist. pp. 235-236 and 254).

Apart from decisions the Consistory made to translate cases over to another law court in Geneva, a number of cases were given to the Consistory. The Consistory dealt closely with the Small Council and Lieutenant in this regard. Cases assumed by the Consistory from the Council were sometimes returned to the Council. Occasionally, cases that were remanded to the Council were given back to the Consistory undecided or contrary to the opinions of the Consistory. Cases returned were decided in the Consistory 60% of the time.¹²³ The remainder was once again sent back to the Council.

Rehabilitations were typically criminal and originated in the Council. These cases usually involved an individual with a criminal past who was sent to the Consistory by the recommendation of the Council to receive admonitions.

Based on the analysis of Consistory cases and its relationship to other law courts, criminal behavior alone was not within its purview. Its jurisdiction placed it within the authority of Geneva's law courts, but the Consistory would only decide and decide cases of religious significance. The initiatives of discipline in the Consistory were not random, but within the parameters of its authority on issues of religious belief, marriage and quarrels. Only criminal behavior within those categories was at issue.

References to the Consistory recorded in the minutes define jurisdiction and identity. In the case of Jehan Curtet, the Consistory ordered the syndic "open proceedings and bring him here Tuesday." Earlier in the same entry, the preachers executed the excommunication of Curtet.¹²⁴ The session of 20 April 1542 records two instances where the preachers delivered the admonitions.¹²⁵ These examples convey independent activity of one bench of the court over the other reflecting joint jurisdiction.¹²⁶

The case of Pernete Guyon serves as an example of cases the Consistory would not decide. Upon the completion of her examination on issues of papistry and magic, she was admonished and ordered to attend sermons, but the final decision was

¹²³ 15 of 25 cases were either decided or continued beyond the scope of this paper.

¹²⁴ 27 April 1542, Case 52 (RConsist. pp. 52-54).

¹²⁵ Cases 41 and 44 (RConsist. pp. 44 and 46).

¹²⁶ Another example of independent action was found on 14 September 1542 (RConsist. p.124). The ministers asked the syndic for the record of decisions made.

reserved for the Council. The Consistory declared “the case is criminal and that she be corrected with hard words.”¹²⁷ In a way, this case exemplifies an issue that required discipline by the higher authority. The Consistory recognized the Guyon case as one beyond its jurisdiction.¹²⁸

Participation as a Profile of Power

The individuals who possessed authority and executed the work of the Consistory illustrate the complex jurisdiction of the court. The members of the Consistory included a syndic, elders and pastors. Elders were elected to the Consistory from Geneva’s magistracy – the Small Council (LX) and the Council of Two Hundred (CC) – each February in General Council.¹²⁹ The elder was assigned the powers of the ecclesiastical government. According to the Ecclesiastical Ordinances, their office provided the purpose of the Consistory of Geneva. It is interesting, then, that the power of church polity was given to magistrates of civil authority.¹³⁰ As seen below, a quantitative perspective of membership shows the elders collectively outnumbered the pastors between 1542 and 1544. Table 3.3 shows that the participants elected from the city government define a majority of the membership of the Consistory.

Table 3.3 : Membership of the Consistory (1542 - 1544)

	1542	1543	1544	Total
Ministers	172	192	136	503
Elders	206	246	170	622

Outside those portions of transcription devoted to a particular case, minutes recorded at each session appear especially devoted to the city’s business. In addition to the transcription of cases heard and the creation of syndics and elders, other business recorded by the scribe was centered on the activity of the magistrates. This

¹²⁷ 5 April 1543, Case 274 (RConsist. p. 225).

¹²⁸ A very early case of Pernet Du Puys was remanded to the Council and recorded: “The Consistory remanded them to next Tuesday before our superiors.” 16 February 1542, Case 3 (RConsist. p. 6).

¹²⁹ General Councils were held 15 February 1543, 3-4 February 1544 (RConsist. pp. 189-190 and 330). A detailed account of political theory, Calvin’s exegesis of Scripture, and how the sixteenth-century arguments on discipline are understood by the role of the elder is found in E. McKee, *Elders and the Plural Ministry: the Role of Exegetical History in Illuminating John Calvin’s Theology* (Geneva: Droz, 1988), pp. 15-33, esp. 15-17.

¹³⁰ Höpfl, *Polity*, p. 199. Little contends Calvin’s injection of civil authority into an ecclesiastical court is contrived in Little, “Religious Liberty” in Witte and Alexander (eds.) *Christianity and the Law: an introduction* (Cambridge, 2008), p. 268.

includes payments and the accumulated roll of the elders and syndics in attendance session-by-session.¹³¹

This evidence presents an argument about the civic standing of the Consistory. Dominated by the participation of magistrates, presided over by the highest office in the civil government, closely associated with the Small Council, and concerned with the business of the city, the Consistory was most likely an institution under the control of the civil authorities.

Calvin's Participation in the Work of the Consistory

A different view altogether is presented when participation is considered on an individual basis. The data given below were drawn from recorded attendance for each session. These numbers show the dominance of Calvin and other ministers. Individually, six of the top 10 attendees were ministers. On the other hand, only 12 of the 42 participants between 1542 and 1544 were ministers (just under 30%). In light of this quantitative view, an understanding of ministerial influence on the Consistory and, more specifically, Calvin's participation is significant.

Table 3.4 : Participation in the Consistory (1542 - 1544)

	<i>Office</i>	<i>1542</i>	<i>1543</i>	<i>1544</i>	<i>Total</i>
Calvin	Minister	43	35	25	103
Pensabin	Elder	40	32	24	96
Blandin	Elder	29	27	20	76
Champereaulx	Minister	30	24	14	68
Trippereaulx	Minister	5	37	17	59
Ecclesia	Minister	13	28	16	57
Geneston	Minister	5	25	25	55
Checand* ¹⁵⁴³	Syndic/Elder	–	33	20	53
Ulmo	Elder	–	29	22	51
De La Mare	Minister	33	15	–	48
Frochet	Elder	41	6	–	47
Pupin	Minister	–	19	24	43
J. Du Molard	Elder	–	22	13	42
Vernaz	Elder	–	24	18	42
Veyrier	Elder	–	27	10	37
D'Orsieres	Elder	21	14	–	35
Morel	Elder/Syndic	–	26	3	29
Rages	Elder	20	5	–	25
Du Pain	Elder	–	15	7	22
Britillion	Elder	21	–	–	21
Viret	Minister	20	–	1	21
Philippin* ¹⁵⁴⁴	Syndic	–	–	20	20
Blanchet	Minister	11	7	–	18

¹³¹ 31 August 1542 (RConsist. p.114) records the payments for the officer Claude Vovrey and the scribe Georges Maillet. For attendance, see 10 April 1544 (RConsist. p. 385). The period of attendance for this entry was 14 February to 10 April 1544.

Gerbel	Elder	18	–	–	18
Donzel	Elder	–	–	17	17
Cornaz	Syndic/Elder	13	3	–	16
Ferron	Minister	–	–	14	14
Pertemps* ¹⁵⁴²	Syndic	13	1	–	14
Vellu	Elder	–	–	14	14
Rozet	Syndic	11	2	–	13
Bernard	Minister	11	–	–	11
Tacon	Elder	10	–	–	10
Pernet	Elder	–	–	7	7
Symond	Elder	–	7	–	7
Baudichon	Elder	–	6	–	6
Porrallis	Syndic	5	–	–	5
Curtet	Syndic	2	2	–	4
Arloz	Syndic	2	–	–	2
H. Du Mollard	Elder/Syndic	7	–	2	2
Ryvaz	Syndic	–	2	–	2
Darsina	Elder	1	–	–	1
Farel	Minister	–	1	–	1

*presidents of the Consistory and the year they served.

Questions of Calvin's participation in and orchestration of the Consistory are quite puzzling. He certainly logged an impressive record of attendance.

Comparatively, the numbers indicate Calvin was the most seasoned member of the Consistory. However, even with his record of participation, Calvin was hardly heard apart from the occasional delivery of a decision, although defendants sometimes mentioned him during examination. Calvin presided over one Consistory session on 21 December 1542. Only one elder, Pierre de Rages, sat with Calvin that particular day.¹³² Nothing out of the ordinary was recorded. The table below quantifies specific references of participants doing the work of the Consistory.

Table 3.5 : Syndics, Elders and Ministers Mentioned in the Consistory Minutes

	<i>Office</i>	<i>1542</i>	<i>1543</i>	<i>1544</i>	<i>Total</i>
Calvin	Minister	15	14	12	41
De La Mare	Minister	5	6	3	14
Champereaulx	Minister	3	2	2	7
Pensabin	Elder	2	3	2	7
Viret	Minister	6	–	1	7
Britillion	Elder	6	–	–	6
Pertemps* ¹⁵⁴²	Syndic	6	–	–	6
Checand* ¹⁵⁴³	Syndic	–	3	–	3
Donzel	Elder	–	–	3	3
De Rages	Elder	2	1	–	3
H. Du Molard	Elder/Syndic	1	–	2	3
Farel	Minister	3	–	–	3
Girbel	Elder	3	–	–	3
Morel	Elder	–	–	3	3
Bernard	Minister	1	–	1	2

¹³² There are two sessions recorded for 21 December 1542 (RConsist. pp. 158 and 161).

Blandin	Elder	–	1	1	2
D’Orsieres	Elder	1	1	–	2
Du Pain	Elder	–	1	1	2
Porralis	Syndic	1	–	1	2
Rozet	Syndic	2	1	–	3
Vernaz	Elder	–	1	1	2
Arloz	Syndic	1	–	–	1
Blanchet	Minister	–	1	–	1
Cornaz	Syndic	1	–	–	1
J. Du Molard	Elder	–	1	–	1
Ecclesia	Minister	1	–	–	1
Frochet	Elder	1	–	–	1
Genesto	Minister	–	1	–	1
Philippin* ¹⁵⁴⁴	Syndic	–	–	1	1
Tacon	Elder	1	–	–	1
Trippereaulx	Minister	–	1	–	1
Ulmo	Elder	–	–	1	1
Veyrier	Elder	–	–	1	1

Calvin’s theology is curiously absent from the pages of the Consistory minutes. The overall theological presumption of the Consistory was the Word of God. This was not something exclusive to Calvin’s theological system, and a rather generally adopted formula for belief in the sixteenth century.¹³³

I believe it is inaccurate to suggest Calvin conducted the work of the Consistory during its early years. Furthermore, it cannot be said that the Consistory was a platform to implement Calvin’s personal policies and theological positions. I do not think Calvin’s theological ideas were a foundational force for the work of the Consistory. The decision to adopt the *Ecclesiastical Ordinances* was certainly important for Calvin’s return to Geneva and career.¹³⁴ However, the Consistory was not his personal instrument. We must be cautious, then, how we see Calvin at the center of the Consistory’s work between 1542 and 1544.

Despite Calvin’s attendance and his personal work to systematize Reformation principles, the discipline executed by the Consistory indicates that it was not a forum to implement his theological system.¹³⁵ The Consistory was not a place of deep theological discourse. Even Calvin’s theories of the law assume too much theology.¹³⁶

¹³³ Kingdon, “Confessionalism” p. 110.

¹³⁴ Monter, *Calvin’s Geneva*, p.127; De Greef, *The Writings of John Calvin*, p. 25-26; Kingdon, “Calvin and the Establishment of Consistory Discipline in Geneva” p. 164-165; Witte and Kingdon, *Marriage*, pp. 65-66.

¹³⁵ Kingdon, “Calvin and the Establishment of Consistory Discipline in Geneva”, p. 162.

¹³⁶ Haas, “Calvin’s Ethics” in McKim (ed.), *The Cambridge Companion to John Calvin* (Cambridge, 2004), p. 97. Haas noted that law, for Calvin, is necessary to understand the will of God. So too does Hesselink, “Christ, the Law and the Christian: An Unexplored Aspect of the Third Use of the Law in Calvin’s Theology” in Gerrish, B.A. and Benedetto, R. (eds.) *Reformatio Perennis: essays*

As we have seen, the Consistory was a venue of the necessity of law and order based on a justified way of living. These imperatives were found in theology, but initiated in a specific social setting.

Instead of removing Calvin from the center of the Consistory to account for these inconsistencies, firm historical arguments based on the implementation of legal policy and Calvin's engagement with the realities of Geneva require more careful attention. Van Drunen demonstrates Calvin's affinity to confront the inconsistencies between the theological and the practical.¹³⁷ This conclusion is drawn from Calvin's writings rather than examples of real social experiences. Kingdon and Naphy maintain that Calvin's concern over the Christian life was a desire to control morals. Kingdon's repeated analysis suggests that Calvin was most interested in monitoring behavior. In Naphy's estimation, the Consistory was an instrument for political control leading up to the 1555 victories.¹³⁸ Both of these positions misrepresent the work of the Consistory at this early stage. In these arguments, Calvin was integral to a reform that was projected on the Geneva community under the pretense of political control. Monter and Höpfl use care when attributing Calvin's contributions to the Genevan political situation.¹³⁹

Notably, the discipline of the Consistory undermines Calvin's theology. One striking entry shows Jacques Emyn was told to demonstrate his Christianity by works. He was exhorted to do so after claiming that he did not want to scandalize his brothers and wanted to live by the Word of God.¹⁴⁰ This position is in distinction to Calvin's theology and anthropology where God is sovereign, man is sinful and the righteous are elect.¹⁴¹ Emyn's remedy was also especially hostile to the Protestant formula that

on Calvin and the Reformation in honor of Ford Lewis Battles (Pittsburgh, PA: Pickwick, 1981), pp. pp. 14-15. Also, Merwyn Johnson, "Calvin's Handling of the Third Use of the Law and its Problems" in Schnucker, Robert V. ed., *Calviniana: Ideas and Influence of Jean Calvin*, Sixteenth Century Essays and Studies Vol. X (Kirksville, MO: Sixteenth Century Journal Publishers, 1988), pp. 33-50. To Johnson's credit, she sets up the case of the 1530s and the Institutes of 1536. I do not believe law had this type of theological complexion or use in Geneva at this time. I have found no evidence to support this idea. Then again, these authors use theological writings as the foundation for their understanding of Calvin.

¹³⁷ VanDrunen, *Natural Law and the Two Kingdoms: A Study in the Development of Reformed Social Thought*, Emory University Studies in Law and Religion (Eerdmans, 2009), pp. 82-86.

¹³⁸ Naphy, *Consolidation*, pp. 5-8, 55, 76-79.

¹³⁹ Monter, *Calvin's Geneva*, p. 235 and Höpfl, *Polity*, pp. 138-141 and 202.

¹⁴⁰ 29 March 1543, Case 9 (RConsist. p. 222).

¹⁴¹ Institutes 1. 15. 4 and *Articuli de Praedestinatione* in CO 10:713-714; Haas, "Calvin's Ethics", p. 93 and Stevenson, "Calvin and Political Issues" in McKim (ed.), *The Cambridge Companion to John Calvin* (Cambridge, 2004), p. 176 and Johnson, "Calvin's Handling", pp. 46-47. Discipline also seems to be against the adoption of the *Genevan Confession of Faith (1536)* where man is darkened and corruptible, *CTT*, p. 27.

faith alone justifies. This raises problems concerning the coercive nature of remedies given by law and the inner, spiritual transformation that Calvin touted in his theological system for the Christian life.¹⁴² It is outside the scope of an empirical study to use the record of a fact-finding law court to reach conclusions about someone's inner faith.

The need to address ethical behavior was a paramount reason for the establishment of the Consistory. The imperative to enforce ethical behavior while the Christian was simultaneously free – in the Lutheran context – and elect – in Calvin's theology – is problematic. When attempting to understand the responsibility and ability for good behavior in Protestantism, it is difficult to understand how the Consistory could discipline and justify the city's rules as the imperative to do the will of God for the good of the community. This justification is not consistent with Calvin's systematic theology.

What we can derive from a quantitative analysis of participation is Calvin's proficiency as a lawyer devoted to an admirable amount of time to the work of community discipline. This was a central part of his Genevan ministry. These numbers ought to force a reconsideration of Calvin's work and ministry as a trained lawyer foremost, and an untrained, talented theologian subsequently. Furthermore, the Consistory minutes are a richer source for understanding the process of the Reformation than the *Institutes*.

The dangers of associating the work of the Consistory with theory are found in connecting the activity and work of the Consistory too closely to Calvin's thought. Rather than accumulating evidence of the interchange between the institution and people of the community, historians of theology have often linked the Consistory to Calvin's intellectual system drawn from the *Institutes*.¹⁴³ The dynamics of the Consistory's activity are left untold and the process of reform misunderstood. For the period 1542 to 1544 it is anachronistic to suggest Calvin's mature theological and legal views influenced the work of Consistory.¹⁴⁴ Calvin's experiences on the

¹⁴² *Testimonium internum Spiritus Sancti* and the power of the Word of God were important doctrines used by Calvin to describe the inner life of the Christian expressed in Book 1 of the *Institutes*. *Inst.* I.5.14-15; *Inst.* I.7.1-2. See also, Höpfl, *Polity*, p. 120.

¹⁴³ Oberman, *Refugees*, p. 86.

¹⁴⁴ Theologians typically use the 1559 *Institutes* to draw their conclusions on the law and discipline. I was particularly pleased with Partee's analysis that Calvin had, as a humanist, a solid intellectual foundation in ethical arguments found in classical philosophy, Charles Partee, *Calvin and Classical Philosophy* (Louisville, KY:WJK, 2005). His source material and intellectual influences predate the period 1542 to 1544.

Consistory came first and informed his later thought.¹⁴⁵ It is vital to avoid the tendency to theologize Calvin in the Consistory. Historians must use sources prior to and contemporaneous to the period 1542 to 1544 in order to unpack the features of Calvin's theology consistent with his experiences in the Consistory. Calvin participated in the early years of the Consistory, but the details of his involvement and investment are not clear in the evidence.

I have attempted to show a number of quantitative examples how references to the law defines the identity, purpose, and activity of the Genevan Consistory. I believe two major points about of the presence of law in the minutes best describe the Consistory as a court that used the rules of the city to promote new religious belief. First, people's attitudes and views about the law during examinations show the law was sometimes known prior to appearance or after dismissal from the Consistory. The law became an educational tool for people to maintain moral behavior and learn new religious practices. Second, differences in the kind of priorities were shown in two categories of reform, evangelical and legal. These two reformations show a synthesized project of reform people based on both the Word of God and the laws of the city.

Law also demonstrates points of departure between civil and ecclesiastical authority as the force of the reform process. Since the priorities of the Consistory were an indistinct mixture of theology and law, this did not solve questions of jurisdiction and authority where one kind of reform was prioritized over the other.

With the categories given above, the law emerges as a dominant topic in the evidence. I estimate that approximately 1 in 3 entries pertained to some issue that linked the Word of God and the law. The activity of the Consistory was bound to the

¹⁴⁵ Höpfl, *Polity*, pp. 103-129, esp. 109 and 119. He suggests the 1543 Institutes were directly influenced by Calvin's disciplinary experiences in Geneva. I certainly do not mean to discount the influence of Calvin's time in Strasbourg prior to his return to Geneva and his early ideas on theology. The best synopses of his theological flourishing in Strasbourg and the development and transmission of his ideas on discipline to the Consistory at this time are given in Spijker, *Calvin: A Brief Guide to His Life and Thought*, Lyle D. Bierma (trans.) (WJK, 2009), pp. 51-69 and Gordon, *Calvin*, pp. 85-139, esp. 126. Muller argues 1532 or 1534 to 1541 is a period when Calvin does develop a sophisticated, expository theological method that was "implemented" upon his return to Geneva, Muller, *The Unaccommodated Calvin: Studies in the Foundation of a Theological Tradition*, Oxford Studies in the Foundation of a Theological Tradition (Oxford, 2001), pp. 21-32, esp. 29. The development of the *Institutes* is found in Muller, *Unaccommodated*, pp. 120-135. To my mind, Muller's date of 1532 and the publication of the commentary on Seneca's *De Clementia* demonstrates Calvin was a failed humanist scholar who continually referred back to his acquired skill set in philosophy, theology, and languages. With this considered, in 1542 Calvin was a seasoned humanist and a blossoming theologian with his initiation to theology by 1534. These considerations are more important than attempts to date a conversion experience.

laws of Geneva. This helps explain the process of reform, the standards by which discipline was pursued and how the new laws of Geneva integrated new ways of life. Using this integration of new law to interpret the work of the Consistory unpacks the interchange between the priorities of the Consistory and the people. It is not enough to pit the work of the Consistory against the people. To describe reform as the response of the Consistory to the people or the response of the people to the Consistory is only a partial explanation. The laws of Geneva show how dynamic the process of reform really was. In Geneva, laws were a vital force to communicate reform that involved both the Consistory and the people. Legal reformation inspired an interchange in two directions rather than impact or response from above or below.

An understanding of the law as a central theme in the Consistory minutes does not answer all the questions about jurisdiction. The Consistory was a law court in the Genevan justice system that possessed a specific kind of spiritual authority to enforce the rules with limited involvement in criminal cases.¹⁴⁶ At this time it was likely under the control of the city though its membership was comprised of both pastors and magistrates. Multiple references to city laws, civil authority and detailed records of the affairs of the city demonstrate that the Consistory was carrying out the business of the city. The notion that the Consistory was simply a pastoral institution under the direction of Calvin is unsustainable.

The questions of jurisdiction and participation raise interest about Calvin's involvement in the activity of the Consistory. The evidence is largely silent on the details of Calvin's contribution, but does uncover an impressive level of participation in the source material. The contradistinction between the Consistory's decisions and Calvin's theology – as highlighted in the Emyn case – presents doubts about his involvement in the discipline of the Consistory during this period. Ultimately, Calvin's participation does not indicate control of the Consistory let alone power over life in Geneva.

¹⁴⁶ Kingdon, *Adultery*, pp. 17-26.

Conclusion

The character of the early years of the Consistory shows some signs of evolution in procedure and discipline applicable to jurisdiction. To begin, the number of remands decrease while the number of decisions to translate to the Council increased. The data also allow us to forecast trends with some certainty. It is likely the number of cases per year remained the same into 1544 although the minutes are missing after Maillet's death.¹⁴⁷ Across quantified case categories, the data show that cases within the jurisdiction and priority of the Consistory were on the increase. Cases typically outside the jurisdiction and priority of the Consistory typically translated to the Council were decreasing. These trends correspond with how the quantified activity of the Consistory defined its initiatives and priorities toward certain cases.

The early years do not represent the overall views historians have gathered about the mature Consistory.¹⁴⁸ The period 1542 to 1544 falls before major dates of consolidation and clarification of consistorial authority.¹⁴⁹ Therefore, the early Consistory is much different than its developed status in later years. Despite the legislative and theoretical foundation, the Consistory in the early years was something different than what was proscribed, unraveling a period of jurisdictional turmoil. The early Consistory was an organ of the civil magistrate, a high court in the justice system with direct referral to the Small Council. As an ecclesiastical court, cases heard in the Consistory were vital to the wellbeing of the state by enforcing sound beliefs and lawful behavior in members of the community. The participation of civil magistrates demonstrates that the city government principally controlled disciplinary authority and law enforcement through the Consistory.

In conclusion, this study depended on three major quantifications. The first showed how the quantification of cases demonstrates the priorities of the Consistory.

¹⁴⁷ My various calculations for 1544 have ranged between approximately 150 to 200 cases. A month-by-month calculation of 1542, 1543, and 1544 yields an average of 18.4 new cases per month based on 27 months of activity (28 $\frac{3}{4}$ months of recorded existence). In this calculation I am not counting the months of May, June and July when the Consistory was inactive due to plague. This would mean an additional six months in 1544 would accumulate 110 more cases of **203** total cases. This last calculation also assumes that the activity of the Consistory increased.

¹⁴⁸ Kingdon, *Adultery*, pp. 14-15.

¹⁴⁹ The *Marriage Ordinances (1546)* increased the rights of the Consistory to decide marriage cases (*R.C.P. (Hughes)*, pp. 72-77). In 1555 the right to excommunicate was achieved (24 January 1555, *R.C.P. (Hughes)* p. 305). The Consistory earned the right to administer an oath for defendants in 1556 (*RConsist.* p. 229, n. 206).

The work of the Consistory can be understood as a kind of disciplinary activity judging cases by religious standards. The second quantification uncovered the priorities of the people seen in consistorial examinations. People were aware of the Consistory's work and used many modes of expression from fear to disobedience in the presence of the court. Many of the views expressed were powerful obstacles to the work of the Consistory. Other interchanges with people show a noticeable impact. The final quantification of evidence displayed the preeminence of the law in communicating new ways of life and defining the authority of the Consistory in relation to the civil magistrate. The law was a common theme in the proceedings of the Consistory and a place of understanding in the interchange between the people and the institution. The legal jurisdiction of the Consistory was ambiguous, but the court enforced new laws of a certain theological imperative and enjoyed some independence in the decisions it rendered. The Consistory disciplined with a concern for both the spiritual and the civic.

Regardless of the priorities of the court seen in quantified activity, the interaction with the people of Geneva and the overall participation in the justice system, overall control of the Consistory was in the hands of the civil magistrate during this time. The rift between Calvin's theology, legislation and the actual activity of the Consistory indicates the Consistory was not empowered by principles alone. The Consistory had limited power in its early years as a branch of the legal system.

The Consistory's ongoing struggle with the magistrate sets up the complex political battle leading up to 1555. For example, marriage cases and excommunications were points of contention in the early years. Marriage cases constitute a breakdown in the disciplinary process.¹⁵⁰ It is also unsurprising that censures and excommunications were rather innocuous solutions since the magistrate contended these disciplinary actions were not within the authority of the Consistory. There was an ongoing and complex situation during this period in which the jurisdiction of the Consistory never became clear. However, clues as to what defined

¹⁵⁰ For example, the decision for Guillaume Grillion and Francoyse Bochu to carry out their marriage was ratified by the Council, 5 April 1543, Case 268 (RConsist. p. 232). Likewise, Francois Favre was ordered to carry out his marriage by the Consistory and was admonished to do the same by the Council, 13 March 1544, Case 402 (RConsist. p. 354-355). Alternatively, Gervayse Bochu testified her marriage promise to Laurent Meigret in Consistory, but the Council refused the Consistory's decision to allow the marriage due to the Meigret's absence from the city. 11 May, 17 May, and 21 September 1542 (RConsist. pp. 66, 71, and 128).

the activity of the Consistory, the direction of its work and impact, leave an impression concerning the process of reform in Geneva.

In these early years, no standardization of the new laws of Geneva other than the Word of God can be discerned.¹⁵¹ The *Ecclesiastical Ordinances* of 1541 were not followed closely, thus introducing the imperative for the historian to look elsewhere to understand the activity of the Consistory and its consequences for the Geneva community. For this reason, I have attempted to prioritize the quantitative analysis of the source material over the use of other sources in order to unpack questions implementation, activity, and social impact by the execution of the law in the Consistory.

¹⁵¹ Kingdon, "Establishment", p.162.

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The Consistory Cases of 1542-1544

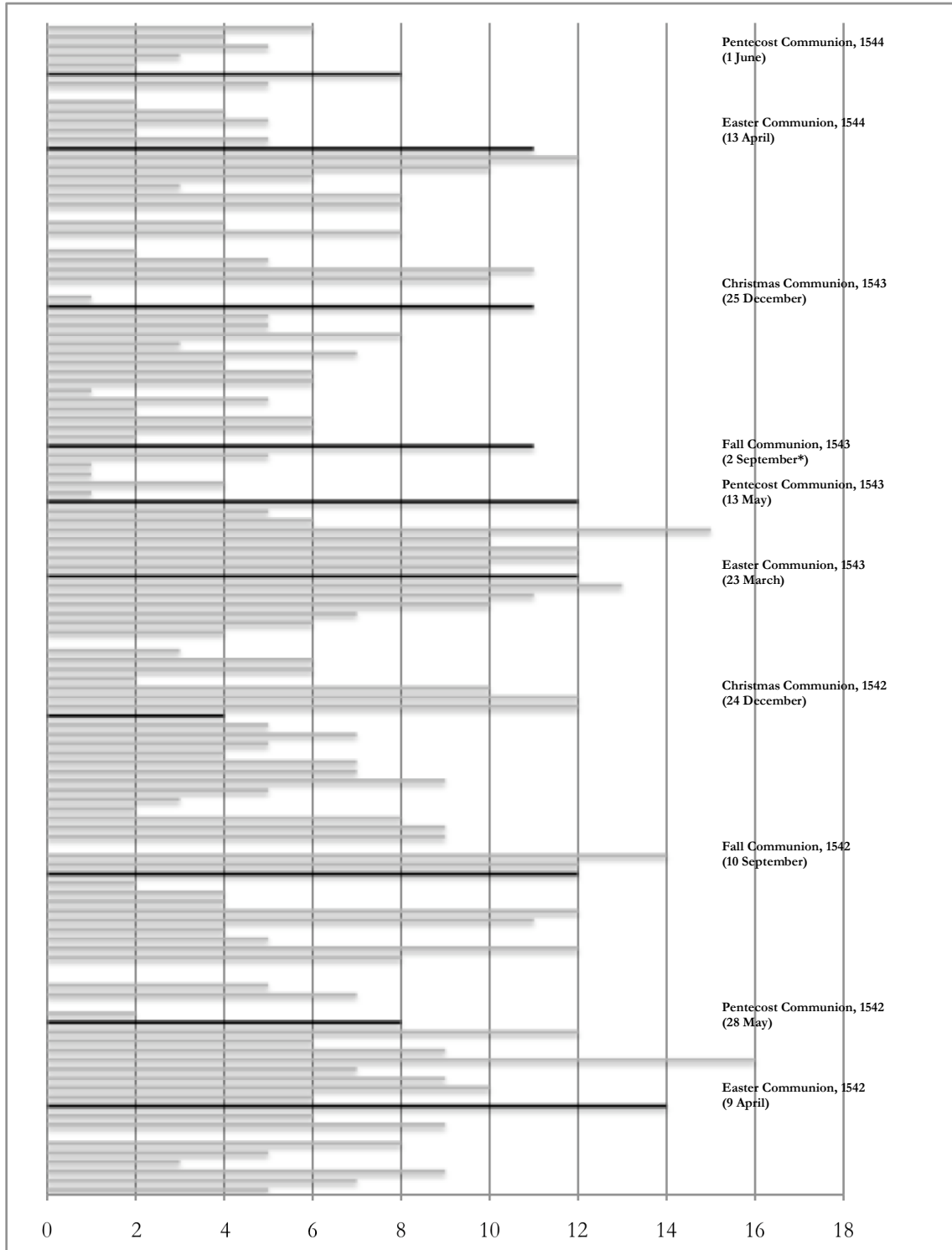
Appendix 1

Key to Examinations and Attitudes

<i>Category</i>		
Examination	exam	X- a defendant cannot say the Prayer and Creed in the reformed way X a defendant demonstrates knowledge of faith by saying the Prayer and Creed in the reformed way.
Marriage	marr	X : a defendant is asked if he or she is married.
Residence	hab	X : a defendant is asked about his or her place of residence
Law	law	X : a defendant is examined about the laws of the city that touch evangelical reform X : a defendant is litigating in another Genevan law court O : a defendant is examined about the laws of the city that touch legal reform
Communion	comm	X : a defendant is examined about the Lord's Supper
Attendance	att	X : a defendant is examined about sermon attendance X : a defendant is asked to prove attendance and positively identifies the preacher and/or the subject of the sermon. X [?] : a defendant is asked to prove attendance and cannot remember what was said X- : a defendant is asked to prove attendance and cannot identify who preached
Cooperation	coo	X : a defendant demonstrates compliance, admits to a fault, and/or agrees to follow orders
Submission	sub	X : a defendant submits to severe penalty as a demonstration of truth/act of contempt X : a defendant begs mercy of God O : a defendant begs mercy of God and justice/the Seigneurie Q : a defendant begs mercy of justice/the Seigneurie
Fear	fear	X : a defendant shows an exceeding amount of fear in the presence of the court
Disobedience	dis	X : a defendant shows contempt and rebellion in the presence of the court
Papistry	pap	X : a defendant is questioned about papistry (prayers, Lent, candles, etc.)
Denial	de	X : a defendant denies a charge presented by the Consistory and shows ignorance about questioning or a summons.
Excuse	ex	X : a defendant gives an excuse for
Word of God	vd	X : reference to the Word of God in an entry.
Implication	imp	X : the defendant implicates an individual unrelated to his/her case. X : the defendant expresses anger about witnesses testifying against them

Appendix 2

Activity of the Consistory near the Lord's Supper



*the ordinance was set for 2 September, but communion was celebrated 9 September