



### Volume 1. From the Reformation to the Thirty Years War, 1500-1648 The Religious Peace of Augsburg (September 25, 1555)

The Diet of Augsburg (1555) is widely viewed as the turning point between the tumultuous age of the Protestant Reformation in the German lands and the subsequent era of confessional formation and negotiation. In the wake of two wars – the Schmalkaldic War of 1546-47 and the Princes' War of 1552 – King Ferdinand and the leading princes decided to move toward a negotiated, provisional arrangement of the religious question. The Diet of Augsburg was important in many respects, but its central achievement was its provisions on religion, “the Religious Peace.” Briefly stated, the Religious Peace made political restoration possible by accepting what had previously been regarded as an impossibility – namely, religious diversity. But, in fact, it actually decreed the toleration only of those who accepted the Confession of Augsburg (1530), the definitive Lutheran doctrinal statement. Officially, the Empire remained a Catholic polity in communion with Rome. Among the many religious peaces negotiated in the wake of the Reformation, the Imperial solution – which everyone agreed should only apply until a general restoration of Christian unity – was distinguished by its recognition of the Empire's peculiar political character. With certain exceptions, the right of reformation [*ius reformandi*] belonged solely to the princes and other members of the Imperial Diet, who enjoyed the right to require their subjects to accept their official religion or emigrate. Although the Peace was broken in the early seventeenth century, it was restored (and opened to the Reformed or Calvinist confession) by the Peace of Westphalia in 1648. It remained the fundamental law of the Empire's regime of confessional coexistence until 1803.

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[*Preamble*] We, Ferdinand, by God's grace king of the Romans and at all times conserver of the Empire, king of Germany, Hungary, Bohemia, Dalmatia, Croatia, and Slavonia, infant of Spain, archduke of Austria, duke of Burgundy, Brabant, Styria, Carinthia, Carniola, Luxembourg, and Württemberg, Upper and Lower Silesia, prince of Swabia, [ . . . ] proclaim publicly and make known to everyone. The Roman Imperial Majesty [Charles V], our dear brother and lord, has decided that, for urgent reasons but chiefly because the decisions, ordinances, and recesses of the Holy Empire have not achieved the desired and needed effect. The Holy Empire's estates have remained continually in bitterness and distrust toward each other, from which much evil has arisen in the Holy Empire, and above all the administration of justice has produced many complaints and deficiencies, Therefore, in response to the Treaty of Passau [1552], His Majesty called a Diet to meet on August 16, 1553, in His, Our, and the Holy Empire's city of Ulm, which he intended to attend by God's grace in person. [ . . . ]

§§ 1-13. [*The king explains why he was not able to meet with the estates, as originally announced, at Ulm in August 1553. For pressing military and other reasons, the Diet had to be transferred to Augsburg in December 1554.*]

§ 14. [*General Mandate for Law and Order*] We therefore establish, will, and command that from henceforth no one, whatever his rank or character, for any cause, or upon any pretense whatsoever, shall engage in feuds, or make war upon, rob, seize, invest, or besiege another. Nor shall he, in person or through any agent, descend upon any castle, town, manor, fortification, village, estate, hamlet, or against the will of the other seize them wickedly with violence, or damage them by fire or in other ways. Nor shall any one give such offenders counsel or help, or render them aid and assistance in any other way. Nor shall one knowingly or willingly show them hospitality, house them, give them food or drink, keep or suffer them. But every one shall love the other with true friendship and Christian love. It is provided also that no estate or member of the Holy Empire shall deprive or cut off any other estate from free access to provisions and food, or interfere with its trade, rents, money, or income; for justice should be administered not irregularly but in suitable and fixed places. In every way shall His Imperial Majesty, and We, and all the estates, mutually adhere to all the contents of this present religious and general constitution for securing the peace of the land.

§ 15. [*Protection of the Adherents of the Confession of Augsburg*] And in order that such peace is respected and maintained despite the religious chasm, as is necessary in the Holy Roman Empire of the German nation and between his Roman Imperial Majesty and Us, on the one hand, and the electors, princes, and estates of the Holy Empire of the German nation, on the other, therefore His Imperial Majesty, and We, and the electors, princes, and estates of the Holy Empire will not make war upon any estate of the empire on account of the Augsburg Confession and the doctrine, religion, and faith of the same, nor injure nor do violence to those estates that hold it, nor force them, against their conscience, knowledge, and will, to abandon the religion, faith, church usages, ordinances, and ceremonies of the Augsburg Confession, where these have been established, or may hereafter be established, in their principalities, lands, and dominions. Nor shall We, through mandate or in any other way, trouble or disparage them, but shall let them quietly and peacefully enjoy their religion, faith, church usages, ordinances, and ceremonies, as well as their possessions, real and personal property, lands, people, dominions, governments, honors, and rights. Further, a complete peace within the disputed Christian religion shall be attained only by Christian, friendly, and peaceful means through his Imperial and Royal Majesties, the honorable princes, and by threat of punishment for breach of the Public Peace.

§ 16. [*Protection of the Adherents of the Catholic Faith*] On the other hand, the estates that have accepted the Augsburg Confession shall suffer His Imperial Majesty, Us, and the electors, princes, and other estates of the Holy Empire, who adhere to the old religion, to abide in like manner by their religion, faith, church usages, ordinances, and ceremonies. They shall also leave undisturbed their possessions, real and personal property, lands, people, dominions, government, honors, and rights, rents, interest, and tithes. [ . . . ]

§ 17. [*Exclusion of Adherents of Other Confessions*] All others, however, who are not adherents of either of the aforementioned religions are not included in this peace, but shall be altogether excluded from it.

§ 18. [*Ecclesiastical Reservation*] In the negotiation of this peace, there has been disagreement about what should be done when one or more of the spiritual estates should abandon the old religion, on account of the archbishoprics, bishoprics, prelacies, and benefices that were held by them, about which the adherents of both religions could not come to an agreement. Therefore, by the authority of the revered Roman Imperial Majesty, which has been fully delegated to Us, We mandate and proclaim that where an archbishop, bishop, prelate, or other spiritual incumbent shall depart from Our old religion, he shall immediately, without any opposition or delay, abandon his archbishopric, bishopric, prelacy, and other benefices, together with the fruits and incomes he may have received from it, though without prejudice to his honor. In such cases, the chapters and others who, according to the common canon law or the customs of the churches and other ecclesiastical foundations, have such rights, shall elect and introduce a member of the old religion as his successor. All of the above is subject to a future Christian, amicable, and final religious restoration.

§ 19. [*Confiscated Ecclesiastical Properties*] Since many of the estates and their ancestors have confiscated numerous abbeys, monasteries, and other ecclesiastical properties, and made use of them as churches, schools, and charitable institutions, these confiscated goods shall be covered by this peace, unless they are owned by those without any means or by direct Imperial subjects, or if the clergy have owned them at the time of the Treaty of Passau [1552] or subsequently. The status of these confiscated and redistributed properties shall be maintained, and the responsible estates shall not be brought to book in the interest of maintaining the permanent [Public] peace. On this account and by the power of this Imperial recess, We order and command the chief judge and other judges of the Imperial Chamber Court to recognize or accept no citation, order, or suit concerning the goods that were confiscated and converted to other purposes.

§ 20. [*Suspension of Existing Ecclesiastical Jurisdiction*] To the end that the aforementioned religious parties shall both enjoy a more secure peace and security among themselves, until a final religious peace is attained, the spiritual jurisdiction shall not be exercised or employed against the adherents of the Confession of Augsburg with respect to the religion, beliefs, clerical appointments, usages, rules, and ceremonies they have established. This rule shall not prejudice, however, the aforementioned electors', princes', and estates', collegial churches', monasteries', and regular clergy's enjoyment of their rents, dues, interests, tithes, and secular leases – as well as secular tenures. On the contrary, such adherents' religion, beliefs, usages, rules, and ceremonies, and the activities of their ministers (about whom a special article follows) shall proceed without hindrance or intervention. Until the final Christian religious unity, the spiritual jurisdiction in these matters shall be and remain unexercised and suspended. In other matters, however, which do not concern the religion, faith, usages, rules, ceremonies, and ministerial activities of the Confession of Augsburg's adherents, the archbishops, bishops, and other prelates shall enjoy the exercise of their traditional spiritual authority everywhere and without hindrance. [ . . . ]

§ 23. [*Prohibition of Religious Coercion*] No estate shall induce another's subjects to accept his religion and abandon the other's, nor shall he take those subjects under his protection or in any

way defend them in such actions. This rule, however, is not intended to apply to the obligations of those who have long been subject to their lord's rule, which shall remain undiminished.

§ 24. [*Right to Emigrate of those who Change Religion*] It may happen that Our subjects or those of the electors, princes, and other estates, either of the old faith or the Confession of Augsburg, wish to leave Our lands or those of the electors, princes, and estates of the Holy Roman Empire, together their wives and children, and settle elsewhere. They 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, such as has everywhere been customary for ages. Their honorary posts and their obligations, however, shall be unrecompensed. Their lords, however, shall not be deprived thereby of their customary right to demand recompense for granting freedom from servility.

§ 25. [*Provisional Character of the Religious Peace*] The search for an agreement in matters of religion and faith must be pursued in effective and appropriate ways, but without an enduring peace a Christian, friendly composition concerning religion cannot be achieved. We, also the electors' representatives, the attending princes, the estates, and the envoys of the absent estates, spiritual and temporal, have agreed on this peace pact, so as to achieve this desired peace by eliminating the highly injurious mistrust in the Empire, to protect this noble nation from an imminent, final ruin, and to assure the quick achievement of a Christian, friendly, and final composition concerning the religious division. We have also agreed always and faithfully to keep and honestly obey this peace, until the Christian, friendly, and final restoration of religious unity. If such a reunion cannot be obtained by way of a General Council, a National Council, colloquies, or the Imperial Diet, the agreement in all of the above points and articles shall nonetheless remain in force until the final agreement in matters of religion and faith. Accordingly, in this and in other forms, a durable, permanent, unlimited, and eternal peace should be established and agreed upon and remain in force.

§ 26. [*Extension to the Imperial Knights*] Those free knights who are immediately subject to his Imperial Majesty shall also be included in the peace. They shall not be interfered with, persecuted, or troubled by any one on account of either of the aforesaid religions.

§ 27. [*Extension to the Imperial Cities*] In many free and Imperial cities, both religions – Our old religion and that of the Augsburg Confession – have for some time been practiced. They shall continue to exist and be maintained in these cities. The citizens and other residents of these free and Imperial cities, both of clerical and lay estates – shall continue to live peacefully and quietly with another. Neither party shall venture to abolish or force the other to abandon its religion, usages, or ceremonies. On the contrary, according to the provisions of this peace, each party shall leave the other to maintain in a peaceful and orderly fashion its religion, faith, usages, ordinances, and ceremonies, together with its possessions, just as is mandated above for the estates of both religions.

Given in Our [Charles V], King Ferdinand's, and the Holy Empire's city of Augsburg on the twenty-fifth day of the month of September, since the birth of Christ Our dear Lord one thousand five hundred and fifty-five, in the twenty-fifth year of Our reign as emperor and in the twenty-ninth as ruler of Our other realms.

Source of English translation: Emil Reich, trans., *Select Documents Illustrating Mediaeval and Modern History*. London: P. S. King & Son, 1905, pp. 226-32, revised and with additional articles by Thomas A. Brady Jr.

Source of modern German text: [http://www.smixx.de/ra/Augsburger\\_Religionsfriede\\_1555.pdf](http://www.smixx.de/ra/Augsburger_Religionsfriede_1555.pdf) (last accessed August 18, 2011); translated from the original Early New High German by Ralph Glücksmann. For the original Early New High German version, please see Karl Zeumer, ed., *Quellensammlung zur Geschichte der Deutschen Reichsverfassung im Mittelalter und Neuzeit*. 2<sup>nd</sup> ed. rev., vol. 2. Tübingen: J.C.B. Mohr-Paul Siebeck, 1913, pp. 341-47.