



Volume 1. From the Reformation to the Thirty Years War, 1500-1648

The Bohemian Religious Peace (July 9, 1609)

Formal religious toleration most often came not as the fruit of magnanimous tolerance but rather of political struggle. After the Religious Peace of Augsburg of 1555, the most important law on religious toleration in the Holy Roman Empire was issued in 1609 by Emperor Rudolph II for the kingdom of Bohemia. The edict (called a “Letter of Majesty”) confirmed to each of the recognized confessions the right to practice its faith without coercion. Making good on a promise that Rudolph’s father, Maximilian II, had made in 1575 to the Bohemian estates, the edict departed drastically from the religious settlement of 1555 for the German lands.

Establishing a *convivencia* in the Bohemian kingdom was complicated by the existence of two religious parties of Hussite origin, the Bohemian Brethren [*Unitas Fratrum*] and the Utraquists, the latter of whom had come under more or less strong Lutheran influence. The Bohemian Confession of 1575, which Maximilian II had promised to tolerate, had been signed by both of these parties and the Lutheran estates (and later by the Calvinists as well). In 1608, the political leaders of these religious parties presented the confession to Rudolph and requested his approval of complete freedom of religious practice for their parties.

The emperor's grant of religious toleration was heavily determined by the contemporary political situation, above all by a struggle within his dynasty. His brother, Archduke Matthias, backed by two other brothers, had demanded Rudolph’s abdication and followed up on this with a military invasion of Bohemia in 1608. This intra-dynastic “Brothers’ Quarrel” gave the dissenting estates their moment to act. Matthias’s invasion of Bohemia forced Rudolph to accede almost totally to the allied estates’ demands, although he insisted that the name “Evangelical” (i.e., Protestant) be replaced by the name “Utraquist” (A). On the same day, the leaders of this hybrid “Protestant” party within the Bohemian Diet signed an agreement with their Catholic counterparts (B). These acts created a status quo that the dissenting estates aimed to defend by their deposition of King Ferdinand II in 1618.

The Bohemian Edict of Toleration was thus in principal comparable to the Religious Peace of Augsburg for the Empire. It remained in force until the new Bohemian Constitution of 1627, which reflected the victories of Imperial-Catholic forces in the 1520s.

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### **(A) Emperor Rudolph II’s Edict of Toleration [*Majestätsbrief*] for the Bohemian Kingdom**

We, Rudolf, etc., make known this Patent to all men, to be kept in mind forever: All three Estates<sup>1</sup> of Our Kingdom of Bohemia who receive the body and blood of Our Lord Jesus Christ

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<sup>1</sup> The Bohemian Diet was constituted of three estates: Lords (spiritual and temporal), Knights, and Burghers.

in both Kinds, Our beloved and loyal subjects, have at the Diets held in the Castle of Prague in the past year of the Lord 1608 on the Monday after Exaudi [19 May 1608] and on the Friday after the Feast of John the Baptist [27 June 1608] in the same year, humbly and with due submissiveness besought Us, as King of Bohemia, concerning the general Bohemian Confession, called by some the Augsburg Confession, which was codified at the general Diet of 1575 and submitted to His Majesty the Emperor Maximilian of glorious and honored memory, Our most beloved father. As We have deigned to ascertain from reliable information on the subject and from letters written in his own hand by Our most beloved father, and which is also plain from certain credible documents preserved in the Estates' archives, it was at once agreed to by His Majesty. And [they also requested that] the settlement between them<sup>2</sup> contained in the foreword to the same Confession, and also the other requests relating to religion expressly added by them at the same Diet, might be confirmed, the free practice of the Christian religion in both Kinds<sup>3</sup> permitted without let or hindrance, and sufficient assurances be given to the Estates by Us. All of which is on record, including the request at the said Diet [of 1608] and the negotiations at the Diet itself, a verbatim record whereof is contained in the registers of the General Diet of 1608, for the Monday after Exaudi under letters K 8.<sup>4</sup>

Since, however, We were prevented by other very important and urgent business, on account of which the Diet of that year had been convened, from conferring the confirmation at that time, We most graciously asked for a postponement of the decision on all these questions until the following Diet, fixed for the first Thursday before St. Martin's Day, assuring the Utraquist Estates. Meanwhile, pending the complete settlement at the general Diet they were entitled to practice their religion as they would, and until a decision had been reached on the temporarily adjourned points, We would not issue or accede to any further dispositions, or submit any proposals of any kind to the Estates, nor should they be required to enter into any negotiations.

Since then We were obliged, for certain reasons, to postpone the Diet fixed for the Thursday before St. Martin's Day and by Royal mandate to convene another in the Castle of Prague for the Tuesday after the Conversion of St. Paul [1 January 1609]. The Utraquist Estates again submitted to Us their Confession and the agreement concluded between them, and did not cease to pray Us, their King and Lord, both in their own repeated humble supplications and also by invoking sponsors of high standing and repute, graciously to accede to the request of the said Utraquist Estates, Our loyal subjects. We gave to all this Our careful Imperial and Royal consideration, in consultation with the supreme functionaries, judges and councilors of Our Kingdom of Bohemia, and resolved, on the submissive petition of the said Lords, Knights, Burghers of Prague and other cities from all the three Estates of this Our Kingdom of Bohemia who receive the Body and Blood of Our Lord Jesus Christ in both Kinds, and belong to the said Confession, to convoke by Our Royal mandate Our well-beloved and loyal subjects of all three Estates of this Kingdom to a general Diet on a Monday after Rogation Sunday [25 May], otherwise called Holy Week, in this year 1609, in the Castle of Prague. We also expressly

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<sup>2</sup> Between the Bohemian Brethren [*Unitas Fratrum*] and the neo-Utraquists, the two parties descended from the Hussite.

<sup>3</sup> That is, Communion allowed to be given under both species, bread and wine.

<sup>4</sup> "K 8" is an archival signature.

added in the same general notification that at this Diet We would submit for decision in the Proposals of the Diet the adjourned Articles of Religion and would also provide sufficient assurances that all of them, both the party which receives the Holy Communion in one Kind and also those who receive it in both Kinds and belong to the above-mentioned Confession, may practice their religion without any let or hindrance from any person, spiritual or temporal, as laid down in Our Mandates on this point, given in the Castle of Prague on the Saturday after Jubilate [16 May] of this year 1609. When all three Estates had assembled obediently and submissively at this general Diet convoked by Us, and after We, in accordance with Our gracious assurance included in the said Mandate, deigned first to propose this article on religion in Our Proposals to the Diet, for debate, the said three Estates of both Kinds renewed their former request to Us and humbly begged for sufficient safeguards and for official registration thereof in the records of the Diet.

Since, then, it is Our wish that all love and concord, peace and good understanding shall prevail in this Kingdom, now and in the future, between all three Estates, both those of the Catholic party and those of the above-mentioned Utraquists, and among all Our dear and loyal subjects, for the promotion and maintenance of the general welfare and peace. We wish, too, that each party shall practice the religion in which it hopes for its salvation freely and without let or hindrance, and that satisfaction be thereby given both (as is equitable) to the conclusions of the Diet of 1608 and also to the general enactments issued by Us. In these documents, We have publicly declared the united Utraquist Estates, which profess the above-mentioned confession, to be what they have always been, namely, Our loyal and obedient subjects under Our gracious protection, beneficiaries of all ordinances, rights and liberties of this Kingdom and subject to Our Royal duty, right and authority. And now we do [again] so declare them. We therewith take into account the weighty promises recorded above, the repeated assiduous requests of the Utraquist Estates themselves, and finally, the many true and important services rendered at all times by them to Us during Our happy rule. For all these and many other causes, We, after mature consideration, with Our serious knowledge and will, by virtue of Our Royal prerogative in Bohemia, with the agreement of the supreme officials, judges and councilors, do at the present general Diet in the Castle of Prague, with all three Estates of the Kingdom, order and enact this Article in respect of religion. And we mean to confer this Our Royal Patent on them, the Utraquist Estates and do hereby expressly confer it.

Firstly, as it is already laid down in the Bohemian Constitution in respect of the faiths of one or both Kinds, that no man shall vex another, but rather that all shall hold together as good friends, and the one party shall not vilify the other: so now, too, this article of the Constitution shall be constantly observed, and both parties shall be held in future to respect it, under pain of the penalties provided by law. And seeing that the Catholics in this Kingdom are entitled to practice their religion freely and unimpeded, and the Utraquist Party belonging to the above-mentioned Confession may do the former no prejudice nor impose rules on them; so, in order that full equality may prevail, We permit, empower and authorize that the above-mentioned united Utraquist Estates, together with their subjects and all persons of any quality, without exception, who have professed and do profess the Bohemian Confession submitted to the Emperor Maximilian of glorious memory, Our beloved father, at the Diet of 1575 and now again submitted

to Us. They may practice their Christian religion in both Kinds, according to the above-mentioned profession of faith and the agreements and compositions concluded between them, freely and at their pleasure, in any place, and they shall be left undisturbed in their faith and religion, and also in their clergy and liturgy as they now have it or may introduce it—all this pending the achievement of a complete general settlement of the religious question in the Holy Roman Empire. Likewise, they shall not be bound, either now or in the future, to conform to the Compacts dropped at the Diet of 1567 and those cancelled in the Provincial Privileges and elsewhere.<sup>5</sup>

Furthermore, We wish to show the Utraquist Estates Our especial favor and to restore to their authority and keeping the lower Prague Consistory,<sup>6</sup> and We also most graciously concede that the Utraquist Estates may renew the said Consistory with its clergy according to their faith and associations. They may also have their preachers, both Bohemian [Czech] and German, ordained accordingly, or may accept and install those already ordained at their collations without any hindrance from the Archbishop of Prague or any other person. Furthermore, we convey to the keeping of the said Estates the University of Prague, Utraquist since ancient times,<sup>7</sup> with all its appurtenances, that they may staff it with efficient and learned men, make good and praiseworthy dispositions and may place over both reliable persons from among themselves as Defenders.<sup>8</sup> Meanwhile, however, before all this has been put into effect, the Utraquist Estates shall nevertheless be left in enjoyment of all the rights set out above, namely, the right to practice their religion freely and unimpeded. Whomever they shall select from their midst to be Defenders of the said Consistory and University of Prague, according to their mutual agreement—an equal number from each of the three Estates—and present to Us, as their King and Lord, lists of their names, within two weeks from the day of submission of the lists We will confirm all persons thus nominated, without any exception, and pronounce them Defenders, nor will we impose on them duties or instructions beyond the duties prescribed to them by the Estates. Should We, however, on account of Our business or for any reason whatever, be unable or fail to confirm them within the said period, they shall nevertheless continue to be Defenders of these two institutions and have full powers to direct and administer them in all respects, as though they had already been confirmed and recognized by Us. Should one of them die, the Estates shall at the next Diet elect another in his place and add him to the survivors. And this procedure shall in the future always be followed, as laid down and to be observed by Us, Our heirs and successors to the throne in Bohemia, and also by the Estates and Defenders.

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<sup>5</sup> In 1567 at the request of the neo-Utraquists, the agreements [*Compacts*], which the Hussites had negotiated with the Council of Basel in 1437, were declared no longer legally valid.

<sup>6</sup> The Estates had enjoyed the right of nominating members to the Utraquist Consistory until 1562, when Ferdinand I withdrew it from them.

<sup>7</sup> The University of Prague, founded in 1348 as a Catholic institution, had soon passed into Protestant hands, and in 1417 it had declared Communion in both kinds to be necessary for salvation. Later, however, it had fallen into decadence, and the Jesuits, allowed in 1561 to settle in Prague, had been gaining increasing influence over it.

<sup>8</sup> In 1575, Maximilian, while retaining the crown's control over the consistory, had allowed the Protestants to appoint fifteen "Defenders" [*defensores*] not subject to the consistory's jurisdiction.

Further, should any member of the Utraquist Estates of the Kingdom wish, now or in the future, to build further places of worship or churches in any town, market center, village, or elsewhere, in addition to the churches and places of worship which they now possess and which have been recognized as theirs (in the undisturbed possession of which they are to be left and protected), both the Lords' and Knights' Estates and also the City of Prague and the mining towns and other Royal Boroughs shall all, jointly and severally, be allowed to do this freely and openly, at any time and in any way, without hindrance from any quarter. And because many of Our Royal Boroughs, and also those belonging to Her Majesty the Empress as Queen of Bohemia, contain adherents of both parties, Catholics and Utraquists, We do will and particularly enjoin that, for the preservation of amity and concord, each party shall practice its religion freely and without restriction, subject to the governance and direction of its own clergy. Nor shall either party shall impose any rules on the other in respect of its religion or usages, nor prevent the practice of its religion, interment of bodies in churches or graveyards, or tolling of bells.

As from today, no person, neither of the higher free Estates nor the inhabitants of unfree towns and villages, nor the peasants, shall be forced or compelled by any device by the authorities over them or by any person, spiritual or temporal, to forsake his religion and accept another religion.<sup>9</sup>

Since all these dispositions set out above have been honestly intended and enacted by Us for the maintenance of amity and concord, We therefore promise and swear on Our Royal word that all these three Estates of Our Kingdom of Bohemia who profess the Bohemian Confession and their issue, both now and in future, shall evermore be left and protected by Us, Our heirs, and future Kings of Bohemia, in complete and undisturbed enjoyment of all the rights set out above. Thereby We do entirely comprehend and confirm them in the Religious Peace of the Holy Empire, whose supreme member We are,<sup>10</sup> and they shall in no wise be infringed, now or ever in the future, either by Us, Our heirs and future Kings of Bohemia, or by any other person of estate spiritual or temporal. Furthermore, no enactment against the said Religious Peace or against the firm assurance given by Us to the Utraquist Estates, and no edict or any similar measure which might impose on them the slightest obstacle or any change in their position, shall be issued to them either by Us, Our heirs and successors as Kings of Bohemia, or by any other person, nor accepted by them. Should, however, anything of the sort occur or be undertaken by any person whatsoever, it shall be invalid, and no judicial sentence or edict on this point shall be of any effect. We therefore revoke entirely, and declare to be null and void, all earlier edicts and mandates issued from any source against the said Utraquist party and adherents of the said Bohemian Confession, in such wise that nothing in this article, nothing requested by the Estates from Us, now or in the past, and confirmed to them by Us, and nothing that has occurred since, shall be reckoned against them, the united three Estates of this Kingdom, collectively or as individuals, to their disadvantage or ill repute or as cause for any

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<sup>9</sup> This provision rejects that of the Imperial Diet of Augsburg in 1555 that urban and territorial rulers, who were members of the Diet, could require their subjects to conform or emigrate.

<sup>10</sup> This passage is conveniently silent about the contradiction between the two peaces, namely, that whereas in the Religious Peace of 1555 religious liberty depends on the rulers, in the Bohemian Edict it is confirmed in every person.

complaint, nor in any way remembered against them by Us or by future Kings of Bohemia, nor shall it be altered, now or evermore.

We therefore command the supreme functionaries, judges and Our councilors, also all Estates, the present and future inhabitants of this Kingdom, Our loyal and beloved subjects, that they shall support and protect the Lords, Knights, Burghers of Prague and of the mining and other towns, yea, all three Estates of this Kingdom; with all their subjects and in general, all persons of the party belonging to the said Bohemian and Utraquist Confession, as assured by Us in this Imperial Patent, all its articles and its tenor. These officials shall in no wise molest such persons nor allow others to do so, under pain of Our wrath and displeasure. And should any person whosoever, whether of spiritual or temporal estate, venture to infringe this Patent, We regard Ourselves bound, together with Our heirs and successors to the throne of Bohemia, and the Estates of this Kingdom, to regard any such person to be an offender against the general weal and disturber of the peace, and to protect and defend the Estates against him, as laid down and provided by the Constitution in the article on the defense of the land, order and law.

Finally, We command the higher and lower officials of the chancery of Our Kingdom of Bohemia that, for future remembrance, they shall insert and enter this Our Imperial Patent in the records of the Diet at the session at which all three Estates of the Kingdom are now to meet and thereafter bring the original to Karlstein,<sup>11</sup> to be deposited with the other Liberties or Privileges of the Kingdom. In faith whereof We have ordered Our Imperial Seal to be affixed to this Imperial Patent. Given at Our Castle in Prague on the Thursday after Procopius in the year 1609, the thirty-fourth year of Our Imperial, the thirty-seventh of Our Hungarian and the thirty-fourth of Our Bohemian, reign.

### **(B) Agreement between the Catholics and Protestants, Concluded Without Prejudice to the Imperial Patent.**

At the Diet of 1608 Monday after Exaudi, the Article on Religion, at the gracious request of His Imperial Majesty as King of Bohemia, was postponed to the following Diet and until all other business had been concluded. The substance the matter is that His Majesty, having discussed the said Article in the Diet with all three Estates of the Kingdom, has by His Royal Patent empowered the Utraquists to practice their religion according to the Bohemian Confession submitted to His Royal Majesty and in accordance with the treaty and agreement concluded between themselves, freely and without pressure or impediment. On this occasion he has also transferred the Lower Consistory and the University of Prague, with all appurtenances thereof, to the authority and keeping of the Utraquists, as shown in greater detail in the Imperial Patent which has been registered in the Diet records and the special session of the Diet under the date of Thursday after St. Procopius's Day [9 July 1609].

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<sup>11</sup> The fortress founded by Charles IV, twenty miles southwest of Prague, where he kept the regalia and the archives.

First, the Catholics (Communion in one Kind) have discussed with several representatives of the Utraquists and have agreed that the Utraquists shall leave the Catholics their Churches, Divine Service, collations, cloisters, privileges, endowments, tithes, perquisites, reversions, and all usages—in short, their faith—unaltered, and shall submit them to no violence and no hindrances, even as the Catholics shall and must leave the Protestants the churches now in the possession of that party.

Second, should His Imperial Majesty as King of Bohemia, or any person, Catholic or Utraquist, belonging to the higher Estates,<sup>12</sup> wish to install on his lands for himself or his subjects, in a pastoral office of which he is patron, an Utraquist priest who has been ordained by the Archbishop, he shall be entitled to do so. As regards Prague and the other Royal Boroughs, since the Congregations of Prague and their clergy and the other urban Congregations have adhered in large numbers to the Utraquists and that Confession, and most of them wish to follow the order that either has been or is to be established among the Utraquists, according to that Confession, the following agreement is established, for the avoidance of later dissensions and disputes in any commune or parish. Should there be in any commune or parish a person who wishes to install a Utraquist priest who has been ordained by the Archbishop of Prague and not in accordance with the said Confession, he may apply to any such priest ordained by the Archbishop and have him conduct Divine Service, though without putting impediment in the way of the commune, the parish or the Consistory to be established by the Estates, or causing confusion.

As to the interment of bodies and the tolling of bells, these shall not be permitted to the Utraquists in the churches and parishes of the Catholics, nor vice versa, unless with the knowledge and consent of the collator and the incumbent.

If Utraquists are parishioners of a Catholic parish and pay it tithes or any other dues, they can be buried in it without special permission from the collator [patron]. And vice versa, if Catholics are parishioners of a Catholic parish and pay tithes or other dues in it, they can be buried in it without special permission from the collator. Should the collator or any other person wish to prevent the interment of bodies, the persons in question are not bound to pay tithe or other dues. The person in authority over them may direct them to any parish he pleases and they can carry through their interments there.

Should the Utraquists possess no churches or graveyards of their own, or if they share with Catholics, in any village or town or even on an estate of the King or the Queen, the text of the Imperial Patent allows them to build churches and lay out graveyards for themselves.

If prior to this agreement any person was in contention with another before the ordinary courts over a collation, and if the legal decision is still outstanding, he shall wait until it is delivered. Should any person wish to acquire a collation from another by process of law, he shall not

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<sup>12</sup> Lords and Knights (or magnates and gentry).

possess himself of it arbitrarily but wait for the legal verdict, as provided in greater detail in the treaty between Catholics and Protestants.

Since the Imperial Patent given by His Majesty to the Utraquists is not to prejudice this treaty, nor this treaty the Imperial Patent, and the assurance of the one does not invalidate the true sense of the assurance of the other, His Imperial Majesty leaves the Catholics in enjoyment not only of the safeguards assured them under the Imperial Patent, but also of those secured under this treaty. Just as the Imperial Patent does not weaken the force of the treaty, so the treaty shall in no way diminish that of the Imperial Patent. His Majesty graciously permits that both the Catholics and the Utraquists shall be furnished with a copy both of the Imperial Patent and of this Article of the Diet, from the latter's Archives, with the seal of this Kingdom attached. Given on the Thursday after Procopius, 1609.<sup>13</sup>

Source of English translation: "The Bohemian Religious Peace" (pp. 37-45) from *The Habsburg and Hohenzollern Dynasties in the Seventeenth and Eighteenth Centuries* by C.A. Macartney. Introduction, editorial notes, chronology, translations by the editor; and compilation copyright © 1970 by C.A. Macartney. Used by permission of HarperCollins Publishers.

Source of original German text: *Geschichte der Böhmischesen Brüder* by Anton Gindely. Second Volume (1564-1609). Prague: Carl Bellmann's Verlag, 1858, pp. 447-58.

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<sup>13</sup> The Treaty was signed for the Catholics by five members of the Estate of the Lords, five Knights, and five burgesses of Prague; for the Protestants, by the thirty Directors.