

*“No King of France can ... usurp any Right or Power over the said
Countrys situated on this and the other side the Rhine.”*

Overview



The Treaty of Westphalia set the year 1648 as the ultimate diplomatic and religious break between the medieval and early modern periods. The rupture, however, was neither simple nor accomplished by mutual consent, as demonstrated by the attitudes of two leaders of the time. The Habsburg Archduke Ferdinand, who in 1619 became Holy Roman Emperor, had declared in 1596 that he would sooner die than make any concessions to the sectarians on the topic of religion. His contemporary, Cardinal Richelieu of France, wrote: “The state has no immortality; its salvation is now or never” (Wedgwood, 1949, p. 191). In twenty-first century terms, the former would be derided as a fanatic, while the latter would be considered a political realist.

The Treaty of Westphalia was actually a pair of treaties negotiated in the Westphalian towns of Münster and Osnabrück and concluded on October 24, 1648. These agreements ended the Thirty Years’ War (1618–1648), a period of violence and destruction unmatched in Europe until the twentieth century. The war had brought about a perspectival change in the way states dealt with one another. The medieval notion of universality, whereby rulers acted in the best interests of the church, had given way to the brutal emergence of *raison d’état*, or the view that state interests trump all other concerns. The treaty was the European community’s first attempt to reign in national aggression through fostering a balance of power and collective peace.

Context

In the broadest sense, the Treaty of Westphalia may be considered the culmination of the European medieval experience. The significance of this ambitious document is often neglected, since it cannot be read simply as the treaty that ended the Thirty Years’ War. It addressed social, political, economic, and religious trends, as well as other issues arising from domestic and international perspectives, in order to create a collective and enduring peace.

In the sixteenth century the Protestant Reformation had split much of Europe into opposing camps defined by religion. The rulers of Spain, France, and the Holy Roman Empire had initially pledged their support to the papacy against the then-heretical position of Martin Luther and his followers. Within a short time, however, many rulers—particularly German electors and princes from the northern states and principalities of the Holy Roman Empire as well as the kings of Sweden and Denmark—had decided to embrace Lutheranism, whether they were motivated by religious conviction, humanist inclinations, antipapal sentiment, or territorial greed.

The situation was most problematic for the Holy Roman Empire, since its Habsburg emperor, Charles V, was also King Charles I of staunchly Catholic Spain. In the early seventeenth century, the Holy Roman Empire encompassed modern-day Germany, Austria, the Czech Republic, Slovenia, Luxembourg and parts of Poland, Slovakia, eastern France, and northern Italy. It also included the United Provinces, or the modern-day Netherlands; the Spanish Netherlands, or present-day Belgium; and the Swiss Confederation, or what was to become Switzerland. Charles V undertook a series of wars to root out Protestantism. Since the empire never enjoyed the political unity of other European states, the outcome of these conflicts was compromise. The most significant treaty resulting from Charles V’s wars was the Peace of Augsburg (1555), in which the empire was effectively divided between Lutheran and Catholic principalities. The Peace of Augsburg established the principle of *cuius regio, eius religio*, which meant that the prince or elector of a certain territory would determine the religion for all of its inhabitants. This peace agreement, however, was more of a truce and demonstrated the weakness of the empire. Additionally, by 1555, the range of Protestant confessions had come to include not only Lutherans but also groups not permitted under the Peace of Augsburg: Calvinists, Anabaptists, and Unitarians.

The climate was thus far from tolerant. After 1577, Calvinists were expelled from Lutheran states. The elector Frederick III, a Calvinist, then made the University of Heidelberg into a Calvinist seminary in the Palatinate, an important principality consisting of the Lower Palatinate along the Rhine and Neckar rivers and the Upper Palatinate

Time Line

1555

- **September 25**
The Peace of Augsburg, between the Holy Roman Emperor and an alliance of Lutheran princes, provides a legal basis for the existence of Lutheranism within the Holy Roman Empire.

1589

- **April 13**
The Edict of Nantes restores civil rights to French Calvinists (Huguenots) in the predominantly Catholic France of Henry IV.

1619

- Ferdinand II, staunch supporter of the Catholic cause, becomes Holy Roman Emperor.

1625–1629

- The Lutheran king of Denmark, Christian IV, assists the Lutheran princes of Saxony against imperial forces.

1629

- **March 6**
The Edict of Restitution is meant to revert to the religious distribution at the time of the Peace of Augsburg and prevent the further spread of Protestantism following the imperial victories under Albrecht von Wallenstein.

to the east on the Bohemian border. Catholics were allowed to live in the Palatinate only if they worshiped in homes, while Unitarians were suppressed altogether. The struggle between Lutherans and Calvinists was as hard fought in the second half of the sixteenth century as the conflict between Luther and the papacy in the first half. As princes and electors endorsed one creed over another, a rivalry that the religious reformer and scholar Philipp Melanchthon called *rabies theologica*, or theological rabies, was infecting the empire and laying the groundwork for religious war.

In lands neighboring the Holy Roman Empire, the Reformation continued to spread and incite conflict. Throughout the Swiss Confederation, Protestantism was becoming entrenched in city governments and public education. The situation in France was more problematic. While the French monarchy tolerated Protestantism at first, by 1534 it had begun a crackdown on French Protestants, who were known as Huguenots. The second half of the sixteenth century witnessed the French Wars of Religion (1552–1598) and culminated in the Edict of Nantes (1598), whereby King Henry IV, seeing the economic value of granting liberties to Protestants, gave rights and privileges to the Huguenots. The United Provinces and Flanders (now the Netherlands, northwestern Belgium, and the French department of Nord) saw considerable growth of Protestantism among the literate merchant classes. Dutch economic concerns would later be major diplomatic considerations at the Congress of Westphalia.

Charles V's abdication shortly after the Peace of Augsburg temporarily settled religious controversy in the Holy Roman Empire. Other Habsburgs, though, saw themselves as defenders of Catholicism against the growing threats of both the Protestants and the Ottoman Turks. The tension between Protestants and Catholics in Europe, therefore, ought to be seen from the perspective of a wider threat to the Catholic faith, which was under attack on many fronts. In 1564 the imperial crown fell to Charles V's nephew, Maximilian II, who only added to the cauldron by preferring Lutheran to Catholic preachers and protecting Protestants from persecution. His son and successor, Rudolf II, believed that moderation and toleration served to undermine the unity of the empire. In contrast, Protestant and Catholic leaders in the Swiss Confederation, having endured the strict rule of Calvinism in Geneva, followed a more conciliatory path.

By the early seventeenth century, the empire was far from unified. As of 1600, the Jesuits had restored the authority of Catholicism in many Austrian parishes that had adopted Luther's reforms. A good example of religious division can be seen in the kingdom of Bohemia, which then included Lusatia and Silesia (encompassing the present-day Czech Republic as well as parts of eastern Germany, Slovakia, and southern Poland). By the mid-sixteenth century, most of Bohemia was Protestant. Holy Roman Emperors Ferdinand I and Rudolf II had attempted to outlaw Protestantism in Bohemia. However, they were unable to enforce such edicts, since most members of the nobility and burgeoning middle class were Protestants and only the peasants remained firmly Catholic.

The seeming religious freedom that existed in Bohemia and other areas not only strengthened the princes but also guaranteed instability, which threatened the Holy Roman Empire and eventually invited outside influence. In addition, by the early seventeenth century, the economic prosperity once enjoyed by many German states had been undermined. The bulk of economic trade no longer flowed from the Mediterranean across the Alps and up through the German principalities but instead was being routed directly to northern Europe by sea. This was largely because England and the Netherlands, rather than Spain and Portugal, had come to dominate the Atlantic and many trade routes. Major German banking families were in steady decline. By 1600, the various currencies used within the empire were becoming unstable. As the economic situation worsened, the population continued to increase, which amplified the potential for unrest among the peasantry.

As is often typical during periods of economic instability, many tenaciously clung to religious beliefs. This served to rekindle strife over religious divisions. What formerly had been more of an academic debate between Catholics and Protestants was quickly becoming more heated. In the Rhineland, for example, Jesuits in Cologne argued that Luther should have been burned at the stake, while in Heidelberg a Calvinist theologian suggested a crusade against the papacy. Protestant princes formed the Protestant Union in 1608. In response, Catholic leaders formed the Catholic League the following year. Both had outside support; the French king, Henry IV, offered support to the Protestant Union, while the Spanish Habsburgs stood ready to help fellow Catholics. In 1617 the Habsburg Archduke Ferdinand, a fervent Catholic, was made king of Bohemia and two years later became Holy Roman Emperor Ferdinand II.

By the second decade of the century, Europe was a tinderbox brimming with economic turmoil, social unrest, and religious division. It merely needed some rapid series of events to set it alight. In Prague on May 23, 1618, a group of Protestant nobles, angry at the growing influence of Catholicism—and particularly the appointment of Archduke Ferdinand to the Bohemian throne—tossed two representatives of Holy Roman Emperor Matthias and their secretary out of a window. The three survived, but the action was an affront not only to the empire but also Ferdinand and the Catholic League. Ferdinand immediately sent two armies into Bohemia. In response, the Calvinist elector of the Palatinate, Frederick V, organized a counterforce. By the end of November 1618, Protestant forces had captured Pilsen, the Catholic stronghold in Bohemia. The following spring, Matthias was dead and Ferdinand had become his presumptive heir as Holy Roman Emperor. The Bohemian Diet declared that Ferdinand was deposed as king and offered the Bohemian crown to Frederick V, who accepted.

The deposal of Ferdinand as Bohemian king should have solidified Catholic and Protestant factions, but instead it demonstrated that religion was one of several factors in the conflict. Frederick V's father-in-law, James I of England, a Protestant, advised him not to accept the Bohemian crown. Dutch Protestants offered no real assis-

Time Line

1630

- When the forces of the Lutheran Swedish King Gustavus II Adolph successfully invade the Holy Roman Empire, the Swedes intervene in order to support Lutheran princes, protect Swedish trade, and check the power of the empire, an intervention that lasts five years.

1631

- **September 17**
The Battle of Breitenfeld, the first major Protestant victory of the war, leads many German states to ally with Gustavus II.

1634

- **September 6**
The Battle of Nördlingen is a crushing defeat for the Protestant forces after the death of Gustavus II; the outcome persuades France to become more directly involved in the war.

1635

- **May 30**
The Peace of Prague between Ferdinand II and many of the defeated Protestant princes in the Holy Roman Empire is meant to restore peace by granting widespread amnesty, preventing private armies, and restoring the conditions of the Peace of Augsburg.



Time Line

1636

- The French Cardinal Richelieu begins a costly twelve-year attempt to reduce Hapsburg influence in the Holy Roman Empire by supporting the Protestants there after the defeat of the Swedes.

1643

- **May 19**
The Battle of Rocroi represents a major defeat for the Spanish Habsburgs by the French.

1648

- **October 24**
The Treaty of Westphalia, a pair of treaties negotiated in the Westphalian towns of Münster and Osnabrück is concluded, ending the Thirty Years' War.

tance, and the Lutheran Duke of Saxony Elector George I (a populous eastern German duchy on Bohemia's northern border) sided with Ferdinand rather than Frederick. This was most likely because the duke not only hated the Calvinists but also saw the potential for territorial gain. With little backing and his forces defeated by the Catholic League at the Battle of White Mountain in November 1620, Frederick V was forced into exile. The Bohemian Protestants were defeated, and their land was confiscated. Ferdinand, who had become Holy Roman Emperor Ferdinand II by this time, was restored as Bohemian king, and he proceeded to sell former Protestant estates to Catholics, thereby creating a new Catholic nobility in Bohemia. The initial salvos of the Thirty Years' War in Bohemia were over, but many yearned for vengeance.

In the second phase of the conflict, the mantle of Protestant resistance was taken up by King Christian IV of Denmark. He intervened not so much to assist his fellow Protes-

tants but primarily to acquire territory in northern Germany. Christian received nominal support from England, France, and the Netherlands, then known as the United Provinces, although none of these lands provided significant financial or military support. Unfortunately for Christian, the Holy Roman Empire found a brilliant general in Albrecht von Wallenstein, a Bohemian nobleman who sought to increase his own power by supporting Ferdinand II. In 1625 Wallenstein was commissioned to supply twenty thousand troops for the emperor's cause. By mid-1629, imperial forces had gained the upper hand, forcing Christian to renounce any claims to northern Germany. Ferdinand then confiscated the lands of those who had supported the Danish king and gave land to Wallenstein, including the North German duchy of Mecklenburg. Ferdinand also issued the Edict of Restitution in 1629, which prohibited Calvinist worship but, more important, restored all Catholic property that had been secularized since 1552, much of which had been bought and paid for. This edict convinced even Catholic princes that Ferdinand had overstretched his authority. Many had benefited economically from the decentralized structure of the empire, but Ferdinand's centralization of power, enforced by Wallenstein, was perceived as a threat.

Like Christian IV of Denmark, the Swedish king, Gustavus II Adolph, was primarily concerned about his state's political independence and economic development. For these reasons, in 1630 he positioned Sweden as the rescuer of Protestantism in the northern German states and a check against the power of the Habsburgs under Ferdinand II. While Gustavus, a Lutheran, prohibited forced conversions and tolerated Catholicism, the forces of the empire were brutal. For example, in 1631 an imperial army under Johann Tserclaes (also known as Count Tilly) massacred twenty thousand in the Protestant archbishop city of Magdeburg and even destroyed its cathedral. After the first major Protestant victory in this phase of the war at Breitenfeld in Saxony in September 1631, many of Ferdinand's allies began entering the Swedish alliance. Gustavus moved into central and southern Germany, devastating the countryside as he marched, but he was mortally wounded in battle in 1632. Wallenstein was assassinated two years later, but thanks to the imperial army's reinforcement with Spanish troops, Sweden's military advance was halted at the South German town of Nördlingen in September 1634. In May 1635, Ferdinand II signed the Peace of Prague with the Saxons; this treaty also suspended the Edict of Restitution and prohibited German princes from forming military alliances with foreign powers.

The final phase of the Thirty Years' War came as a result of France's fear of being surrounded by powerful Habsburgs in both the Holy Roman Empire and Spain. The first minister of France, Cardinal Richelieu, supported Sweden and garnered the support of Pope Urban VIII, who feared that Habsburg power might threaten his holdings in Italy. Thus, leadership of the Protestant forces passed from Sweden to France, and the war became a wider European conflict. Since the entry of France meant the infusion of forces superior to those of the emperor, many Protestant leaders



began to defect from their alliance with Ferdinand III, Ferdinand II's son who had become Holy Roman Emperor upon his father's death in 1637. At the Battle of Breitenfeld outside Vienna in 1642, the imperial army suffered a loss of ten thousand troops at the hands of the Swedes. In 1643 the French won a decisive victory at the Battle of Rocroi over the Spanish on the border of the Spanish Netherlands (modern-day Belgium). By 1646, Ferdinand III had sent representatives to Westphalia to seek peace negotiations.

The war had devastated most of central Europe. The six armies—of the Holy Roman Empire, Denmark, Sweden, Bohemia, Spain, and France—were made up primarily of mercenaries who had no attachment to the places where the fighting occurred; they would fight for any faith for a fee. These armies did not respect the right of surrender; they treated civilians as legitimate targets and made rape and torture general instruments of war. As armies traveled, so did disease. Typhus, dysentery, bubonic plague, and syphilis added to the demographic catastrophe. The war, the flight of refugees, and the ravages of disease brought about a drastic population decline. By the war's end in Germany and Austria, the population had fallen by nearly one-third, from an estimated 21 million to 13.5 million. Starvation was also a consequence of the long war. Farmers saw no reason to plant crops, since there was no assurance they would still be alive to harvest them. As at Versailles at the end of World War I, diplomats gathered in Westphalia at the end of 1644 in the hope of creating a lasting peace.

About the Author

There is no solitary author of the treaty. However, since the treaty's original language was French and considering France's advantageous position at the war's end, the French delegation perhaps had the most influence. It was headed by Henri II d'Orléans, the duke of Longueville, who, as a French prince, had previously served in the French military in both Italy and the Holy Roman Empire. Usually cast as a rebel of sorts, he used his role at Westphalia not only for the benefit of France but also to secure the independence of the Swiss Confederation. He was joined by the French diplomat Abel Servien, marquis de Sablé, and Claude de Mesmes, the count d'Avaux, a diplomat and public administrator.

While Sweden was in a rather advantageous position at war's end, the Swedish attempt to secure one of the electoral college votes within the empire was thwarted by the stronger influence of France at the conference. The Swedish representatives were Johann Adler Salvius and Count Bengt Gabrielsson Oxenstierna. The Holy Roman Empire's chief delegate was Count Maximilian von Trauttmansdorff. Trauttmansdorff had a long tenure in the service of the Habsburgs, securing both the Bohemian and the Hungarian crowns for the future Ferdinand II and, later, serving as the most influential minister to Ferdinand III.

The Spanish delegation was headed by Gaspar de Bracamonte y Guzmán. Many delegations were sent from the German principalities of the Holy Roman Empire. The rep-



Ferdinand II (© Bettmann/CORBIS)

resentative of the Catholic Church, Fabio Chigi (later Pope Alexander VII), and the Venetian envoy, Alvise Contarini (who became the doge, or duke, of Venice), served as mediators. Many of the imperial states of the Holy Roman Empire also sent delegations. The most important was Brandenburg, which was represented by Count Johann von Sayn-Wittgenstein, the most prominent of the empire's Protestant representatives. He was able to increase the holdings of Brandenburg by obtaining eastern Pomerania as well as other smaller territories.

Explanation and Analysis of the Document

The Treaty of Westphalia is named for the northern German region where the negotiations were conducted. Representatives did not gather at one location, however. At the town of Münster, the delegates from France and the Holy Roman Empire met under the mediation of the papacy and the republic of Venice. A mere fifty kilometers away in Osnabrück, the delegates of France, the Holy Roman Empire, and Sweden gathered with Christian IV of Denmark as mediator. This segregation of powers was necessary, since Sweden refused to be mediated by a representative of the papacy and the papal representative refused to sit in the same room with a “heretic.”

The Congress of Westphalia opened in December 1644 and was concluded with much fanfare on October 24, 1648. The comprehensive treaty's introduction declares a "universal Peace," which, according to article I, is to be founded not on a common religion or dictated by religious authority but is to occur "between all and each of the Allies ... that each Party shall endeavour to procure the Benefit, Honour and Advantage of the other." In other words, abiding by the principles of the treaty was intended to benefit all parties. In order to halt the cycle of violence, articles II and VI provided for amnesty and pardon for all offenses committed since the beginning of the war while avoiding the rhetoric typical of an imposed peace.

The language of the treaty was new to diplomatic discourse in that it is conciliatory toward different religious sects. This was clearly an effort to remove religious difference as a cause of conflict. To this end, article XLV proclaims "the Liberty of the Exercise of Religion" throughout the Holy Roman Empire, thus strengthening the position of the Protestants. Article XXVIII specifically granted religious freedom to Lutherans (called "those of the Confession of Augsburg" in the document) and restored ecclesiastical property to them based on their holdings as of 1624. Articles XXII, XXV, and XXVI offered an olive branch to Charles I Louis of the Lower Palatinate, who was the son of Frederick V, the Calvinist elector whom the Protestants had selected as Bohemian king in 1619 in their attempted rebellion against Ferdinand II.

The monetary cost of the war had been significant, and the treaty attempted to anticipate and address economic concerns. Article XXXIX gave all parties a period of two years to show claim, after which debts were to be considered settled. Since economic conditions had worsened throughout the Holy Roman Empire during the war, the signatories wanted to ensure that indemnities either would be paid quickly or would be forgiven to avoid future strife and acts of vengeance. For similar reasons, article XLI upheld secular judicial pronouncements issued during the war.

The latter half of the treaty dealt, in particular, with the Holy Roman Emperor and his subjects. Article XLIV repeated the earlier proclamation of general amnesty, and article XLV provided for the return of some royal land but without compensation for damages. Herein the overriding influence of France and Sweden in drafting the document is evident; while the emperor and Austria, whom the delegates wanted to conciliate, could regain lost property, these provisions implied that others within the empire who lost property might not have it returned. Article XLIX restated the principle regarding religious liberty and the return of church land. It refers to an agreement among those powers that were meeting at Münster and extended it to apply to the Swedish delegation at Osnabrück.

Specific regions and allies are mentioned in the treaty. For example, article LVI stipulated the repayment of a sum to "Madam the Landgravine," whose family had been a long-term supporter of the Protestant cause in the state of Hesse. Article XCIX absolved the House of Savoy, which assisted in the French cause, of any retribution on the part

of the empire. Article LVIII stipulated that fortresses of war throughout the empire were to be dismantled as long as they did not leave an area lacking in security. Article LXXXII called upon each prince of the empire to respect the traditions and rights of other states, participate in the empire's assemblies, and regard the authority of the Holy Roman Emperor.

Territorial realignments were recognized in the treaty. For example, the United Provinces of the Netherlands were pronounced independent of Spain. Article LXXVI recognized France's right to the towns of Metz, Toul, and Verdun on the western border of the empire, as well as most of Alsace, although article LXXXIX required France to renounce further claims to territory in the vicinity of the Rhine. Article LXXVII stipulates that the French king is obligated to "preserve" Catholicism in areas where it is dominant. Contrary to the Edict of Restitution, only territory that the empire had conquered by 1624 was to be returned to the Catholic Church. French territorial gains were small, but the treaty assured that France, while being obliged to respect religious traditions, could achieve its security goals by maintaining a buffer between itself and the Holy Roman Empire.

Articles CIV through CXIX provided for the implementation of peace. Specifically, articles CIV and CV spelled out the time and method for cessation of hostilities, CVI the publication of the peace, CVII through CXIV the restoration or transfer of property, CXV the responsibilities of local inhabitants toward departing soldiers, and CXVIII the demobilization of troops and the maintenance of those necessary for security.

With respect to the treaties and covenants established during the course of the war, such as the Edict of Restitution and Peace of Prague, article CXXI made clear that the Treaty of Westphalia superseded all other provisions, treaties, and agreements. Article CXXXII warned anyone who might infringe on what the treaty termed "Publick Peace." While no specific punishment was given, Article CXXXIII enjoined all signatories to "defend and protect all and every Article of this Peace." This provision gave France and Sweden the ability to frustrate the Habsburgs. France and Sweden thus became the guarantors of the new imperial constitution with the obligation to protect the rights of princes against the Holy Roman Emperor. They became the counterbalance to ensure that future conflict over or within the empire would be quelled.

Audience

The audience of this treaty were the signatories themselves. The Westphalian delegates comprised a veritable who's who of European statesmen, future heads of state, and a future pope. This, in fact, may be the reason the treaty endured and also represented a fundamental shift in modern diplomatic statecraft. For the signatories, a major consideration was the sheer expense of the conflict itself. None of the major combatant states—the Holy Roman



Heads of state and royals of twenty European countries walk through a street of Münster, Germany, on October 24, 1998, in celebration of the 350th anniversary of the Treaty of Westphalia. (AP/Wide World Photos)

Essential Quotes

“And to prevent for the future any Differences arising in the Politick State, all and every one of the Electors, Princes and States of the Roman Empire, are so establish’d and confirm’d in their antient Rights, Prerogatives, Libertys, Privileges, free exercise of Territorial Right, as well Ecclesiastick, as Politick Lordships, Regales, by virtue of this present Transaction: that they never can or ought to be molested therein by any whomsoever upon any manner of pretence.”

(Article LXIV)

“No King of France can or ought ever to; pretend to or usurp any Right or Power over the said Countrys situated on this and the other side the Rhine.”

(Article LXXXIX)

“And for the Remainder of their Rights and Privileges, Ecclesiastical and Secular, which they enjoy’d before these Troubles, they shall be maintain’d therein; save, nevertheless the Rights of Sovereignty, and what depends thereon, for the Lords to whom they belong.”

(Article CXVII)

Empire, Spain, France, or Sweden—had profited economically from the war. Thus, the peace would open important opportunities for commerce between at least some of the former enemies and enable the United Provinces and France to concentrate on overseas trade. The best example was the explosive growth in the second half of the century of the United Provinces into the Dutch Empire. Within a generation, however, the treaty’s designs would become a source of contention. By 1672, for example, the French-Dutch War had broken out, even drawing England into the conflict. The dividend of peace was profit, and profit, like religion, was a strong motive for conflict.

Impact

The significance of the Treaty of Westphalia is often underestimated. It would serve as a model for resolving future European conflicts. Six armies had participated in the conflict. Those six states as well as many princes of the empire participated in a gathering that brought together more than one hundred delegations. For the first time, a congress with representatives from all parties involved in a

multinational conflict not only addressed international disputes but also agreed to abide by the resulting settlement.

France and Sweden gained the most from the treaty. Ultimately, France would replace Spain as the dominant power on the continent (and the two countries would not officially cease hostilities until 1659). Sweden emerged as the major power in the Baltic, a position it would enjoy for a half-century until military defeat by Czar Peter I of Russia. The Habsburgs lost the most. The Austrian branch, the traditional rulers of the Holy Roman Empire, agreed to the independence of the Swiss Confederation. In addition, German princes were not only recognized as independent but also were given the right to establish Lutheranism, Catholicism, or Calvinism within their territories. The treaty also required the Spanish Habsburgs to recognize the independence of a Dutch Republic, which included two provinces taken from the Spanish Netherlands (present-day Belgium).

These territorial and political realignments were significant, and many would last well into the nineteenth century. The treaty also determined religious distribution within the empire by confirming the Peace of Augsburg, which had first established the principle that the prince’s religion



would determine the religion of his people and expanded it to include Calvinism. As a result, the northern parts of the empire remained largely Lutheran and the area along the Rhine Calvinist, and Catholicism prevailed in the south.

With the catastrophic decline in agriculture, many farmers lacked the capital to remain independent and were forced to become day laborers. In parts of central Europe, especially areas east of the Elbe River, the loss of peasant holdings resulted in the consolidation of large estates and the expansion of serfdom.

The treaty also brought about a formal break between German principalities and territories controlled by the Austrian Habsburgs. Princely power demonstrated during the war and guaranteed by the treaty revealed how little most German states and principalities had to offer the Habsburgs. After 1648, the Austrian Habsburgs increasingly focused attention on their own territories, both inside and outside the empire, and expanded farther into southeastern Europe. This absence of Habsburg influence coupled with the religious and territorial provisions of the treaty enabled a former weak principality, such as Brandenburg-Prussia, to begin the process of state building, especially under the Calvinist Frederick William who was both the elector of Brandenburg and the duke of Prussia.

Finally, the Treaty of Westphalia signaled the loss of power of the papacy. Since late antiquity, the church had battled for supremacy over European princes and kings, in particular, the Holy Roman Emperor. Even though the Holy Roman Empire had fought on behalf of the Catholic religion in the Thirty Years' War, its loss and the emergence of Richelieu's version of statecraft left little room for the Catholic Church as a power player after 1648.

Further Reading

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—Christopher Ohan

Questions for Further Study

1. In what ways did the Treaty of Westphalia transform Europe? Put differently, how did the treaty mark a transition from medieval to more modern modes of thought in the political sphere?
2. Read the Treaty of Westphalia in conjunction with the Dutch Declaration of Independence, which began an independence movement in the Netherlands that culminated in the Treaty of Münster, which was part of the Treaty of Westphalia. What contribution did the Dutch make to the political events that led to the Treaty of Westphalia?
3. Would the Treaty of Westphalia and the events leading to it have taken place if Martin Luther had not posted his *Ninety-Five Theses* in Germany? Explain.
4. Like the Treaty of Westphalia, the Treaty of Versailles in 1919 tried to impose a lasting peace in Europe. How were the events that led to the treaties similar, and how were they different? Did the two treaties succeed? What were their fundamental weaknesses?
5. Discussions of the Treaty of Westphalia and the events surrounding it often focus on kings, popes, and empires. But how did the treaty—and the events surrounding it—affect the ordinary person?

TREATY OF WESTPHALIA

In the name of the most holy and individual Trinity: Be it known to all, and every one whom it may concern, or to whom in any manner it may belong, That for many Years past, Discords and Civil Divisions being stir'd up in the Roman Empire, which increas'd to such a degree, that not only all Germany, but also the neighbouring Kingdoms, and France particularly, have been involv'd in the Disorders of a long and cruel War:... It has at last happen'd, by the effect of Divine Goodness, seconded by the Endeavours of the most Serene Republick of Venice, who in this sad time, when all Christendom is imbroil'd, has not ceas'd to contribute its Counsels for the publick Welfare and Tranquillity; so that on the side, and the other, they have form'd Thoughts of an universal Peace....

I. That there shall be a Christian and Universal Peace, and a perpetual, true, and sincere Amity, between his Sacred Imperial Majesty, and his most Christian Majesty; as also, between all and each of the Allies.... That this Peace and Amity be observ'd and cultivated with such a Sincerity and Zeal, that each Party shall endeavour to procure the Benefit, Honour and Advantage of the other; that thus on all sides they may see this Peace and Friendship in the Roman Empire, and the Kingdom of France flourish, by entertaining a good and faithful Neighbourhood.

II. That there shall be on the one side and the other a perpetual Oblivion, Amnesty, or Pardon of all that has been committed since the beginning of these Troubles ...

III. And that a reciprocal Amity between the Emperor, and the Most Christian King, the Electors, Princes and States of the Empire, may be maintain'd ... the one shall never assist the present or future Enemys of the other under any Title or Pretence whatsoever, either with Arms, Money, Soldiers, or any sort of Ammunition; nor no one, who is a Member of this Pacification, shall suffer any Enemys Troops to retire thro' or sojourn in his Country.

IV. ... That if for the future any Dispute arises between these two Kingdoms, the abovesaid reciprocal Obligation of not aiding each others Enemys, shall always continue firm ... but yet so as that it shall be free for the States to succour; without the bounds of the Empire, such or such Kingdoms, but still according to the Constitutions of the Empire.

V. That the Controversy touching Lorain shall be refer'd to Arbitrators nominated by both sides or it shall be terminated by a Treaty between France and Spain, or by some other friendly means; and it shall be free as well for the Emperor, as Electors, Princes and States of the Empire, to aid and advance this Agreement by an amicable Interposition, and other Offices of Pacification, without using the force of Arms.

VI. According to this foundation of reciprocal Amity, and a general Amnesty, all and every one of the Electors of the sacred Roman Empire, the Princes and States (therein comprehending the Nobility, which depend immediately on the Empire) their Vassals, Subjects, Citizens, Inhabitants (to whom on the account of the Bohemian or German Troubles or Alliances, contracted here and there, might have been done by the one Party or the other, any Prejudice or Damage in any manner, or under what pretence soever, as well in their Lordships, their fiefs, Underfiefs, Allodations, as in their Dignitys, Immunities, Rights and Privileges) shall be fully re-establish'd on the one side and the other, in the Ecclesiastick or Laick State, which they enjoy'd, or could lawfully enjoy, notwithstanding any Alterations, which have been made in the mean time to the contrary....

VII. It shall also be free for the Elector of Treves, as well in the Quality of Bishop of Spires as Bishop of Worms, to sue before competent Judges for the Rights he pretends to certain Ecclesiastical Lands, situated in the Territorys of the Lower Palatinate, if so be those Princes make not a friendly Agreement among themselves....

XXII. Further, that all the Palatinate House, with all and each of them, who are, or have in any manner adher'd to it; and above all, the Ministers who have serv'd in this Assembly, or have formerly serv'd this House; as also all those who are banish'd out of the Palatinate, shall enjoy the general Amnesty here above promis'd, with the same Rights as those who are comprehended therein, or of whom a more particular and ampler mention has been made in the Article of Grievance....

XXV. That the said Lord Charles Lewis shall give no trouble to the Counts of Leiningen and of Daxburg, nor to their Successors in the Lower Palatinate; but he shall let them peaceably enjoy the



Rights obtain'd many Ages ago, and confirm'd by the Emperors.

XXVI. That he shall inviolably leave the Free Nobility of the Empire, which are in Franconia, Swabia, and all along the Rhine, and the Districts thereof, in the state they are at present....

XXVIII. That those of the Confession of Augsburg, and particularly the Inhabitants of Oppenheim, shall be put in possession again of their Churches, and Ecclesiastical Estates, as they were in the Year 1624. as also that all others of the said Confession of Augsburg, who shall demand it, shall have the free Exercise of their Religion, as well in publick Churches at the appointed Hours, as in private in their own Houses, or in others chosen for this purpose by their Ministers, or by those of their Neighbours, preaching the Word of God....

XXXIX. That the Debts either by Purchase, Sale, Revenues, or by what other name they may be call'd, if they have been violently extorted by one of the Partys in War, and if the Debtors alledge and offer to prove there has been a real Payment, they shall be no more prosecuted, before these Exceptions be first adjusted. That the Debtors shall be oblig'd to produce their Exceptions within the term of two years after the Publication of the Peace, upon pain of being afterwards condemn'd to perpetual Silence.

XL. That Processes which have been hitherto enter'd on this Account, together with the Transactions and Promises made for the Restitution of Debts, shall be look'd upon as void; and yet the Sums of Money, which during the War have been exacted bona fide, and with a good intent, by way of Contributions, to prevent greater Evils by the Contributors, are not comprehended herein.

XLI. That Sentences pronounc'd during the War about Matters purely Secular, if the Defect in the Proceedings be not fully manifest, or cannot be immediately demonstrated, shall not be esteem'd wholly void; but that the Effect shall be suspended until the Acts of Justice (if one of the Partys demand the space of six months after the Publication of the Peace, for the reviewing of his Process) be review'd and weigh'd in a proper Court, and according to the ordinary or extraordinary Forms us'd in the Empire: to the end that the former Judgments may be confirm'd, amended, or quite eras'd, in case of Nullity.

XLII. In the like manner, if any Royal, or particular Fiefs, have not been renew'd since the Year 1618. nor Homage paid to whom it belongs; the same shall bring no prejudice, and the Investiture shall be renew'd the day the Peace shall be concluded.

XLIII. Finally, That all and each of the Officers, as well Military Men as Counsellors and Gownmen, and Ecclesiasticks of what degree they may be, who have serv'd the one or other Party among the Allies, or among their Adherents, let it be in the Gown, or with the Sword, from the highest to the lowest, without any distinction or exception ... shall be restor'd by all Partys in the State of Life, Honour, Renown, Liberty of Conscience, Rights and Privileges, which they enjoy'd before the abovesaid Disorders; that no prejudice shall be done to their Effects and Persons, that no Action or accusation shall be enter'd against them; and that further, no Punishment be inflicted on them, or they to bear any damage under what pretence soever: And all this shall have its full effect in respect to those who are not Subjects or Vassals of his Imperial Majesty, or of the House of Austria.

XLIV. But for those who are Subjects and Hereditary Vassals of the Emperor, and of the House of Austria, they shall really have the benefit of the Amnesty, as for their Persons, Life, Reputation, Honours: and they may return with Safety to their former Country; but they shall be oblig'd to conform, and submit themselves to the Laws of the Realms, or particular Provinces they shall belong to.

XLV. As to their Estates that have been lost by Confiscation or otherways, before they took the part of the Crown of France, or of Swedeland, notwithstanding the Plenipotentiarys of Swedeland have made long instances they may be also restor'd. Nevertheless his Imperial Majesty being to receive Law from none, and the Imperialists sticking close thereto, it has not been thought convenient by the States of the Empire, that for such a Subject the War should be continu'd: And that thus those who have lost their Effects as aforesaid, cannot recover them to the prejudice of their last Masters and Possessors. But the Estates, which have been taken away by reason of Arms taken for France or Swedeland, against the Emperor and the House of Austria, they shall be restor'd in the State they are found, and that without any Compensation for Profit or Damage.

XLIX. And since for the greater Tranquillity of the Empire, in its general Assemblys of Peace, a certain Agreement has been made between the Emperor, Princes and States of the Empire, which has been inserted in the Instrument and Treaty of Peace, ... touching the Differences about Ecclesiastical Lands, and the Liberty of the Exercise of Religion; it has been found expedient to confirm, and ratify it by this present Treaty, in the same manner as the abovesaid Agreement has been made with the said Crown of

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Swedeland; also with those call'd the Reformed, in the same manner, as if the words of the abovesaid Instrument were reported here verbatim....

LVI. ... That if within the term of nine Months, the whole Sum be not paid to Madam the Landgravine, not only Cuesfeldt and Newhaus shall remain in her Hands till the full Payment, but also for the remainder, she shall be paid Interest at Five per Cent. and the Treasurers and Collectors of the Bayliwicks appertaining to the abovesaid Arch-bishopricks, Bishopricks and Abby, bordering on the Principality of Hesse, ... they shall yearly pay the Interest of the remaining Sum notwithstanding the Prohibitions of their Masters. If the Treasurers and Collectors delay the Payment, or alienate the Revenues, Madam the Landgravine shall have liberty to constrain them to pay, by all sorts of means, always saving the Right of the Lord Proprietor of the Territory....

LVIII. ... The Fortifications and Ramparts, rais'd during the Possession of the Places, shall be destroy'd and demolish'd as much as possible, without exposing the Towns, Borroughs, Castles and Fortresses, to Invasions and Robberys....

LXIII. And as His Imperial Majesty, upon Complaints made in the name of the City of Basle, and of all Switzerland, in the presence of their Plenipotentiarys deputed to the present Assembly, touching some Procedures and Executions proceeding from the Imperial Chamber against the said City, and the other united Cantons of the Swiss Country, and their Citizens and Subjects having demanded the Advice of the States of the Empire and their Council; these have, by a Decree of the 14th of May of the last Year, declared the said City of Basle, and the other Swiss-Cantons, to be as it were in possession of their full Liberty and Exemption of the Empire; so that they are no ways subject to the Judicatures, or Judgments of the Empire, and it was thought convenient to insert the same in this Treaty of Peace, and confirm it, and thereby to make void and annul all such Procedures and Arrests given on this Account in what form soever.

LXIV. And to prevent for the future any Differences arising in the Politick State, all and every one of the Electors, Princes and States of the Roman Empire, are so establish'd and confirm'd in their antient Rights, Prerogatives, Libertys, Privileges, free exercise of Territorial Right, as well Ecclesiastick, as Politick Lordships, Regales, by virtue of this present Transaction: that they never can or ought to be molested therein by any whomsoever upon any manner of pretence.

LXV. They shall enjoy without contradiction, the Right of Suffrage in all Deliberations touching the Affairs of the Empire; but above all, when the Business in hand shall be the making or interpreting of Laws, the declaring of Wars, imposing of Taxes, levying or quartering of Soldiers, erecting new Fortifications in the Territorys of the States, or reinforcing the old Garisons; as also when a Peace of Alliance is to be concluded, and treated about, or the like, none of these, or the like things shall be acted for the future, without the Suffrage and Consent of the Free Assembly of all the States of the Empire: Above all, it shall be free perpetually to each of the States of the Empire, to make Alliances with Strangers for their Preservation and Safety; provided, nevertheless, such Alliances be not against the Emperor, and the Empire, nor against the Publick Peace, and this Treaty, and without prejudice to the Oath by which every one is bound to the Emperor and the Empire.

LXVI. That the Diets of the Empire shall be held within six Months after the Ratification of the Peace; and after that time as often as the Publick Utility, or Necessity requires. That in the first Diet the Defects of precedent Assemblys be chiefly remedy'd; and that then also be treated and settled by common Consent of the States, the Form and Election of the Kings of the Romans, by a Form, and certain Imperial Resolution; the Manner and Order which is to be observ'd for declaring one or more States, to be within the Territorys of the Empire, besides the Manner otherways describ'd in the Constitutions of the Empire; that they consider also of re-establishing the Circles, the renewing the Matricular-Book, the re-establishing suppress'd States, the moderating and lessening the Collects of the Empire, Reformation of Justice and Policy, the taxing of Fees in the Chamber of Justice, the Due and requisite instructing of ordinary Deputys for the Advantage of the Publick, the true Office of Directors in the Colleges of the Empire, and such other Business as could not be here expedited.

LXVII. That as well as general as particular Diets, the free Towns, and other States of the Empire, shall have decisive Votes; they shall, without molestation, keep their Regales, Customs, annual Revenues, Libertys, Privileges to confiscate, to raise Taxes, and other Rights, lawfully obtain'd from the Emperor and Empire, or enjoy'd long before these Commotions, with a full Jurisdiction within the inclosure of their Walls, and their Territorys: making void at the same time, annulling and for the future prohibiting all Things, which by Reprisals, Arrests, stopping of Pas-



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sages, and other prejudicial Acts, either during the War, under what pretext soever they have been done and attempted hitherto by private Authority, or may hereafter without any preceding formality of Right be enterpris'd. As for the rest, all laudable Customs of the sacred Roman Empire, the fundamental Constitutions and Laws, shall for the future be strictly observ'd, all the Confusions which time of War have, or could introduce, being remov'd and laid aside....

LXX. The Rights and Privileges of Territorys, water'd by Rivers or otherways, as Customs granted by the Emperor, with the Consent of the Electors, and among others, to the Count of Oldenburg on the Viserg, and introduc'd by a long Usage, shall remain in their Vigour and Execution. There shall be a full Liberty of Commerce, a secure Passage by Sea and Land: and after this manner all and every one of the Vassals, Subjects, Inhabitants and Servants of the Allys, on the one side and the other, shall have full power to go and come, to trade and return back, by Virtue of this present Article, after the same manner as was allowed before the Troubles of Germany; the Magistrates, on the one side and on the other, shall be oblig'd to protect and defend them against all sorts of Oppressions, equally with their own Subjects, without prejudice to the other Articles of this Convention, and the particular laws and Rights of each place. And that the said Peace and Amity between the Emperor and the Most Christian King, may be the more corroborated, and the publick Safety provided for, it has been agreed with the Consent, Advice and Will of the Electors, Princes and States of the Empire, for the Benefit of Peace....

LXXII. That Monsieur Francis, Duke of Lorain, shall be restor'd to the possession of the Bishoprick of Verdun, as being the lawful Bishop thereof; and shall be left in the peaceable Administration of this Bishoprick and its Abbys (saving the Right of the King and of particular Persons) and shall enjoy his Patrimonial Estates, and his other Rights, wherever they may be situated (and as far as they do not contradict the present Resignation) his Privileges, Revenues and Incomes; having previously taken the Oath of Fidelity to the King, and provided he undertakes nothing against the Good of the State and the Service of his Majesty.

LXXIII. In the second place, the Emperor and Empire resign and transfer to the most Christian King, and his Successors, the Right of direct Lordship and Sovereignty, and all that has belong'd, or might hitherto belong to him, or the sacred Roman Empire, upon Pignerol....

LXXVI. Item, All the Vassals, Subjects, People, Towns, Boroughs, Castles, Houses, Fortresses, Woods, Coppices, Gold or Silver Mines, Minerals, Rivers, Brooks, Pastures; and in a word, all the Rights, Regales and Appurtenances, without any reserve, shall belong to the most Christian King, and shall be for ever incorporated with the Kingdom France, with all manner of Jurisdiction and Sovereignty, without any contradiction from the Emperor, the Empire, House of Austria, or any other: so that no Emperor, or any Prince of the House of Austria, shall, or ever ought to usurp, nor so much as pretend any Right and Power over the said Countrys, as well on this, as the other side the Rhine.

LXXVII. The most Christian King shall, nevertheless, be oblig'd to preserve in all and every one of these Countrys the Catholick Religion, as maintain'd under the Princes of Austria, and to abolish all Innovations crept in during the War....

LXXXI. For the greater Validity of the said Cessions and Alienations, the Emperor and Empire, by virtue of this present Treaty, abolish all and every one of the Decrees, Constitutions, Statutes and Customs of their Predecessors, Emperors of the sacred Roman Empire, tho they have been confirm'd by Oath, or shall be confirm'd for the future; particularly this Article of the Imperial Capitulation, by which all or any Alienation of the Appurtenances and Rights of the Empire is prohibited: and by the same means they exclude for ever all Exceptions hereunto, on what Right and Titles soever they may be grounded.

LXXXII. Further it has been agreed, That besides the Ratification promis'd hereafter in the next Diet by the Emperor and the States of the Empire, they shall ratify anew the Alienations of the said Lordships and Rights: insomuch, that if it shou'd be agreed in the Imperial Capitulation, or if there shou'd be a Proposal made for the future, in the Diet, to recover the Lands and Rights of the Empire, the abovenam'd things shall not be comprehended therein, as having been legally transfer'd to another's Dominion, with the common Consent of the States, for the benefit of the publick Tranquillity; for which reason it has been found expedient the said Seigniorys shou'd be ras'd out of the Matricular-Book of the Empire....

LXXXIX. ... No King of France can or ought ever to; pretend to or usurp any Right or Power over the said Countrys situated on this and the other side the Rhine:...

XCII. That the most Christian King shall be bound to leave not only the Bishops of Strasburg and

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Basle, with the City of Strasburg, but also the other States or Orders, ... so that he cannot pretend any Royal Superiority over them, but shall rest contented with the Rights which appertain'd to the House of Austria, and which by this present Treaty of Pacification, are yielded to the Crown of France. In such a manner, nevertheless, that by the present Declaration, nothing is intended that shall derogate from the Sovereign Dominion already hereabove agreed to....

XCIX. Who hereafter, with the Authority and Consent of their Imperial and most Christian Majestys, by virtue of this solemn Treaty of Peace, shall have no Action for this account against the Duke of Savoy, or his Heirs and Successors....

CIV. As soon as the Treaty of Peace shall be sign'd and seal'd by the Plenipotentiarys and Ambassadors, all Hostilities shall cease, and all Partys shall study immediately to put in execution what has been agreed to;... That when it shall be known that the signing has been made in these two Places, divers Couriers shall presently be sent to the Generals of the Armys, to acquaint them that the Peace is concluded, and take care that the Generals chuse a Day, on which shall be made on all sides a Cessation of Arms and Hostilities for the publishing of the Peace in the Army; and that command be given to all and each of the chief Officers Military and Civil, and to the Governors of Fortresses, to abstain for the future from all Acts of Hostility: and if it happen that any thing be attempted, or actually innovated after the said Publication, the same shall be forthwith repair'd and restor'd to its former State.

CV. The Plenipotentiarys on all sides shall agree among themselves, between the Conclusion and the Ratification of the Peace, upon the Ways, Time, and Securitys which are to be taken for the Restitution of Places, and for the Disbanding of Troops; of that both Partys may be assur'd, that all things agreed to shall be sincerely accomplish'd.

CVI. The Emperor above all things shall publish an Edict thro'out the Empire, and strictly enjoin all, who by these Articles of Pacification are oblig'd to restore or do any thing else, to obey it promptly and without tergiversation, between the signing and the ratifying of this present Treaty; commanding as well the Directors as Governors of the Militia of the Circles, to hasten and finish the Restitution to be made to every one, in conformity to those Conventions, when the same are demanded....

CVII. If any of those who are to have something restor'd to them, suppose that the Emperor's Commissarys are necessary to be present at the Execution

of some Restitution (which is left to their Choice) they shall have them. In which case, that the effect of the things agreed on may be the less hinder'd, it shall be permitted as well to those who restore, as to those to whom Restitution is to be made, to nominate two or three Commissarys immediately after the signing of the Peace, of whom his Imperial Majesty shall chuse two, one of each Religion, and one of each Party, whom he shall injoin to accomplish without delay all that which ought to be done by virtue of this present Treaty....

CVIII. Finally, That all and every one either States, Commonaltys, or private Men, either Ecclesiastical or Secular, who by virtue of this Transaction and its general Articles, or by the express and special Disposition of any of them, are oblig'd to restore, transfer, give, do, or execute any thing, shall be bound forthwith after the Publication of the Emperor's Edicts, and after Notification given, to restore, transfer, give, do, or execute the same, without any Delay or Exception, or evading Clause either general or particular, contain'd in the precedent Amnesty, and without any Exception and Fraud as to what they are oblig'd unto....

CXII. That the very Places, Citys, Towns, Boroughs, Villages, Castles, Fortresses and Forts ... shall be restor'd without delay to their former and lawful Possessors and Lords, whether they be mediately or immediately States of the Empire, Ecclesiastical or Secular, comprehending therein also the free Nobility of the Empire: and they shall be left at their own free disposal, either according to Right and Custom, or according to the Force this present Treaty....

CXIII. And that this Restitution of possess'd Places, as well by his Imperial Majesty as the most Christian King, and the Allys and Adherents of the one and the other Party, shall be reciprocally and bona fide executed.

CXIV. That the Records, Writings and Documents, and other Moveables, be also restor'd....

CXV. That the Inhabitants of each Place shall be oblig'd, when the Soldiers and Garisons draw out, to furnish them without Money the necessary Wagons, Horses, Boats and Provisions, to carry off all things to the appointed Places in the Empire....

CXVII. That it shall not for the future, or at present, prove to the damage and prejudice of any Town, that has been taken and kept by the one or other Party; but that all and every one of them, with their Citizens and Inhabitants, shall enjoy as well the general Benefit of the Amnesty, as the rest of this Pacification. And for the Remainder of their Rights and

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Privileges, Ecclesiastical and Secular, which they enjoy'd before these Troubles, they shall be maintain'd therein; save, nevertheless the Rights of Sovereignty, and what depends thereon, for the Lords to whom they belong.

CXVIII. Finally, that the Troops and Armys of all those who are making War in the Empire, shall be disbanded and discharg'd; only each Party shall send to and keep up as many Men in his own Dominion, as he shall judge necessary for his Security.

CXIX. The Ambassadors and Plenipotentiarys of the Emperor, of the King, and the States of the Empire, promise respectively and the one to the other, to cause the Emperor, the most Christian King, the Electors of the Sacred Roman Empire, the Princes and States, to agree and ratify the Peace which has been concluded in this manner, and by general Consent; and so infallibly to order it, that the solemn Acts of Ratification be presented at Munster, and mutually and in good form exchang'd in the term of eight weeks, to reckon from the day of signing....

CXXI. That it never shall be alledg'd, allow'd, or admitted, that any Canonical or Civil Law, any general or particular Decrees of Councils, any Privi-

leges, any Indulgences, any Edicts, any Commissions, Inhibitions, Mandates, Decrees, Rescripts, Suspensions of Law, Judgments pronounc'd at any time, Adjudications, Capitulations of the Emperor, and other Rules and Exceptions of Religious Orders, past or future Protestations, Contradictions, Appeals, Investitures, Transactions, Oaths, Renunciations, Contracts, and much less the Edict of 1629 or the Transaction of Prague, with its Appendixes, or the Concordates with the Popes, or the Interims of the Year 1548. or any other politick Statutes, or Ecclesiastical Decrees, Dispensations, Absolutions, or any other Exceptions, under what pretence or colour they can be invented; shall take place against this Convention, or any of its Clauses and Articles neither shall any inhibitory or other Processes or Commissions be ever allow'd to the Plaintiff or Defendant.

CXXXII. That he who by his Assistance or Counsel shall contravene this Transaction or Publick Peace, or shall oppose its Execution and the abovesaid Restitution, or who shall have endeavour'd, after the Restitution has been lawfully made, and without exceeding the manner agreed on before, without a lawful Cog-

Glossary

Allodations	lands or estates held outright, with no ties of feudal obligation
Cessions and Alienations	territories ceded or otherwise conveyed to other parties
Diets of the Empire	qualified legislative bodies of the participating states
Edict of 1619 or the Transaction of Prague,...	attempts made during the war to reinstate Catholicism into formerly Protestant areas; their inclusion here is simply to state that the Treaty of Westphalia supersedes any and all previous such agreements
his most Christian Majesty	Louis XIV, king of France
his Sacred Imperial Majesty	Ferdinand III, ruler of the Holy Roman Empire and eldest son of Emperor Ferdinand II
Imperial Capitulation	approval of the treaty, a statement saying that the emperor will have to capitulate to the dictates of Westphalia
Laick	secular
renewing the Matricular-Book	renewal of imperial allegiance within the Holy Roman Empire
Moveables	personal property
regales	royal prerogatives

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nizance of the Cause, and without the ordinary Course of Justice, to molest those that have been restor'd, whether Ecclesiasticks or Laymen; he shall incur the Punishment of being an Infringer of the publick Peace, and Sentence given against him according to the Constitutions of the Empire, so that the Restitution and Reparation may have its full effect.

CXXIII. That nevertheless the concluded Peace shall remain in force, and all Partys in this Transaction shall be oblig'd to defend and protect all and every Article of this Peace against any one, without distinction of Religion; and if it happens any point shall be violated, the Offended shall before all things exhort the Offender not to come to any Hostility, submitting the Cause to a friendly Composition, or the ordinary Proceedings of Justice....

CXXVI. And as often as any would march Troops thro' the other Territorys, this Passage shall be done at the charge of him whom the Troops belong to, and that without burdening or doing any harm or damage to those whole Countrys they march thro'. In a word, all that the Imperial Constitutions determine and

ordain touching the Preservation of the publick Peace, shall be strictly observ'd....

CXXVIII. In Testimony of all and each of these things, and for their greater Validity, the Ambassadors of their Imperial and most Christian Majestys, and the Deputys, in the name of all the Electors, Princes, and States of the Empire, sent particularly for this end (by virtue of what has been concluded the 13th of October, in the Year hereafter mention'd, and has been deliver'd....

And that on condition that by the Subscription of the abovesaid Ambassadors and Deputys, all and every one of the other States who shall abstain from signing and ratifying the present Treaty, shall be no less oblig'd to maintain and observe what is contained in this present Treaty of Pacification, than if they had subscrib'd and ratify'd it; and no Protestation or Contradiction of the Council of Direction in the Roman Empire shall be valid, or receiv'd in respect to the Subscription and said Deputys have made.

Done, pass'd and concluded at Munster in Westphalia, the 24th Day of October, 1648.