

The award of 1554 and the law of departure

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The arbitral decision of November 1554 is known mainly through the accounts of Ferdinand Meyer and the later literature that rests on him, together with the recesses of the Diet. Its essential content is not in dispute: those Locarnese who adhered to the Reformed faith had to return to the Catholic Church or leave the bailiwick, while those who chose to leave had to do so by a fixed date at the beginning of March 1555. Around this core the award and its execution raised the questions that every forced emigration raises: what happens to the property of those who leave, to the debts they owe and are owed, to spouses and children who do not share the decision, and to those who choose to conform. This section sets out what is known and what remains uncertain before comparing the Locarno settlement with the general European law of religious emigration that the Peace of Augsburg codified in the same year.

1 Recant or depart

The award offered a choice in which the alternative to recantation was departure. The Catholic cantons and the papal nuncio would have preferred punishment for heresy. Recantation required a public return to Catholic practice: confession, communion and attendance at Mass. Departure meant leaving the territory of the bailiwick by the appointed date with the household. The members of the community made their choice individually. The sources show that not all chose alike. Those who had professed the Reformed faith publicly were ordered to abjure on pain of expulsion. Some families split, with some members who conformed and remained, while others who had been counted among the Reformed left later: the Italian congregation in Zurich, as the older literature records, was enlarged by new fugitives from Locarno after 1555.¹

The choice between conformity and exile was harsh by modern standards. It was also the standard solution of the period. The Religious Peace of

Augsburg, concluded on 25 September 1555, six months after the Locarnese had left, gave subjects of the Empire whose religion differed from that of their ruler the right to leave the ruler's lands "together with their wives and children, and settle elsewhere".² Article 24 of that peace provided that such subjects "shall be permitted and allowed to do so, to sell their goods and possessions, after having paid a reasonable sum for freedom from servile obligations and for taxes in arrears".³ The *ius emigrandi* (right of emigration) was thus the minimum of religious freedom that the European settlement of the 1550s recognized: a right to leave with one's property, subject to the payment of dues, in place of a right to stay with one's faith.

2 Notes

1. Nicoli, "Muralto, Barbara" (above) ("a coloro che avevano professato pubblicamente la loro fede riformata venne intimata l'abiura, pena l'espulsione"); Schaff, *History of the Christian Church*, vol. VIII, § 40 (above) ("The Italian congregation was enlarged by new fugitives from Locarno and continued to the end of the sixteenth century"). See also Meyer, *Die evangelische Gemeinde in Locarno* (above). ↩
2. Religious Peace of Augsburg (25 September 1555), Art. 24, English translation by Kathleen Dell'Orto, ed. Thomas A. Brady Jr., *German History Intersections*, German Historical Institute Washington, <https://germanhistory-intersections.org/en/migration/ghis:document-58>. The date of 25 September 1555 is confirmed by "Peace of Augsburg", Wikipedia (English), https://en.wikipedia.org/wiki/Peace_of_Augsburg. ↩
3. Religious Peace of Augsburg, Art. 24 (above). ↩

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