BELLVM SYMBOLICVM.

Ronald G. Asch

THE THIRTY YEARS WAR

The Holy Roman Empire and Europe, 1618–48

deß Kriegs/

Jdoch die gestalt mich wil verführen.
Sein Kopff sich ich der ist gantz blütig/
D Augen scheinen zornig vnd wütig.
Sihe wie thuts die Zän herauß plecken/
Wie thuts die Zungen herfür strecken/

Durchs Schwert/Fewr/Wasser/Raub vñ
Alt vnd Jung/Arm vnd Reich/ (brande.
Gaistlich vnd Weltlich gilt mir gleich.
Jn Mutterleib/ zu n jungen Kinden/
Thue ich mit gewalt das Leben enden.

Bring auch Thewrung vnd Pestilentz/
Vnaußsprechlich in allen Grentz.
Hie wirst bericht von mir in Summen/
Deß Namens Art vnd mein herkomen.
Hierbey hab ich dir nichts verborgen/
Ach GOtt in was für grossen sorgen.
Stund ich/ vnd hertzlich seufftzen thet/
Dacht villeicht es mir auch so gehet.
Tratt vom Thier vnd bathe GOtt/
Daß Er vor solcher grossen Noth.
Gnädig behüt das Vatterland/
Durch sein starck vnd miltreiche Hand.
Vnd thue abwenden all beschwerde/
Die jetzt fürgehet auff gantzer Erd.

Zu Augspurg/ bey Hanß Jerg Mannasser/Kupfferstecher auffm Creutz.

The Thirty Years War

The Holy Roman Empire and Europe, 1618–48

Ronald G. Asch
Professor of Early Modern History
University of Osnabrück

Macmillan Education

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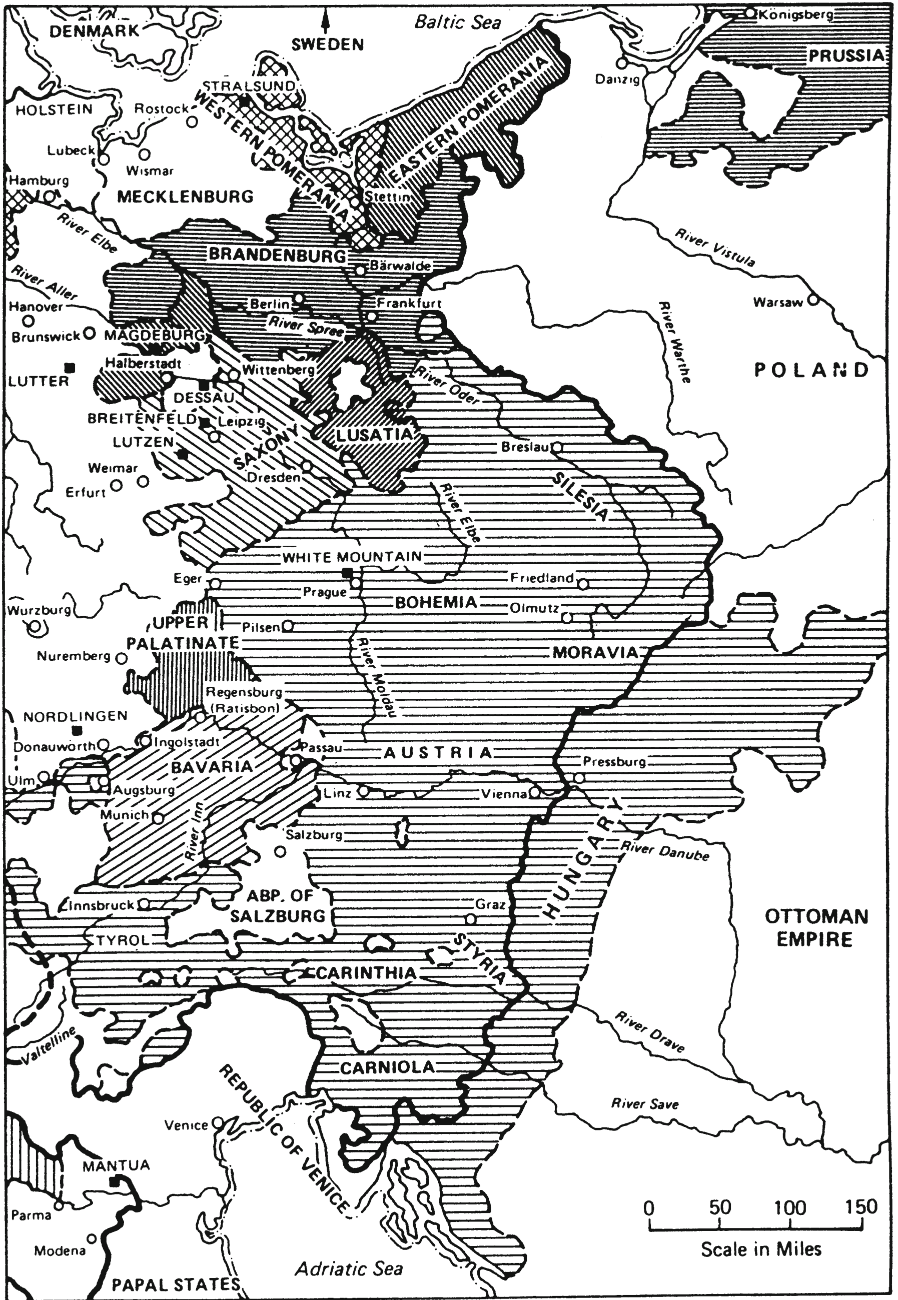
PREFACE

This is a brief introduction to a vast subject. Undoubtedly many readers will feel that important aspects have been neglected or treated too superficially, or they will think that the work of certain historians should have been referred to more extensively in the notes. However, in writing a book of this sort one inevitably has to sacrifice completeness to brevity and to the aim of presenting one's arguments clearly and neatly. Moreover, the Thirty Years War is a particularly difficult subject to deal with, as each nation which took part in the war has its own distinct historiographical tradition of presenting and analysing the period from 1618 to 1648. In fact, if I have let myself be persuaded by the general editor of this series, Jeremy Black, to write this book, it is because I am convinced that we must, now more than ever, make an effort to bridge the gulf separating the different national traditions of scholarship in Europe. I hope that the following pages will make a modest contribution to achieving this objective. My own perspective is, admittedly, that of a German historian, though, I hope, one not entirely unfamiliar with research and debates in other European countries and Great Britain in particular. In writing this book I have incurred many debts. I am particularly grateful to Simon Adams, Johannes Arndt, Heinz Duchhardt, Mia Rodríguez-Saldago, Georg Schmidt and Gregor Horstkemper for their advice, suggestions and criticism. Special thanks go to Angela Davies for transforming my at times perhaps somewhat Germanic style of writing in a language which is not originally my own into readable English.

Westfälische Wilhelms-Universität Münster
Ronald G. Asch

Map 1 The Holy Roman Empire during the Thirty Years War


DENMARK
SWEDEN
Baltic Sea
Königsberg
PRUSSIA
Danzig
STRALSUND
HOLSTEIN
Rostock
WESTERN POMERANIA
EASTERN POMERANIA
Lubeck
Wismar
Hamburg
MECKLENBURG
Stettin
River Elbe
BRANDENBURG
Bärwalde
River Vistula
River Aller
Hanover
Berlin
Frankfurt
Warsaw
River Spree
Brunswick
MAGDEBURG
River Warthe
LUTTER
Halberstadt
Wittenberg
POLAND
River Oder
DESSAU
BREITENFELD
Leipzig
LUSATIA
LUTZEN
SAXONY
Breslau
Weimar
Dresden
Erfurt
SILESIA
River Elbe
WHITE MOUNTAIN
Eger
Friedland
Prague
Wurzburg
BOHEMIA
Olmutz
UPPER PALATINATE
Pilsen
Nuremberg
MORAVIA
River Moldau
Regensburg (Ratisbon)
NORDLINGEN
Donauworth
Ingolstadt
Passau
AUSTRIA
BAVARIA
Pressburg
Ulm
Augsburg
Linz
Vienna
Munich
River Inn
Salzburg
HUNGARY
River Danube
ABP. OF SALZBURG
Innsbruck
Graz
OTTOMAN EMPIRE
TYROL
STYRIA
CARINTHIA
Valtelline
River Drave
CARNIOLA
REPUBLIC OF VENICE
River Save
Venice
MANTUA
0 50 100 150
Scale in Miles
Parma
Modena
Adriatic Sea
PAPAL STATES

The Circles of the Empire
in the 16th and early 17th centuries:

1 Austrian Circle
2 Burgundian Circle (special status, virtually exempt from imperial jurisdiction)
3 Circle of the Electoral Principalities along the Rhine
4 Franconian Circle
5 Bavarian Circle
6 Swabian Circle
7 Upper Rhine Circle
8 Circle of the Lower Rhine and Westphalia
9 Circle of Upper Saxony
10 Circle of Lower Saxony
11 Principalities and territories which did not belong to any Circle

100 km

German Sea
KINGDOM OF ENGLAND
London
The Channel
Calais
KINGDOM OF FRANCE
Rouen
Paris
Orléans
Loire
Troyes
Dijon
Lyon
Rhône
Ryssel
Cambrai
Brussels
Amsterdam
Utrecht
Groningen
Jever
Bremen
Ems
Osnabrück
Münster
Rhein
Geldern
Cologne
Kassel
Liège
Aachen
Luxemburg
Trier
Frankfurt
Mainz
Worms
Speyer
Verdun
Metz
Hagenau
Stuttgart
Offenburg
Freiburg
Mülhausen
Mömpelgard
Besançon
Constance
Swiss Confederation
Geneva
Milan
Torino

Baltic Sea
Danzig
Lübeck
Hamburg
Stettin
KINGDOM
Thorn
Lüneburg
OF POLAND
Berlin
Frankfurt
Posen
Braunschweig
Magdeburg
Wolfenbüttel
Jüterbog
Wernigerode
Kottbus
Nord-hausen
Halle
Leipzig
Mühlhausen
Duchy of Silesia
Dresden
Erfurt
Schmalkalden
Fulda
Koburg
Prague
Bayreuth
Würzburg
Bamberg
Kingdom of Bohemia
Marggraviate of Moravia
Nürnberg
Brünn
Ansbach
Eichstätt
Regensburg
Passau
Ulm
Freising
Preßburg
München
Vienna
Salzburg
Ofen
Innsbruck
Graz
Austrian Hungary
Trient
Turkish Hungary
REPUBLIC OF VENICE
Triest
Venice
Verona
Mantua
Adria
10
9
11
4
5
6
1

List of Abbreviations

APW	*Acta Pacis Westphalicae* (see Bibliography)
BA NS	*Briefe und Akten zur Geschichte des Dreißigjährigen Krieges*. New Series (see Bibliography)
EDG	*Enzyklopädie Deutscher Geschichte*
EHR	*English Historical Review*
ESR	*European Studies Review*
HZ	*Historische Zeitschrift*
IPM	Instrumentum Pacis Monasteriense (Peace of Münster)
IPO	Instrumentum Pacis Osnabrugense (Peace of Osnabrück)
JMH	*Journal of Modern History*
VSWG	*Vierteljahresschrift für Sozial- und Wirtschaftsgeschichte*
ZHF	*Zeitschrift für Historische Forschung*

Introduction

> A fifth bucket is the contemplation of Germany which is now become a Golgotha, a place of dead mens skuls; and an Aceldama, a field of blood. Some nations are chastised with the sword, others with famine, others with the man-destroying plague. But poor Germany hath been sorely whipped with all these three iron whips at the same time and that for above twenty yeers space. Oh let us make use of this bucket and draw out water and power it out before the Lord this day.
>
> Edmund Calamy, *England's Looking Glass*, 1641.[1]

In a century which has seen the death of millions of soldiers and civilians in two world wars, the horrors of warfare three and a half centuries ago may have lost some of their vividness. For many contemporaries, however, the war ravaging central Europe between 1618 and 1648 was a traumatic experience. Even men and women in countries not immediately affected by warfare looked with horror upon the slaughter and the political and religious upheaval, as Edmund Calamy's sermon quoted above and many other documents testify. In fact, as late as 1651 the divine John Durie circulated in Britain an English translation of a German tract which tried to prove that the events of the years 1618–48 were leading directly to the Final Judgement of the world which was predicted for 1655. In the opinion of the German author of the original pamphlet, the Silesian Protestant mystic Abraham von Frankenberg, the suppression of Protestantism in the Habsburg dominions, starting in the late 1590s, completed after 1620 and now confirmed by the Westphalian Peace, was a portent and precursor of the imminent apocalyptic struggle between the forces of light and darkness.[2] Of course, even in the early seventeenth century, what was for some an essentially religious

conflict with eschatological dimensions was for others a struggle for political power in which the two principal contestants were the Spanish and Austrian Habsburgs on the one hand and the French Bourbons on the other, and in which religion was little more than a cloak for much more secular ambitions. Cardinal Richelieu, for example, the leading French statesman of the late 1620s and the 1630s, certainly saw Spanish policy in this light.[3]

Like contemporaries, modern historians have disagreed about the causes and principal issues of the Thirty Years War. For some historians even the name Thirty Years War itself is a misnomer. Thus as recently as 1992 Nicola Sutherland stated that the 'Thirty Years War is a largely factitious conception which has nevertheless become an indestructable myth'. For her, the war is at best a mere episode or phase in an almost interminable struggle between the Habsburgs and the French royal dynasty, the Valois, and their successors, the Bourbons. In her view this struggle went back ultimately to the 1490s if not, as one might argue, to 1477, when the last Duke of Burgundy died without a male heir (his inheritance was claimed by both the Habsburgs and the Valois), and did not come to an end until 1715.[4]

The significance of the dates 1618 and 1648 for the political history of Europe can indeed *prima facie* be impugned. Depending on one's perspective, the Thirty Years War may seem to dissolve into a series of individual conflicts with different issues – with no real common denominator – and different participants, without any clear beginning or end. Thus France only became a full participant in the war in 1635, after earlier briefer and more limited interventions, and was to fight on against Spain until 1659, well beyond the Peace of Westphalia. Poland on the other hand fought Sweden, with several intermissions of various length, from 1600 until 1629 and again during the years 1655–60. Thus for a number of years the military contest between Sweden and Poland coincided with the Thirty Years War in which Sweden undoubtedly played a prominent part from 1630 onwards.

The Swedish–Polish war is only one example of a number of conflicts which were to some extent connected with the events

in central Europe, but which cannot easily be integrated into the traditional framework of interpretation for which the term 'Thirty Years War' stands. Must it therefore really be abandoned as Nicola Sutherland suggests? This is hardly convincing. It would be very difficult to prove, and Sutherland certainly does not manage to do so, that the elements of coherence and continuity in the alleged more than 200 years of conflict between the Habsburgs and France are greater than those in the 30 years of warfare from 1618 to 1648. In fact there is less continuity between the great European wars of the 1580s and 1590s and the Thirty Years War than is sometimes claimed (see below, pp. 34–6). Moreover, such attempts to discard well-established conventional terms of historiography are rarely successful because they tend to be indispensable in practice – a fact which is only thinly disguised by putting them into inverted commas. Finally, the expression 'Thirty Years War' is in fact a contemporary one commonly employed by authors who had already spoken of a 'fifteen years war' in 1633 and a 'twenty years war' in 1638 (and so on). This has been conclusively demonstrated by Konrad Repgen in a number of articles unfortunately ignored by Sutherland.[5]

In fact, there was one central issue justifying the contemporary judgement that the Thirty Years War was a contest with a definite beginning and a definite end and with a structure giving coherence to the various military campaigns, not just an amorphous and haphazard series of individual wars: the constitution of the Holy Roman Empire and – inseparable from this question – the balance of political and religious forces in central Europe. Of course, looking at the events of the early seventeenth century from the purely national perspective of, for example, Portuguese or Polish or, more problematically, even English or French history, the notion of the Thirty Years War as an interpretative framework may possibly be rejected as irrelevant. However, once this framework is accepted, it can make sense only if events in the Empire are seen as the central issue, otherwise we are indeed left with a chaos of individual political and military conflicts. If, therefore, our analysis focuses again and again on the course of the war in

Germany, this is a necessary consequence of accepting the notion of a Thirty Years War as such. Here in the Holy Roman Empire the war did have a clear beginning and a clear end, although the frontlines of the contest determining the allegiance of the individual states and princes were by no means the same in 1646 as in 1636 or in 1620.

This, of course, is not to deny that the war, which early on had a second focus on the periphery of the Empire in the Low Countries, was increasingly internationalised from the later 1620s onwards. What had started as a conflict in central Europe was in the end to engulf almost the entire European world, with repercussions as far away as the Iberian Peninsula, where Catalonia and Portugal rose against the King of Spain in 1640. In fact, the Thirty Years War was very much a European civil war as well as a contest between dynasties, princes and republics. As one of most important recent interpretations of the war, Johannes Burkhardt's *Der Dreißigjährige Krieg*, a brilliantly written and thought-provoking intellectual *tour de force*, has emphasised, the states of the early seventeenth century were by no means 'closed' political systems. The right and the capacity to wage war and to achieve political objectives by force of arms, in inter-state or domestic contests, was not yet the exclusive privilege of fully sovereign princes (or for that matter republics).

In fact, the distinction between 'states' and 'estates', 'Staaten' and 'Stände', or 'l'état' and 'les états' was not yet as clearly drawn as it was to become later, in western Europe at least. The Estates and their assemblies or parliaments still claimed the right, on certain occasions, to act as more or less independent agents in European politics and to wage war, if necessary, on their own. In doing so the Dutch 'States General' were indeed singularly successful, becoming fully sovereign themselves in 1648, and the German princes, the Estates of the Empire, also ultimately managed to frustrate all attempts by the Emperor to monopolise the right to wage war and to regulate and control diplomatic relations with other European powers. Strikingly less successful were the Estates of Bohemia, and the noble magnates, as well as the Protestant cities and noblemen, in France.

They were reduced to the status of mere subjects in a domestically demilitarised state in the seventeenth century, either during the course of the war itself or in the decades following the Peace of Westphalia. The war was thus an important phase in the process of European state formation.[6]

In 1618 this process, clearly distinguishing 'states' from 'estates', was far from complete, which to a large extent accounts for the fact that there was a constant interaction between 'international' and domestic conflict between 1618 and 1648. It would have been far less close had the coherence of the European monarchies been greater. The close linkage between inter-state and domestic conflicts was at least partly responsible not only for the outbreak of the war but also for its escalation and prolongation. In some cases domestic confrontations caused or at least triggered war between European states – as in Bohemia in 1618. In other cases the pressure which the international power struggle exerted on state and society opened fissures in the political structure, and caused provincial rebellions or open civil war, as in France in the 1620s and again from 1648 to 1653 during the Fronde, or in the Iberian peninsula in the early 1640s, or even, it could be argued, in neutral England at about the same time, as a belated response to the Stuart monarchy's disastrous involvement in the war from 1625 to 1629.

It needs to be emphasised that military finance was a crucial problem in this context. Only very few countries were able to finance their armies (and navies) either by pressing allies and occupied provinces into paying for them, like Sweden in the 1630s and 1640s, or by actually raising the necessary taxes at home in a way which neither destroyed political consensus nor disrupted economic life, as the Dutch Republic did. In most other cases the costs of warfare were so staggering that they caused either bankruptcy or domestic rebellion or both, as in France and Spain, unless a ruler decided to delegate the business of waging war with all its financial risks to a more or less independent private military entrepreneur. This could, however, entail a dangerous loss of control over military operations, as the career of the imperial general Wallenstein

was to show. In any case, the problems of war finance, which will be analysed in greater depth in this survey (below, pp. 150–77), are an important key to the interaction between inter-state and domestic conflicts during the war.

The other key is, of course, religion. Confessional tensions were a decisive factor linking internal and domestic disputes. This is obvious in the case of the Bohemian rising of 1618–19 but also holds true for the later stages of the war. At no stage was the Thirty Years War an exclusively religious contest, though there were phases when the confessional issue became more or less dominant, at least in the Empire (for example, during the late 1620s and early 1630s). Nevertheless, large sections of the political and social elites in the various European countries perceived the war as a confessional struggle – as probably did many humbler men and women who had to foot the bill in the form of higher taxes, or as victims of plunder, epidemics and military atrocities as well.

This was important because the war which had erupted in 1618 with serious implications for the religious balance of power in the Empire tended to undermine the stability of religious peace in other European countries where different confessional groups were competing for power or just fighting for survival too. Issues which had seemingly been settled by compromise in the preceding years or decades were reopened. Thus in France the Catholic extremists, the *dévots*, could hope that the Catholic advance in the Empire would at least indirectly strengthen their own position and enable them to undo the French religious settlement of 1598, the Edict of Nantes, with its concession of toleration to Protestants. The total victory which had rather narrowly escaped the pro-Spanish *dévots* in the 1590s now once more seemed within reach. The French Protestants themselves were understandably worried by this prospect, and their decision to defend their privileges by force of arms, ultimately taking recourse to foreign (in particular, English) support, must be seen in the context of a European political scenario which was apparently becoming bleaker and bleaker for Protestants nearly everywhere.

Moreover, and not just in France, foreign policy decisions, even if it was only the decision to stay neutral, had implications for the confessional identity of the countries concerned. Could a French kingdom which was allied with Protestant princes, as it was in the 1630s and 1640s, be a truly Catholic country? Or could an English king who preferred to stay neutral in the great European war after 1630 be a truly Protestant monarch governing a truly Protestant kingdom? These were explosive questions linking domestic tensions to the conflict between the European states.

The competition for power and, ultimately, sovereignty between princes and Estates, religious tensions, and the social and political issues raised by the enormous costs of warfare were structural problems which were permanent features of the entire war. Nevertheless, no exclusively or, indeed, primarily structural approach can do justice to the complicated process of political decision-making which must be understood if the war itself is not to become incomprehensible. Without giving undue prominence to high politics, it must be stressed that ultimately the history of political 'events' cannot be reduced to structural history. Events such as the outbreak of the war in 1618 or the imperial decision to ratify the Edict of Restitution in 1629 cannot be deduced with a sufficient degree of certainty from structural models, while the Thirty Years War is itself the best example of a political 'event' which profoundly changed political and social structures, and perhaps even collective mentalities (though this is a field as yet largely unexplored).

On the other hand, this survey does not and, indeed, cannot aim to provide the reader with a comprehensive and detailed history of the entire war. Rather, it will concentrate on the long-term preconditions for the outbreak of hostilities and on four key dates. The war will be analysed looking forward – and backward – from these key dates. Two of them are, of course, 1618 and 1648, the beginning and the end of the war; the two others are 1629 and 1635.

Both 1629 and 1635 were turning points in the war, when a final settlement of the conflict, at least within the Empire, seemed possible – in 1629 a settlement imposed by the Emperor on his opponents, and in 1635 a compromise between the Emperor and the Catholic princes on the one hand and the moderate Lutheran Protestants of eastern and northern Germany on the other. In both cases attempts to reach a settlement failed, and in both cases the subsequent years witnessed a continuing escalation of warfare as well as a further 'internationalisation' of the conflict in the Empire.

With the Edict of Restitution passed in 1629 the militant Counter-Reformation in the Empire reached its climax. Six years later, in 1635, the Peace of Prague, though failing to end the war, at least defused a number of the confessional issues. During the last phase of the conflict these played a less prominent role than before, not least because France's co-operation with Sweden and a minority of Germany's Protestant princes put paid to any attempts to interpret the war in exclusively religious terms, even for propaganda purposes. Nevertheless, under the surface of a contest between two multi- or bi-confessional alliances – after 1635 many Lutheran princes and Estates actively supported the Emperor for a number of years – the confessional issues which had figured so prominently in the earlier phases of the war simmered on. In fact they were to re-emerge during the peace conference at Osnabrück in the late 1640s. Thus in this as in many other areas, there was an underlying continuity of problems and issues throughout the entire length of the war. They were not resolved until the Peace of Westphalia was signed in 1648. Though failing to achieve a lasting settlement for Europe, it managed to a surprisingly large degree to bring internal peace to the Holy Roman Empire.

1

The Origins Of the Conflict

Religion, Law and Politics in the Holy Roman Empire

With the benefit of hindsight it is easy to consider the outbreak of the Thirty Years War in 1618 as inevitable. Indeed, as we shall see, there was no lack of combustible material in the Holy Roman Empire before 1618. However, the Empire had successfully avoided the disasters of religious war in the later sixteenth century. France, so often depicted as the paradigm of the successful modern state, was rent by an almost interminable series of wars and feuds motivated by aristocratic rivalries and political and social tensions as much as by the hatred between Catholics and Huguenots from the 1560s to the 1590s, whereas the seemingly much more old-fashioned political commonwealth of the Holy Roman Empire had managed to defuse the religious tensions of the post-Reformation years. The Religious Peace of Augsburg (1555), one of the fundamental laws of the Empire, had officially recognised Protestantism as defined by the *Confessio Augustana* (1530) as one of the two religions which could legally be practised in Germany, the other being, of course, Roman Catholicism.[1] The principle of religious toleration was thus officially established.

Of course, toleration as defined by the Peace of Augsburg was not the same as the freedom of conscience and worship that modern constitutional charters grant to individual

citizens. Essentially it was the princes and Estates of the Empire who benefited from toleration, not their subjects. These had to accept the religious decisions and predilections of their rulers. To choose one of the two confessions permitted in the Empire for themselves and their subjects was, indeed, one of the main prerogatives of the princes after 1555. Later, at the end of the sixteenth century, Protestant lawyers coined the phrase *cuius regio, eius religio*: he who rules a territory is entitled to dictate its religion. This phrase only summed up what the jurisdiction of the Chamber Court of the Empire (Reichskammergericht) had identified as the core of the agreement reached in Augsburg during the years after 1555, namely that the *ius refomandi*, the right to reform the Church, was essentially a prerogative of the princes and rulers of the Empire like any other regalian right. Those who had signed the Peace of Augsburg, however, did not yet see this principle as the essence of the settlement as clearly as the lawyers interpreting the peace later were to do; for they had not yet given up the hope of re-establishing some sort of religious unity.

As it was, after 1555 the inhabitants of the various principalities had the choice of accepting the ruler's confessional decision or emigrating. Only in some of the free cities of the Empire (the *Reichsstädte*) was genuine toleration with equal rights for both churches established, at least in theory. Elsewhere the *ius emigrandi*, the right to leave towns and villages where one could not practise one's own religion freely, was, at least legally, guaranteed to every person in the Holy Roman Empire down to the humblest peasant by the peace of 1555. In normal legal practice, however, being forced to leave one's country was one of the severest punishments a court of law could impose. The *ius emigrandi* was, therefore, a privilege of dubious character and the majority of Protestant legal scholars did, in fact, argue that somebody who had the right to emigrate should *a fortiori* be allowed to stay in his country, as the benefits of the Peace of Augsburg could hardly be meant as a punishment.[2]

Whatever its imperfections – and there were many – the Peace of Augsburg spared Germany the fate of France in the

later sixteenth century. This is in many ways quite surprising, for most of the various Estates of the Empire – the secular and ecclesiastical princes, the counts of the Empire (*Reichsgrafen*), even the free and imperial cities, and, though to a markedly lesser extent, the knights of the Empire (*Reichsritter*) – had the means to pursue whatever legal and political claims they had by force of arms. Although the Ewige Landfriede (Perpetual Peace) of 1495 had declared such feuds illegal, it is remarkable that open warfare of this sort was indeed a comparatively rare event after 1555, and remained limited in extent when it did occur. Princes and other rulers had become accustomed to settling their conflicts by litigation in the courts of law of the Empire, the Reichskammergericht in Speyer and the Reichshofrat (Imperial Aulic Council) at the imperial residence in Prague and later in Vienna.

It could, of course, be argued that the settlement of 1555 did not really solve the religious and political conflicts undermining the stability of the Empire. In the last resort both sides, Protestants and Catholics, remained convinced that their own religion was the only true one, and that the concessions made to the other side were no more than a temporary expedient. On the one hand, Catholics considered the toleration granted to Protestants as at best an irregularity, and at worst as absolutely incompatible with canon law and the principles of the Catholic faith. Protestants, on the other hand, were still confident in 1555 and for many years longer that the Peace of Augsburg had opened the way for a further erosion of the Catholic position, already much weakened. To some extent the less than sincere compromise of 1555 can be compared with the fudged religious settlement in Elizabethan England after 1558. In both cases a great many questions were left unresolved, and while the generation born during the years of the Reformation managed to achieve relative confessional peace, the conflicts which they had successfully set aside returned to plague their descendants in the seventeenth century.

What were the principal problems of the settlement achieved in 1555 in Germany? The attempt to confine

religious conflicts to the level of internal territorial affairs could only work if the domestic disputes of individual territories could be clearly separated from the political problems of the Empire. If this was difficult for the secular principalities, it was all but impossible for the ecclesiastical ones, where secular authority was exercised by bishops and prelates. (As experience was to show, it was equally impossible for the hereditary lands ruled by the imperial dynasty.) Did ecclesiastical rulers enjoy the same same *ius reformandi* as the secular princes? What was to happen if a prince-bishop decided to embrace Protestantism? These were crucial questions for the political future of the Empire. Not only did ecclesiastical princes rule vast territories, in particular along the Rhine and in Franconia but also in parts of northern Germany, they also had about half, if not more, of the votes in the second of the three councils (or *curiae*) of the Diet of the Empire (Reichstag), the Council of Princes (Fürstenrat). Moreover, three of the seven electors of the Empire were ecclesiastical dignitaries (the Archbishops of Mainz, Cologne and Trier). However, a special clause, the *reservatum ecclesiasticum*, had been added without the consent of the Protestant Estates to the resolution of the Diet of 1555 which established the Religious Peace. This clause required ecclesiastical princes who converted to Protestantism to resign all their offices and benefices, thus ensuring the survival of the various episcopal territories as Catholic ecclesiastical principalities.

The Protestants never really accepted the validity of the *reservatum ecclesiasticum*. In practice a number of prince-bishops did convert to Protestantism, or at least cathedral chapters elected Protestants as prince-bishops when a vacancy occurred. In particular, in northern and eastern Germany quite a few ecclesiastical territories were thus gradually secularised, for example the important Archbishopric of Magdeburg. The Catholics considered these secularisations illegal and in a number of cases they were able to maintain their position. If necessary they resorted to force, as in Cologne where the Archbishop, who had become a Protestant, was driven into exile and eventually forced to resign after an intervention by

Spanish and Bavarian troops in the 1580s. Thus the guiding principle of the Peace of Augsburg, the religious autonomy of every prince, nobleman or corporation who was the Emperor's immediate subject and owed obedience to no other lord, could never be applied consistently because it was in many ways incompatible with the special character of the ecclesiastical territories. This incompatibility was underlined not only by the *reservatum ecclesiasticum* but also by a special concession which Ferdinand I had made to the Protestants in 1555. In a declaration, whose legal validity was, however, uncertain, he had granted the noblemen and cities under the rule of ecclesiastical princes the right to remain Protestants if they had been so before 1555 (*declaratio Ferdinandea*).

The status of ecclesiastical possessions within the Protestant principalities was also a problem. Did the princes' *ius reformandi* include the right to confiscate or otherwise secularise the estates and goods of monasteries and other ecclesiastical corporations which were normally dissolved once the separation from Rome had taken place? If Catholics were prepared to accept such measures at all, then it was only if they had taken place before 1555, or rather 1552 when the preliminary treaty on which the peace of 1555 was based had been signed (Treaty of Passau).[3] But of course the confesssional status of many territories and their rulers had been unclear in the 1550s and was only subsequently clarified. Conflicts were thus unavoidable.

Both sides appealed to the law courts of the Empire to resolve these conflicts, but with the passage of years the judgements of these courts became more and more a cause of controversy and were rejected by many princes and Estates. In Protestant eyes both the Imperial Aulic Council – under the control of the Emperor – and the Chamber Court in Speyer, where the judges apart from the presiding chief justice were appointed by the Estates or Circles of the Empire, favoured the Catholics in their decisions. In Speyer, not to mention Prague, the seat of the Aulic Council, the Catholics were overrepresented among the judges. Admittedly, the settlement of 1555 provided for an equal number of Protestants and

Catholics to take part in the deliberations and decisions of the Chamber Court (but not of the Aulic Council) concerning religious questions.[4] However, even the Protestant lawyers serving in Speyer were often inclined to favour a cautious, conservative interpretation of the Peace of Augsburg which was difficult to accept for those Protestants who saw the Reformation in Germany as something still to be completed.

Among the latter the followers of the Reformed confession, the Calvinists, played a prominent role. Their status was complicated enough anyhow. Officially the *Confessio Augustana* of 1530 was the only legal Protestant creed in the Empire. Unless they could demonstrate that their faith was compatible with the *Confessio*, the Reformed Protestants, who looked to Zurich and Geneva for theological guidance, were in purely legal terms outlaws. In practice, however, the Calvinists claimed that they were as much adherents of the *Confessio Augustana* as the Lutherans, and thus entitled to enjoy the protection of the peace of 1555. They got away with this, partly because some of the most prominent Lutheran theologians, in particular Melanchthon, had indeed favoured an interpretation of the 1530 confession of faith which was not too far removed from the tenets of the more moderate Reformed Protestants. Even more important was the fact that most Lutheran princes were reluctant to call the bluff of Reformed rulers such as the Elector Palatine in the years after 1555. They were far too valuable as allies, for the time being at least.

However, tensions between Reformed Protestants, by now mostly Calvinists, and Lutherans grew when in the late 1570s strict Lutheran theologians drew up the Formula of Concord (1577–78), a rigidly anti-Calvinist confession of faith, which made compromise between the two principal groups in German Protestantism impossible once and for all.[5] Not all Lutheran princes and independent cities signed the *Formula Concordiae* but in the years before the outbreak of the Thirty Years War theologians in some Lutheran regions, such as Saxony, for example, considered the Calvinists worse enemies than the Catholics. On the other hand, the comparative isolation of the Calvinists only encouraged a relentless political