



Volume 1. From the Reformation to the Thirty Years' War [1500-1648]

Swiss Defenders of the Old Faith – Articles of the Nine Members' Delegates (1525)

In no sector of the Empire did popular regimes resist the new faith as quickly or as decisively as in the Swiss Confederation. The issue split the confederate assembly [*Tagsatzung*] and pushed it to the brink of war (1529) and then to actual war (1531). At this time, the Confederation consisted of thirteen full members or *Orte* (literally, "places"): Uri, Schwyz, Unterwalden, Lucerne, Zurich, Zug, Glarus, Bern, Solothurn, Fribourg, Basel, Schaffhausen, and Appenzell, several associate members, and two autonomous but allied rural republics in the Valais and the Graubünden. At a 1525 meeting in Lucerne, the delegates of nine members declared their protest against the religious innovations and registered their determination to maintain and defend the old faith against the evangelicals' agitation and attacks. In general, the larger Swiss city-states (Zurich, Basel, and Bern) became solidly Protestant, the older, less commercially developed members (Lucerne, Fribourg, Solothurn, Uri, Schwyz, and others) held to Catholicism, and the autonomous rural republics were mixed.

Preamble

These are the articles of the nine members' delegates, along with the delegates from our dear confederation in the Valais, drafted during the assembly in Lucerne to be taken back for the approval of our lords and superiors. Resolved on Saturday the 28th day of January, in the year etc. 1525.

Through the preaching, writing, and teaching of the Lutheran and Zwinglian followers, and others, it has unfortunately reached the point that in many places, notably in our Confederation, our old true Christian faith has been divided, despised, and mocked in many of its articles – particularly the holy sacrament, also the most worthy virgin and the dear saints – and the holy ordinations and statutes of the Christian church, along with the punishments established for their violation, have been rejected and are no more. Therefore, in order to ensure that humans (who are indeed always more inclined to evil and sin than to good) do not live according to their evil wantonness in great coarseness without fear or punishment, and to ensure that every person does not create his own faith according to his own will¹ and understanding (a problem that has grown tremendously in these days, while the highest spiritual shepherd of the church and the spiritual magistrates have remained silent and asleep about these concerns), it has seemed good and necessary to our Confederation that we should preempt and investigate, so

¹ Literally, "his own head and understanding" – trans.

that we and our associated members may not be poisoned and seduced by such sects, unbelief, and evil.

We have therefore drawn up the articles recorded below and promise to keep them, until such time as such error and division as now exists in our faith may be ended, clarified, and unity reestablished in the church by means of a general Christian council or another appropriate and sufficiently Christian assembly to which our own delegations are called and participate, so that everyone may know where he stands. And we wish to act as befits good Christians.

Part I²

[1.] FIRST, that everyone, whether he be clergy or layman, shall take care and shall entirely avoid, orally or in script, speaking, disputing, writing, or in any other way attacking the twelve pillars of our true Christian faith that are taken by Christian churches from God's true word and have always been firmly held.

[2.] FURTHER, that every one shall restrain himself and avoid speaking, writing, or disputing with anyone in any way against the seven holy sacraments of Christ our preserver, as they are established by the Christian churches from his words, but rather everyone and every Christian person should be zealous to honor, believe, and hold them without any doubt, as the Christian church has ordained and held until now.

[3.] ITEM, no one shall undertake, nor have it in his mind and intention, to make use of, carry out, or distribute the holy sacraments – and particularly the sacrifice of the holy mass – with all of their ordinances, except as the Christian church has established, ordained, and up to now held.

[4.] The holy sacraments should also be distributed, used, and held for us laypeople, as has been established by the Christian church and always done until now.

And also, no layperson shall approach the most honorable sacrament of the altar without prior confession and absolution in the form prescribed by the church, nor should he undertake to desire or take the sacrament in both kinds against the ordination of the Christian churches.

[5.] At this time, we also desire to make no changes in the Christian churches' other ordinations, statutes, and good praiseworthy customs – such as fasting, prayer, confession, works of penance, singing and reading, pilgrimages, offerings, and other ceremonies, etc. – but rather everything should be held as it flowed from the holy fathers out of God's word and from our other predecessors, and has come to us.

[6.] And since the old custom regarding meat and eating other forbidden foods during fasts and other banned days was established by the holy fathers because of good reasonable causes

² The paragraphs from here on are numbered so as to facilitate citation – trans.

based on holy scripture, and has come to us laudably according to each country's custom, we therefore do not wish to introduce the aggravation that follows from the violation of such established customs into our towns, lands, and territories, but shall rather sustain things as before, and punish violators according to each canton's ordinances and pleasure, as was also decided at earlier assemblies.

[7.] ITEM, we do not wish to tolerate or suffer that anyone should revile or dishonor the most holy Virgin Mary, also all of God's saints. Rather, as all of our ancestors and the Christian church have always held, we shall virtuously believe that our dear lady and the other dear saints may well include us in their petitions to God and obtain mercy for us. And any person who speaks or acts against this should be gravely punished on this account, according to the determination of his lords and superiors.

[8.] ITEM, no one should undertake to revile, remove, break or otherwise attack the images and figures of our lord, our dear lady, the crucifix, or the other dear saints, whether in the churches, chapels, shrines, or other locations. Rather, everyone should let all monasteries and churches, with their decorations, praiseworthy customs, and traditions, remain as they have been from the old days and have come to us.

[9.] ITEM, since great division and unpleasantness has arisen all over because of the preachers and their preaching and teaching; and so that all of this, insofar as it is in our power, may be terminated and prevented with God's help; and so that the holy Gospel, God's word, and the holy scriptures may be understood correctly and uniformly preached, expounded, and taught to our common man everywhere (because the holy old teachers left many laudable and well-founded books that thoroughly explained and demonstrated the correct true Christian meaning of God's words and the holy scripture): So it is our ordination and firm conviction that everywhere in our towns, bailiwicks, jurisdictions, domains, and territories, no one shall preach and teach God's word and the holy scriptures unless he has been first examined by his spiritual superiors,³ recognized as suitable and adequate to such duties, and possesses a credible license from the worldly authorities in the location where he is licensed. And no street preachers [*Winckelprediger*] should be permitted.

[10.] And any preachers who wish to preach to us and our subjects in our lands and territories should also preach, teach, and present the holy Gospel, the holy scriptures, and the New and Old Testaments according to their correct, true understanding as the Christian church has received and admitted, just as the holy old teachers doubtlessly did out of God's spirit and not of private opinion. And they should seek and intend nothing other than the benefit of souls and improvement here during our lives, and in doing so they should avoid any other [unnecessary] complications⁴ or circumstances, as well as any other teachers not accepted by the churches and not in conformity with the holy scripture. And especially, no preacher should bend God's

³ That is, the bishop or his vicar-general or the abbot, some of whom exercised episcopal powers – trans.

⁴ The German text's "stempfeneyen" is a pure Helveticism – trans.

word or the holy scripture according to his own understanding, nor preach in such a way that his teachings are against the holy sacraments, against God's honor, against our Lady and the dear saints, or against the Christian church, as unfortunately now happens in many places.

[11.] And should such a preacher be detected, and should it be heard of him that he preached about such misleading opinions and about the new unfaith, he should be deposed by the secular magistrates in whatever place it may be, and driven and removed from that place (no matter how peacefully he may have behaved), and punished according to his deserts for it.

[12.] ITEM, concerning purgatory, and also petitions for the dead, our ancestors, and all faithful Christian souls, as our ancestors and we up to this time have believed, and as the holy teachers have sufficiently demonstrated through the New and Old Testaments, and also as many councils have shown through the holy scripture, and as the Christian churches have always held up to now, and have confirmed that they hold: Since, however, some disbelief and challenges have been awakened through the Lutheran or Zwinglian sect by means of fundamentally false opinions, we therefore warn everyone not to leave our true faith with so little care because of the false and unfounded Lutheran arguments, and we also desire that no one should preach, write, or say such things in our domains. And whoever might do so should be punished according to each lord's or magistrate's assessment.

[13.] ITEM, we also decree and wish that everyone should allow the monasteries, cloisters, foundations, and churches to remain in possession of their old privileges, rights, and authority as they have descended from old times, and use no violence against them nor withhold from them what is theirs, nor take anything on one's own authority against the law. And anyone who does such things shall be appropriately punished by his magistrates according to the nature of the issue.

(Marginal note: this [following] article is against all the previous articles, since the earlier ones state that one should leave things by the old ordinances and ceremonies, etc.)

Part II

[14. *Preamble to section II.*] ITEM, it may well be true that through the holy fathers' teachings, also through the popes and councils, canon law and many ordinances and statutes were established and set up with good intentions, yet over time such canon law and ordinances increased, became more rigorous, and became so superfluously numerous, and also were frequently misused against us laypeople, so that they led to the great disadvantage and perdition of us laypeople on many occasions, and are used against us in other ways than they should be. And thus in these perilous times, when the wolf in Christ's sheepfold harmfully

scatters the lambs, [and] when the highest guardian and shepherd of the churches sleeps, it is fitting that we, as the temporal magistrates, should come to our own assistance in various ways, so that we and our subjects may reach unity and may stay with the true religion, and may help ourselves out of many complaints. Not that we wish to throw ourselves out of, or set ourselves against the Roman church or the common Christian churches, but rather only for the suppression and prevention of further difficulties, disobedience, or the division of our Confederation. Namely, we have undertaken to follow these ordinances and articles in order to forestall the bad and the evil, and for the praise, usefulness, and honor of our Confederation, but with the apology and offer made above, that should a common Christian council or equivalent assembly, to which our Confederation's delegations are also called and also attend, put an end to these divisions, and restore unity to the churches, we do not wish to have separated ourselves from the churches, but rather wish to be regarded, like our ancestors, as good pious and obedient Christians.

[15.] For the first, our priests and curators of souls should not be on the take, as has often happened before. Namely, they and their assistants should provide the holy sacrament to us and ours according to Christian order, and should not withhold it for the sake of money.

[16.] And in this, our ordinance and conviction is that in every place, whatever the custom has been and [whatever] has belonged to the priest since old times, then that should be followed and maintained, in a fitting and modest way. But if a priest or his assistants should act in such matters in a harsh and hostile way, then the secular magistrate in the town or land where he was located should have the authority to act, according to the nature of the case, so that the common man is not exploited.

[17.] ITEM, priests, whatever their estate, should behave themselves honorably, openly, and well, and should faithfully abide by and follow the terms of their [parish] endowments,⁵ also the rules and ordinances of their monasteries. They should set aside all lay business, identity, clothing, and other dishonorable residences; they should provide the laypeople a pious, honorable, and good example; and they should apply themselves so that there are no complaints about them. For we will not suffer or endure things from them, as we have done up to now. Let each of them conduct himself accordingly.

[18.] ITEM, in times of dying, every priest should stay with his parishioners, attending to them and comforting them according to Christian ordinances, on the penalty of losing his endowment.

[19.] ITEM, every cleric, whether priest, chorister, or chaplain, who possesses an endowment shall occupy it and carry out [*versehen*] its duties himself; and from now on, no one, no matter

⁵ Most priests were supported materially by a parish endowment, which was legally a benefice [*Pfründe*], the income of which they collected as long as they remained in office. Very often, however, the incumbent was in fact an absentee who hired a poorly paid substitute (vicar) to reside and perform the pastoral duties that were the object of the endowment: saying Mass, providing the sacraments, and attending the sick and the dying – trans.

who he might be, shall either allow or take absences from his endowment. And anyone who does not himself occupy the endowment and carry out its duties, or who is not capable and suitable for such duties, shall return his endowment to no one other than his collator and endower, who appointed him to it.

[20.] Also, no one should make or accept secret contracts with others concerning such absent priesthoods or endowments, on the penalty of losing the endowment.

[21.] But if a youth, who was still a minor and too young to be ordained as a priest, should hold an endowment, then he should be allowed the use of the endowment, but under the condition that he provides another suitable priest, who is old enough to perform its duties. And if he should not become a priest [when he is old enough], or is not capable and suitable for it, then the endowment should be taken from him and given to another capable and suitable priest.

[22.] ITEM, since various priests now undertake to have women in marriage, our opinion is that those who have taken wives should henceforth receive no endowments, and shall be forbidden to exercise their priestly office.

[23.] Likewise, one should take away the endowment and forbid the exercise of his priestly office to any priest holding an endowment who takes a wife, so that he may henceforth earn his living through labor, like other laymen.

[24.] ITEM, any members of religious orders, male or female, who leave their cloisters and orders or who undertake to marry should also lose their endowments and their monasteries; with the reservation that every canton and the lordship where this takes place may deal further with them, and offer them mercy or not.

[25.] ITEM, concerning the obligation to attend clerical courts,⁶ and concerning the ban, we have regarded the matter and ordained for now, since matters are so perilous, and no one pays any attention to them now, that no cleric shall cite, call, or burden a layperson, nor any layperson a cleric, nor one layperson another, before a clerical court; not concerning debt, nor insult, nor criminal offences, nor concerning dues, tithes, rents and obligations, with no exceptions for any temporal or worldly matter, with the sole exception of marital matters and disputes and conflicts touching on the holy sacraments or the cloisters and churches, or matters that touch on the soul, or on account of religious error and unfaith, which we allow to proceed before the clerical judges. But otherwise, for all secular goods and human actions, the clerical courts and the ban should not be used against anyone, but instead every party should seek and call the other party

⁶ Before the Reformation, a broad range of cases were reserved for ecclesiastical (or "spiritual") courts, such as marriage, perjury, debt, and other matters with a spiritual component; disputes about such matters had to be heard before the local bishop's court. This requirement was much resented by laypeople and equally by secular judges and magistrates. In this clause, the otherwise traditionalist Swiss authorities who drafted these articles show their intention to reduce spiritual jurisdiction to a minimum – trans.

in the jurisdiction where the defendant is seated or lives; and there they should give and take the law, as is the general custom everywhere, and as some of our Leagues provide.

[26.] And should it happen that our subjects should come before a clerical court in marital matters or other spiritual matters as described above, then we desire that the clerical judge should carry out the suit and bring the matter to an end briskly and with minimum costs, so that the poor people are not inconvenienced and subjected to great costs, as happened earlier and was customary. For we shall not endure such things any more, and should any complaints reach us on this account and truly show such delays, we will look into the matter further in order to assist our subjects.

[27.] Furthermore, all matters before the clerical judges, especially in Constance,⁷ should be carried out and should proceed in German, and should be written in German, as is the custom in many other bishoprics, so that we laypeople can also hear and understand what is being discussed.

[28.] ITEM, concerning courtiers⁸ who seize endowments, our firm ordinance and conviction is that it should not be allowed in any location for one person to seize another's endowment in this way. And if such Roman scoundrels should come and attempt to seize the endowments, they should be imprisoned and punished in such a way that we may be secure from them afterwards.⁹

[29.] ITEM, we have also deliberated, and it is our conviction, that if anyone, male or female, should be sick or lie at death's door, then no clerical person, whether priest, monk, nun, beguine, or otherwise, shall come to them and urge or encourage the patient to make a will or a provision for his goods without the presence of the legal heirs. And if a sick person should wish to make a will, testament, or provision out of his own desire, then it should take place before three male lay witnesses, or according to the customs of each location, preserving everyone's privileges.¹⁰

[30.] ITEM, we also desire and have ordained that if an ordained clerical person should come into conflict and dispute with a layperson, or a layperson with a cleric, then both parties, the

⁷ Constance, which was itself outside the Confederation, was the seat of the bishop's court with jurisdiction over much of the Swiss Confederation – trans.

⁸ The German word, "Curtisanen", also suggests courtesans – trans.

⁹ The printed version has three additional articles, quite radical in content, that are missing from the German transcription: one concerns marriages between Septuagesima and Fasnacht, to be allowed without a fee; another bans the sale of Roman indulgences; and a third demands that whatever dispensations can be obtained by money from a bishop or from Rome should equally be available for free from any parish priest – trans.

¹⁰ The last phrase is standard in all sorts of agreements and ordinances, and acknowledges the validity of any existing privileges pertaining to the matter at hand – trans.

priest as well as they layperson, shall respect and maintain the peace if the peace is called out,¹¹ according to our common lands' custom.

[31.] ITEM, until now some of the clergy have behaved very dishonorably, [and] carried out evil misdeeds and actions, so that if they had been laypeople, they would have been physically punished or executed; but when such miscreants were handed over to the bishop as their ordained superior, they were sometimes lightly punished, and most of them were let out of prison and released. And because their crimes and criminality increased, and we have only more division and unrest from them, and so that evil may be punished, we have therefore ordained that if any priest or other ordained person, male or female, should commit any bad actions, evil deeds, or things that merit the death penalty, then each secular authority under whose jurisdiction such a clerical miscreant was seized should punish the same clerical person for his misdeeds in limb and life, like a layperson, without regard to his ordination.

[32.] ITEM, since great unrest has arisen among the common people concerning their faith because of the printing press and the pamphlets printed by the Lutherans and Zwinglians and their followers, it is our order that no one should print or sell such pamphlets in our cities, lands, and districts. Rather, if anyone is caught with such books, he should be seriously punished, and anyone who saw such books on sale, and took them from the seller and tore them up or threw them in the privy, shall not have committed a crime thereby.

Part III

[33. *Preamble to part III*] ITEM, since up to this point, the poor common man has been treated in a hard and harsh manner, notably by clerical prelates and monasteries, also by noble and non-noble lords and in some places by the Confederation, with dues for marriage and death dues and with other lordly rights and jurisdictional rights.

[34.] First, concerning inheritance dues [*Läss*] – that is, when a servile person dies without heirs of his body, even though he may have sisters and brothers who should be his closest heirs in all fairness, but nevertheless his lord steps in and takes part of the moveable goods, whether little or much – in which each monastery or lordship has its own customs, for some take half of the moveable goods, some take a third part, and each differently from the next. On this matter, our ordinance and conviction is that from now on no death duties shall be given or taken.

[35.] ITEM, similarly there is a custom, the same as inheritance dues, which is called an "*antragende hand*" or a "*hagstolz*," or whatever name it may have, in which when a serf dies without bodily heirs (ignoring his sister, brother, or closest kin), the lord even undertakes to

¹¹ "Calling out the peace" ("friden rufen, friden vordern") was an important legal concept intended to forestall open violence. In most towns and villages, any citizen could "call out the peace" if a dispute threatened to become violent, after which any injury or violence would be treated as a particularly severe crime – trans.

become the heir to the moveable goods, with some [lords] taking up to half and each different from the next. On this matter our ordinance and conviction is that this custom should not be followed anymore.

[36.] ITEM, regarding death duties [*Fall*],¹² monasteries and others should treat the common man modestly, and especially in the case of those who are house poor, should take the very least that they can, and be merciful with them. For if we should receive more complaints, as has often occurred in the past, then we will act further in this, so that the common man may be aided in various ways and discharged of such complaints.

[37.] ITEM, concerning *ungenosamin*, that is, when a serf takes a husband or wife from outside his or her own lord's serfs, and the lord undertakes to punish him for it, etc. Our ordinance and conviction is that no one should be punished for this, since marriage is a sacrament, and everyone should be free in this case. [. . .]

[38.] ITEM, when a serf desires to purchase his serfdom from his lord, and to be released from it, this should not be refused to him, but rather allowed for an appropriate amount of money. And if a lord were too harsh in this, it should be within the power of the high magistrates in the place where this occurs to mediate, and to moderate according to fitting standards.

[39.] ITEM, after we laypeople have been considerably burdened by the clerical princes, prelates, monasteries, cloisters, foundations, and other clerical persons, with regard to purchases, loans, and interest bearing properties in their hands, our statute and order now is that in the future, no monastery, cloister, or other clerical house, likewise other clerical lords, prelates, and persons, shall purchase into their own hands any real estate, however it is named, with no exceptions, unless it were the case that the secular authorities where they resided and the monastery was located, gave permission, and allowed it. Otherwise, this should not be allowed.

[40.] ITEM, likewise, that the monasteries, cloisters, foundations, and other clerical houses located in our Confederation shall not invest any sum of money for either perpetual or redeemable interest, either outside or inside our Confederation, without the approval, knowledge, and will of the authorities where that monastery or foundation is located.

[41.] ITEM, every monastery shall also be obliged to provide an annual accounting to the authorities where it is located, with all of the monastery's income, expenses, and assets, and all transactions.

¹² Typical death duties for an unfree person (a serf), known as *Fall* or *Todesfall*, consisted in the lord's right to claim the person's best animal [*Besthaupt*] or best piece of clothing [*Bestgewand*] upon the serf's death – trans.

[42.] ITEM, we also decree and order that any person, whether he be healthy, sick, or on his deathbed, who wants to transfer or give something, in God's name, to the monasteries, foundations, endowments, or clerical hands, which we do not wish to prevent, then in every case such gifts should be given freely from his hand,¹³ and he should not lay any obligation or mortgage in any way on his real estate,¹⁴ whether perpetually or redeemably, nor burden the property in any way. And the goods that such a person gave should be transferred to the monastery's secular agent for investment for an annual income, and should the sum be redeemed, it should be invested again by the secular agent and managed for the best outcome.

[43.] And we have also considered and desire that no one should withhold what he owes another with violence and without law, but rather that everyone should give, pay, and uphold what he owes another, including interest, mortgages, small and large tithes, debts, and other lordly possessions and jurisdictions, as has been right and lawful from old times. And all letters of agreement, seals, and assignments shall remain in force, and their contents shall be faithfully fulfilled.

[44.] Finally, we hereby exempt each canton of the Confederation and every higher authority, should anyone within their domains have and make known any complaints, bad customs, or excessive burdens from the monasteries, foundations, cloisters, and other clerical houses; every worldly authority should and may investigate such matters, and mediate and resolve them according to appropriate fair standards. But such methods will not derogate or cancel the articles above in any way.

[45.] ITEM, each delegate should bring this copy and articles with him to the next assembly in Lucerne.

Source of original German text: Staatsarchiv Bern, A IV 23, pp. 291-310, furnished by Peter Blickle (whom the editors thank), transcribed by Carina L. Johnson, and revised by Randolph C. Head based on the text in *Ämtliche Sammlung der älteren eidgenössischen Abschiede*, IV A, edited by Johannes Strickler. Brugg: Fisch, Wild und Comp., 1873, pp. 569-80, this section on pp. 572-78.

English translation by Randolph C. Head with Thomas A. Brady Jr. The printed text contains three articles (Arts. 21-23) that are missing in the manuscript version on which this translation is chiefly based.

¹³ That is, out of movable goods or cash – trans.

¹⁴ That is, real property – trans.