

Peace Treaties of Westphalia (October 14/24, 1648)

Abstract

In 1643, negotiations began on a general peace to end the Thirty Years War. The Peace of Westphalia, signed five years later, was actually two treaties, each negotiated in a different seat of an Imperial prince-bishop in the land of Westphalia. On October 14/24, 1648, the treaty between Emperor Ferdinand III and Queen Christina of Sweden and their respective allies was signed at Osnabrück (see part A, below); on the same day, the treaty between Ferdinand III and King Louis XIV of France and their respective allies was signed at Münster (see part B). For the Holy Roman Empire, the Peace meant a settlement to the political and territorial disputes that had begun with the German Reformation and an end to the conflicts sparked by the Bohemian conflict of 1618 and the Swedish invasion of June 1631.

The excerpt from the Treaty of Osnabrück confirmed: the Empire's character as aristocratic-corporate state governed by the emperor and the Imperial estates, which enjoyed a new but limited right to relations with foreign powers (Art. VIII, §2); the international expansion of the Imperial estates with the admission of Sweden (Art. X, §9), whose monarch acquired territorial reparations in the form of half of Pomerania and other lands (Art. X); Brandenburg's acquisition of the prince-archbishopric of Magdeburg and the other half of Pomerania (Art. XI–XIV); Bavaria's retention of the Upper Palatinate and the electoral title from the Palatine line of the Wittelsbachs (Art. IV, §§3, 5). With regard to confessional relations, the Peace restored and improved the Religious Peace of 1555; it created confessional parity in Imperial collegial institutions and replaced majority rule in the Diet with two confessional caucuses of estates; it recognized the ownership of confessional lands and incomes according to the benchmark of January 1, 1624 (Art. V, §2); it canceled the rulers' right to order subjects to choose between religious conformity and emigration (Art. V, §34). In addition to Catholicism and Lutheranism, the Peace extended religious toleration to a third confession, the Reformed faith (Art. II), and it recognized the formal dissociation of the Swiss Confederation with the Imperial corporate order (Art. VI). These provisions, even when enforced, by no means lifted the burdens the war had placed on the populations of the German lands. Following the provisions from the Treaty of Osnabrück is a much briefer excerpt from the Franco-Imperial Treaty of Münster, whose special provisions largely dealt with territorial concessions and the French king's relationship to the Empire. The Peace would govern the Empire's political relations for more than 150 years.

Source

(A) Peace Treaty of Osnabrück between Emperor Ferdinand III and Queen Christina of Sweden and their respective allies, Osnabrück (October 14/24, 1648) [1]

In the Name of the most Holy and Indivisible Trinity. Amen.

Let it be known to each and every one whom it concerns or whom it could in any manner concern: that after the differences and troubles which began several years ago in the Roman Empire had increased to such a degree that not only all Germany, but likewise several neighboring kingdoms, especially Sweden and France, were thus involved, and from which arose a long and cruel war [...], at last, through God's grace, it happened that both sides turned their thoughts towards a universal peace [...] and to this end appointed by common consent the 11th day of July (N.S.)^[2] or the 1st day of July (O.S.) 1643 as the starting date for an assembly or congress of plenipotentiaries at Osnabrück and at Münster in Westphalia. Thus the ambassadors and plenipotentiaries of both sides appeared at the established time and place

[...]. Having prayed for God's help and duly exchanged their credentials (exact copies of which are appended to this instrument), they mutually, in the presence of and with the consent and approval of the electors, princes, and estates of the Holy Roman Empire, also for the glory of God and the security of Christendom, agreed to the following articles of peace and friendship.

Article I

[*Establishment of Peace.*] A Christian, universal, and perpetual peace and a true and sincere friendship shall be established between His Holy Imperial Majesty, the House of Austria, and all its allies and adherents and their heirs and successors (principally the Catholic King of Spain and the electors, princes, and estates of the Empire), on the one side, and Her Holy Royal Majesty and the kingdom of Sweden, and all her allies and adherents and their heirs and successors (principally the Most Christian King [of France] and the respective electors, princes, and estates of the Empire), on the other side. This [peace] shall be sincerely and earnestly preserved and upheld, so that each party may promote the benefit, honor, and advantage of the other, whereby the fruits of this peace and friendship shall flourish and bloom again reciprocally between the entire [Holy] Roman Empire and the kingdom of Sweden.

Article II

[*Cessation of Hostilities; Amnesty.*] That there be, on both sides, a perpetual oblivion and amnesty for all hostile acts committed since the beginning of these troubles in whatever place or manner, by one party or the other, [...] [so] that all injuries, acts of violence, hostility, damage, and expense, which either side has inflicted on the other, both before and during the war, are—without any regard to persons or things through spoken word, writings, or actions—to be forgotten, to the degree that anything one party could allege of the other on this account is to be buried in perpetual oblivion.

Article III

§1. [*Restoration of Rulers' Rights.*] According to this foundation of a general and unlimited amnesty, each and every elector of the Holy Roman Empire, the princes and estates therein included, the nobility that hold [fiefs] immediately of the Empire,^[3] their vassals, subjects, citizens and inhabitants [...] shall be fully re-established on both sides, in the same estate as to both spiritual and temporal rights, which they enjoyed or could by right enjoy before those troubles, notwithstanding all the changes made to the contrary, which shall be annulled and remain void.

[...]

Article IV

[...] §3. [*Bavaria and the Upper Palatinate.*] First, as regards the House of Bavaria, the electoral dignity formerly held by the electors Palatine, [...] and also the entire Upper Palatinate^[4] and the county of Cham, with all their appurtenances and regalian and other rights, shall remain in the possession of Duke Maximilian of Bavaria, Count Palatine of the Rhine, and of his children and the entire Wilhelmine line^[5] so long as there are male heirs. [...]

§5. [*New Palatine Electorate.*] Concerning the Palatine House, emperor and Empire consent, in the interests of public peace, that, by virtue of this agreement, an eighth electorate shall be created, which Charles Louis,^[6] Count Palatine of the Rhine, and his heirs and agnates of the Rudolphine line shall in the future enjoy in accordance with the rule of succession set forth in the Golden Bull. Beyond this investiture, however, neither Charles Louis nor his successors shall possess any right over that which has been granted (together with the electoral dignity) to the elector of Bavaria and the entire Wilhelmine line.

§6. [*Restoration of the Lower/Rhine Palatinate.*] In addition, the entire Lower Palatinate, each and every

ecclesiastical and secular property, right, and appurtenance, which the electors and princes Palatine enjoyed before the troubles of Bohemia, also all the documents, registers, accounts, and other acts depending thereupon, shall be fully restored to him, making void whatever has been done to the contrary. The emperor shall ensure that neither the Catholic King [of Spain] nor any other current possessor of any part of this property shall oppose in any way this restitution. [...]

§9. [*Wittelsbach Succession Rights.*] If the Wilhelmine [Bavarian] male line should become entirely extinct and the Palatine line should continue, not only the Upper Palatinate but likewise the electoral dignity, which the dukes of Bavaria possess, shall return to the said surviving counts Palatine, who shall at the same time enjoy the simultaneous investiture, and then the eighth electorate will be abolished. In this case, however, the Upper Palatinate shall revert to the surviving counts Palatine, and the heirs of the elector of Bavaria's allodial lands^[7] shall remain in possession of the rights and benefits which lawfully appertain to them. [...]

§13. [*Amnesty for Palatine Wittelsbachs.*] Further, the entire Palatine family, including all and every one who are or have been in any way attached to it—especially the ministers who have worked for it in this assembly or elsewhere and also those who are banished from the Palatinate—shall enjoy the general amnesty described above with an equal right and as fully as others who are comprised in the said amnesty and this agreement, particularly with regard to grievances.

§14. [*Renunciation of Upper Palatinate.*] Charles Louis and his brothers shall reciprocally pay obedience and observe fidelity to His Imperial Majesty, just as the other electors and princes of the Empire do. He and his brothers shall also renounce for themselves and their heirs the Upper Palatinate for as long as there are lawful male heirs of the Wilhelmine branch. [...]

§19. [*Chronological Standard for the Restoration of Properties.*] Those of the Augsburg Confession^[8] who were in possession of churches, and among them the burghers and residents of Oppenheim, shall be preserved and maintained in the ecclesiastical status of the year 1624. It shall be permissible for others who wish to embrace the rites of the Augsburg Confession to practice them publicly in the churches at set hours and privately in their own houses or in other houses determined for this purpose by their own or nearby ministers of the Divine Word. [...]

§51. [*Resettlement of Belligerents.*] Finally, each and every military officer and soldier, counselor and official, civil and ecclesiastical, of whatever title and condition, who have engaged themselves on either side to fight with sword or pen for them or their allies and adherents [...] shall be resettled, as regards their persons and their goods, in the same state of life, reputation and honor, conscience and liberty, rights and privileges they enjoyed or could have enjoyed before the said hostilities. [...] All of this shall apply equally to those who are not subjects or vassals of his Imperial Majesty or of the House of Austria.^[9]

§52. [*Amnesty for Austrian Subjects.*] Those who are hereditary subjects and vassals to the emperor and the House of Austria shall truly enjoy the same amnesty as to their persons, life, honor, and conscience, and they shall have liberty to return to their homelands on the condition that they behave according to the laws in use in the said kingdoms and provinces.

§53. [*Restoration of Confiscated Properties.*] As to what concerns their properties, if they have been lost by confiscation, or in any other manner, before [the owners] declared for Sweden or France [...], those properties shall remain lost and confiscated for the benefit of their current possessors.

Article V

[*Regulation of Confessional Relations.*] Now, whereas the grievances that have arisen among the electors, princes, and estates of the Empire, whether of one confession or the other, have mainly been the cause

and occasion of the present war, the following is agreed to and settled:

§1. [*Treaty of Passau 1552 and Religious Peace of Augsburg 1555.*] The treaty signed at Passau in 1552 and the Religious Peace [of Augsburg], which followed in 1555, the articles of which were unanimously accepted and approved [in 1566, etc.] by the emperor and the electors, princes, and estates of both religions, shall be faithfully and inviolably observed in all their points and articles.

[*Contested Articles of the Religious Peace.*] Whatever this treaty says, based on a common decision by the [confessional] parties, about formerly contested articles shall be regarded, both in the courts and elsewhere, as a permanent explanation of the Religious Peace until the day when, through God's grace, an agreement about religion is established. Any challenge or protest raised at any time by anyone, be he clergyman or layman, whether within or outside the Empire, shall be declared by the force of this present treaty to be null and void.

[*Equality of Religions among Imperial Estates.*] In all other matters, there shall be a precise and mutual equality among the electors, princes, and estates of both religions, to the degree that this provision conforms to the Empire's constitution, the Imperial laws, and this treaty. [...] On this basis, all violence and force between the two [confessional] parties is forever forbidden.

§2. [*Determining the Date for Ecclesiastical Restitutions.*]

The determining date of restitution for ecclesiastical affairs and for political changes with regard to such affairs shall be the 1st day of January 1624. [...]

§3. [*Imperial Parity Cities.*] The cities of Augsburg, Dinkelsbühl, Biberach, and Ravensburg shall retain the goods, rights, and exercise of religion, which they had on the said day and year. But with regard to the dignities of senators and other public offices, they shall be divided equally among adherents of the two religions. [...]

§14. [*Determining the Date for Ecclesiastical Lands of Imperial Subjects.*] As to the ecclesiastical goods immediate to the Empire [...], whoever possessed them on January 1, 1624, whether they are Catholic estates or of the Augsburg Confession, the adherent of that religion shall possess them all, peaceably and without disturbance, until We have arrived, by the grace of God, at an agreement about the religious disputes. [...] And if the religious differences cannot be overcome, which God forbid, the present convention shall have the weight of a perpetual law, and the peace shall last forever.

§15. [*Ecclesiastical Reservation.*][10] If a Catholic archbishop, bishop, or prelate, or an adherent of the Augsburg Confession who is chosen or postulated to be an archbishop, bishop, or prelate, should happen to change his religion (acting either alone or conjointly with his prebendaries and canons, whether one or more or altogether), or if any other ecclesiastics should change their religion in the future, they all shall immediately forfeit their right, though without damage to their honor or reputation, and shall without any delay or any challenge whatsoever relinquish the [offices'] possessions and revenues. Furthermore, the chapter or others who are legally entitled shall have the right to elect or request another person of the same religion to whom, by virtue of this act, the benefice shall belong. He shall, however, forsake the fruits and revenues which the archbishop, bishop, or prelate, etc., who changed his religion, received and consumed in the meantime. [...]

§25. [*Benchmark for Ecclesiastical Lands not Immediate to the Empire.*] [...] All mediate ecclesiastical properties, [...] as well as the revenues and rights, however named, that the electors, princes, and estates of the Augsburg Confession possessed on January 1, 1624, shall be one and all possessed [...] until the religious differences are terminated by a general, amicable agreement. All claims to the contrary shall be ignored. [...]

§26. [*Restoration of the Monasteries.*] The Catholics shall likewise possess all the mediate monasteries, foundations, and colleges, which they actually possessed on January 1, 1624, even if such are situated in the lands and jurisdiction of estates adherent to the Augsburg Confession. Such properties shall not be transferred, however, to a religious order other than the one to which they were first donated. [...] In all the foundations, collegiate churches, monasteries, and hospitals where Catholics and those of the Augsburg Confession have lived among one another, they shall henceforth live in the same proportions that existed on January 1, 1624, and the exercise of religion shall remain the same as it was in each place in the said year and day, without disturbance from one side or the other. [...]

§28. [*Religious Rights of Imperial Nobility.*] With regard to the free and immediate nobles,^[11] who collectively and individually hold [fiefs] immediately of the Empire, and each and all of their members, subjects, and feudal and allodial goods and possessions, [...] they shall, by virtue of the religious peace and the present agreement, have the same rights that the aforementioned electors, princes, and estates enjoy in matters of religion and the advantages arising therefrom. [...] Moreover, all who have been molested [in these rights] shall have them entirely restored. [...]

§31. [*Toleration of Protestant Subjects.*] Yet notwithstanding this rule, the vassals and subjects of the Catholic states that have had the public or private exercise of the religion of the Augsburg Confession in 1624 or any part of that year, either by a particular agreement and privilege, by long usage, or by the sole observance of the said religion only for that year, shall retain the same for the future with all the appurtenances and dependencies they have or can prove were possessed in the said year. [...]

§32. [*General Restoration of Rights.*] Whoever has been disturbed or in any manner deprived of what they had in 1624 is to be truly and fully restored without exception. [...]

§34. [*Toleration of Non-Conforming Subjects.*]^[12] It has also been agreed that those adherents of the Augsburg Confession who are subjects of the Catholics, and the Catholic subjects of the estates of the Augsburg Confession who had no public or private exercise of their religion at any time in the year 1624, and who at some time following the peace's publication shall profess and embrace a religion different from that of the lord of their territory, shall be patiently tolerated and have liberty of conscience, and shall not be hindered in attending their devotions held privately in their homes. They shall not be prohibited from participating in the public exercise of religion in their vicinities as often as they wish, nor prohibited from sending their children to foreign schools of their own confession, nor from having them instructed at home by private teachers. Yet the said freeholders, vassals, and subjects shall perform their duty in all other things with due obedience and submission, and without any disturbance or commotion.

§35. [*Guarantee of Properties of Non-Conforming Subjects.*] Subjects—whether Catholic or of the Augsburg Confession—shall not be condemned anywhere on account of their religion nor excluded from the communities of merchants, artisans, or companies nor deprived of successions, legacies, hospitals, lazar houses, or alms houses and other privileges or rights, including the use of churchyards and the honor of burial. Nothing more shall be exacted from them for the costs of their funerals than the dues usually paid for graves in parish churches. In these and all other similar things, they shall be treated in the same manner as brethren and sisters with equal justice and protection.

§36. [*Toleration of Subjects Who Convert to a Different Religion.*] If a subject who possessed [the right to] neither public nor private exercise of his religion in the year 1624, or who changes his religion after the publication of the peace, shall have a mind to change his religion or be willing to change his abode or be ordered by the lord of the manor to emigrate, then he shall be free to sell his properties or to have them administered by his relations, to visit them freely without any letters of passport, and to do this as often as is required to prosecute his affairs, conduct legal business, and pay his debts. [...]

§50. [*Proscription of Religious Polemics.*] The magistrates of both religions shall strictly forbid any person

to impugn, publicly or privately, by preaching, teaching, disputing, writing, or opinion, the Treaty of Passau [1552], the Religious Peace [1555], or this declaration and treaty. Nor shall anyone attack, cast doubt upon, or derive contentious arguments from them. [...]

§52. [*Religious Conflicts Settled by Negotiation, Not Majority Rule.*] In religious and all other affairs in which the estates cannot be considered as one body, and when the Catholic estates and those of the Augsburg Confession are divided into two parties, the dispute is to be decided by amicable agreement alone, and neither side is to be bound by a majority vote.

The issue of decision by majority vote on taxation matters, however, which the present assembly could not decide, is referred to the next session of the Diet. [...]

Article VI

[*The Swiss Confederation's Relationship to the Empire.*] His Imperial Majesty has sought counsel from the Imperial estates concerning the complaints that were made in the presence of his plenipotentiaries and deputies in the present assembly in the name of the city of Basel and of all Switzerland, touching certain procedures and executory orders issued from the Imperial Chamber [Court] against the said city, the other united Swiss cantons, and their citizens and subjects, who had asked the estates of the Empire for counsel and advice. His Majesty declared, by a particular decree of May 14, 1647, that the said city of Basel and the other Swiss cantons possess full liberty and are exempt from the Empire and in no way subject to the tribunals and sentences of the said Empire. It has therefore been decided that this same decree shall be incorporated into this public peace treaty and be regarded as valid and lasting. Therefore, all suits and the confiscations at any time occasioned by them shall be void and invalid.

Article VII

§1. [*Toleration of the Reformed Faith as a Third Imperial Confession.*] It has likewise been decided unanimously by His Imperial Majesty and all the Imperial estates that the same right or advantage, which the other Imperial constitutions [...] and especially the Religious Peace grant to the Catholic estates and subjects, and to those of the Augsburg Confession, also ought to be granted to those who call themselves the Reformed.^[13] [...] [*There follow rules, adapted from Article V, for conversions between the Reformed and the Lutherans.*]

§2. [*Restrictions on Toleration in Public Offices.*] If, in the event of such a change, any community embraces the religion of its lord and wishes, at its own expense, to adopt the exercise of the religion to which its prince or lord adheres, he shall be free to grant them their wish without prejudice to the rest. This grant may not be revoked by his successors. Some persons, however, may not adhere to any religion but that which is generally professed in that place at that time. They include members of a consistory, ecclesiastical visitors,^[14] and professors of theology and philosophy in schools and universities. [...]

Beyond the religions stipulated, no other shall be accepted or tolerated in the Holy Roman Empire.

Article VIII

§1. [*Rights of Territorial Rulers.*] In order to prevent all future disputes over the political order, each and every elector, prince, and estate of the [Holy] Roman Empire shall, by virtue of this treaty, be established and confirmed in their possession of all their ancient rights, prerogatives, liberties, privileges, the free exercise of their territorial rights, both spiritual and temporal, their seigneuries, and their regalian rights. In the possession of all these things, they may not, by virtue of the present transaction, be molested at any time, in any manner, or under any pretext whatsoever.

§2. [*Rights of Imperial Estates; Foreign Alliances.*] They shall enjoy without contradiction the right of suffrage in all deliberations affecting the affairs of the Empire, especially with respect to interpreting the

laws, declaring war, imposing taxes, raising levies and quartering soldiers, building for the public use new fortresses in the lands of the estates, and reinforcing old garrisons, making peace and alliances, and treating other such affairs. None of these or similar things shall be done or afterward approved except with the freely given advice and consent of all the Imperial estates:

First of all, each Imperial estate shall freely and forever enjoy the right of making alliances with other estates or with foreigners for its own preservation and security, always provided that such alliances not be made against the emperor, the Empire, the public peace, or this treaty. And in every case, they must be made without any prejudice to the oath that binds each of them to the emperor and the Empire.

§3. [*The Imperial Diet.*] Within six months from the date of this treaty's ratification, the Imperial estates shall assemble at an Imperial Diet, and again thereafter as often as the public interest and necessity shall require. At the first Diet, they shall correct especially the faults of preceding assemblies' decisions. Among the objects of correction should be the manner of electing the King of the Romans,^[15] the Imperial capitulation (which ought to be reduced to terms that cannot subsequently be altered),^[16] the manner and order for placing one or more of the estates under the ban^[17] of the Empire, besides what has been formerly declared in the Imperial constitutions. They shall also treat there the re-establishment of the Imperial Circles,^[18] the renewal of the Imperial matricula,^[19] the means of inserting in it the names of such that have been taken out, moderating and lowering the taxes of the Empire, the reformation of policy and law of the fees that are paid to the Imperial Chamber Court, the best manner of forming and instructing the ordinary deputies according to the necessity and advantage of the commonwealth, the true business and duty of the directors of the colleges of the Empire, and other such affairs which cannot be specified here.

§4. [*Imperial Free Cities.*]^[20] The Imperial Free Cities shall have a valid voice in the general and particular diets, equal to those of the other Imperial estates. Their regalian rights, annual revenues, and liberties and privileges of confiscation and imposing duties may not be touched or meddled with. The same applies to any other rights that they have legally obtained from the emperor and the Empire, or which they have possessed and exercised by a long usage before these present troubles, together with full jurisdiction within their walls and territories. Whatever has been done or attempted to the contrary up till now, namely through reprisals, arrests, stopping up of passages, and other prejudicial acts by private authority during the war, under any pretext whatsoever, or which may afterwards be done or executed without any pretended formality of law, shall remain for all future time null and void and forbidden. For the rest, in the future, all laudable customs, constitutions, and fundamental laws of the Holy Roman Empire shall be strictly kept and observed, and all the confusions and disorders that have crept in during the war shall be abolished. [...]

Article X

§1. [*Reparations for the Queen of Sweden.*] Furthermore, since the most Serene Queen of Sweden has demanded that she should be compensated for the restitution of the places occupied by her during this war, and that the Empire's Public Peace be adequately restored, His Imperial Majesty, with the consent of the electors, princes, and Imperial estates and especially of those [directly] concerned, yields to the said most Serene Queen, her heirs and successors, the kings and the kingdom of Sweden, by virtue of the present treaty, the following provinces in full right as a perpetual and immediate^[21] fief of the Empire:

§2. [*Hither Pomerania and Other Lands to Sweden.*]^[22] First, all of Hither Pomerania [...] together with the island of Rügen. [...] In addition, in Further Pomerania, the towns of Stettin,^[23] Gartz, Damm, Gollnow,^[24] and the island of Wollin, together with the Oder River and the arm of the sea commonly called *das frische Haff*.^[25] Likewise the three mouths of the Peene, Swiene, and Divenow^[26] [rivers] and the adjacent land on both sides beginning at the royal [Swedish] territory and extending to the Baltic Sea. [...] [*The precise boundaries are to be determined by commissioners appointed for this task.*]

§3. [*Rights of the Queen of Sweden in Her Imperial Lands.*] Her Majesty and the kingdom of Sweden shall hold and possess in hereditary fief from this time forward the said duchy of Pomerania and the principality of Rügen. And they shall enjoy and make use of them freely and inviolably, together with the domains and places annexed and all the territories, bailiwicks, towns, castles, burghs, villages, hamlets, fiefs, rivers, islands, lakes, banks, ports, roads, ancient tolls and revenues, and all other goods whatsoever, ecclesiastical and secular, and also the titles, dignities, immunities, pre-eminences, and prerogatives, and all the other rights and privileges, ecclesiastical and secular, in the same manner that the former dukes of Pomerania had possessed and governed them. [...]

§6. [*Port Cities to the Queen of Sweden.*] Second, the emperor, with the consent of the whole Empire, also yields to the Most Serene Queen and her heirs and successors, the kings and the kingdom of Sweden, as a perpetual and immediate fief of the Empire, the town and port of Wismar together with the fortress of Walfisch and also the bailiwick of Poel (except the villages of Seedorf, Weidendorf, Brandenhusen, and Wangern which belong to the hospital of the Holy Ghost in Lübeck) and that of Neukloster. [...]

§7. [*Ecclesiastical Lands to the Queen of Sweden.*] Third, [...] the archbishopric of Bremen and the bishopric of Verden together with the town and bailiwick of Wildeshausen and the whole right that had belonged to the late archbishops of Bremen over the chapter and diocese of Hamburg. [...]

§8. [*The City of Bremen to Retain Its Freedoms.*] The town of Bremen, its territory and subjects shall be left without any trouble or hindrance in their present state, their freedoms, and their rights and privileges in ecclesiastical and political matters. [...]

§9. [*The Queen of Sweden as Imperial Estate.*] Fourth, the emperor and the Empire receive, based on the account of all the aforesaid provinces and fiefs, the Most Serene Queen and her successors to the crown of Sweden as an immediate Imperial estate. Therefore, the aforesaid queen and the said kings shall henceforth be summoned to the Imperial Diets, along with the other Imperial estates, under the titles of dukes of Bremen, Verden, and Pomerania as well as [the titles] of princes of Rügen and lords of Wismar. [...]

§13. [*The Queen of Sweden's Right to Found a University and Levy Tolls.*] He likewise gives over to Her Majesty of Sweden the right to erect an academy or university, where and when she shall think proper.

He also grants to her, by perpetual right, the modern tolls (commonly called licenses) on the coasts and in the ports of Pomerania and Mecklenburg, provided they be reduced to so moderate a tax that commerce may not thereby be interrupted in those parts. [...] [§§14–16 describe the Queen of Sweden's enfiefment with these lands and the rights and privileges of the territorial estates and subjects.]

[*Articles XI–XIV determine the compensation of the Imperial estates for the lands lost to the Queen of Sweden: the Brandenburg elector receives the bishoprics of Halberstadt, Cammin, and Minden, plus an expectancy on the archbishopric of Magdeburg; the duke of Mecklenburg-Schwerin receives the bishoprics of Schwerin and Ratzeburg. The duke of Brunswick-Lüneburg, who lost lands as compensations to the two princes named above, acquires for a prince of his line an alternation with a Catholic bishop in the see of Osnabrück.*]

[*Article XV describes the principles of amnesty and restitution for Hesse-Kassel as well. The landgrave of Hesse-Kassel received the secularized abbey of Hersfeld, plus 600,000 Thalers.* [27]]

Article XVI

§1. [*Enforcement of the Peace.*] As soon as the peace treaty shall have been signed and sealed by the plenipotentiaries and ambassadors, all acts of hostility shall cease, and whatever things have been agreed above shall at the same time be executed and performed on both sides.

[...] *[The subsequent paragraphs concern the publication of the peace, the release of prisoners, and the withdrawal of garrisons. The estates of seven Imperial Circles are required to pay 5,000,000 Thalers in return for the queen's withdrawal of the Swedish armies from their lands.]*

§18. *[Retention of Present Holdings.]* It shall not, for the future or at present, be a detriment to or prejudice against any town that has been taken and kept by one party or the other. [...]

§19. *[Dispersal of Armies.]* Finally, the troops and armies of all those who are making war in the Empire shall be disbanded and discharged, and each party shall keep up only as many men in his own dominion as he judges necessary for his security.

Article XVII

[...] §2. *[The Peace as Imperial Law.]*^[28] For the greater strength and security of these articles, the present treaty shall serve as a perpetual law and established sanction of the Empire to be inserted, like other fundamental laws and constitutions of the Empire, into the acts of the next Imperial Diet and into the emperor's electoral capitulation. They shall bind no less the absent than the present, the ecclesiastics as well as the laity, whether Imperial estates or not. They shall be a prescribed rule to be followed for all time by the emperor's councilors and officials, as well as those of other lords, also by all judges and officers of courts of justice.

§3. *[Invulnerability of the Peace to Other Laws.]* It never shall be alleged, allowed, or admitted that against this treaty and its clauses and articles, no challenge may be raised on the basis of any law, canon or civil law [...] or agreement, much less on that of the edict of 1629^[29] or the transaction of Prague^[30] with its appendices or the concordats with the popes or the interims of the year 1548^[31] or any other temporal or ecclesiastical decree. [...] All exceptions, no matter what basis is alleged, shall equally be invalid. The same applies to all exceptions taken, no matter what they assert or allege. [...] *[§4 provides that all violators of the treaty will be treated as breakers of the peace and prosecuted with the full force of the law.]*

§5. *[Universal Duty to Defend the Peace.]* The peace herein concluded shall remain in force, and all parties in this transaction shall be obliged to defend and protect all and every article of this peace against everyone without distinction of religion. [...]

§6. *[Redress for Injured Parties.]* If, nevertheless, for the space of three years the differences cannot be terminated by any of these means, all and every one of those concerned in this treaty shall be obliged to aid the injured party with word and deed, once the party has demonstrated that peaceful means will be successful. [...]

§7. *[Prohibition of the Use of Force of Arms to Settle Conflicts.]* No Imperial estate shall be permitted to pursue its rights by force of arms. [...]

(B) Treaty between Emperor Ferdinand III and the King of France, Louis XIV, and their respective allies, Münster (October 14/24, 1648)^[32]

In the name of the most Holy and Indivisible Trinity.

Be it known to all and to everyone whom it concerns in any way. Once the strife and hostilities that had been stirred up in the [Holy] Roman Empire increased to such a degree that not only all Germany but also the neighboring kingdoms, especially France, were drawn into them. The ensuing long and cruel war involved, on one side, [...] [Emperor] Ferdinand II [...] with his allies and supporters, and, on the other, [...] King Louis XIII of France [...] with his allies and supporters. And after their deaths, [it continued] between Ferdinand III [...] and King Louis XIV and their respective allies and supporters. There ensued a great spilling of Christian blood and the devastation of many provinces. At last it has happened that by

the grace of God and the good offices of the Serene Republic of Venice, which during this sad time, when all Christendom has been embroiled in war, has never ceased to counsel for peace and the public good. Finally, thoughts of universal peace have become espoused on both sides. For this purpose and by mutual agreement between the two parties made at Hamburg on December 25/15, 1641, it was decided to hold an assembly of ambassadors, who should gather at Münster and Osnabrück in Westphalia on July 11/1, 1643.

At the appointed places and time, the lawfully credentialed ambassadors for both sides appeared. Representing His Imperial Majesty were the most illustrious and excellent lords: Count Maximilian von Trauttmansdorf,^[33] [...] privy councilor and chamberlain to His Imperial Majesty; Count John Louis of Nassau, [...] Imperial privy councilor and knight of the Golden Fleece; and Dr. jur. Isaak Volmar,^[34] councilor and chamber president of the Serene Lord Archduke Ferdinand Charles.^[35] Representing [...] Louis XIV, the Most Christian King of France and Navarre, [...] were: Prince Henry of Orleans,^[36] [...] Claude de Mesmes,^[37] [...] a superintendant of finances and minister of the kingdom of France; and Abel Servien,^[38] [...] also one of the ministers of the kingdom of France. They assembled under the mediation of the most illustrious and most excellent ambassador and senator of Venice, Sir Alvise Contarini,^[39] who for about five years and with great and impartial diligence served as a mediator in these affairs. [...] [*§§1–2 declare a universal, perpetual peace between the two monarchs and among their allies, and also a general amnesty.*]

§3. [*Peace among the Emperor, the French King, and the Imperial Estates.*] And that a reciprocal amity between the emperor, the Most Christian King, the electors, princes, and estates of the Empire may be maintained so much more firmly and sincerely (to say nothing at present of the article of security, which will be mentioned hereafter), the one shall never assist the present or future enemies of the other under any title or pretence whatsoever, either with arms, money, soldiers, or any sort of ammunition, nor shall anyone who is a member of this pacification suffer any enemy's troops to retire through or sojourn in his country.

[*Burgundian Circle.*] The Burgundian Circle^[40] shall be and continue to be a member of the Empire after the disputes between France and Spain comprehended in this treaty shall be terminated. Nevertheless, neither the emperor nor any of the estates of the Empire shall meddle in the current wars between them.

[*Future Conflicts between the Empire and the French Kingdom.*] If, in the future, any dispute arises between these two kingdoms, the reciprocal obligation named above of not aiding each other's enemies shall always continue firm between the Empire and the kingdom of France, yet the estates shall be free to provide help to this kingdom or that outside the boundaries of the [Holy] Roman Empire but still according to the constitutions of the Empire.

§4. [*Lorraine.*] The controversy affecting Lorraine shall be referred to arbitrators nominated by both sides or it shall be terminated by a treaty between France and Spain or some other friendly means. [...]

§6. [*Restoration of Properties.*] If the possessors of properties that are to be restored think they have lawful exceptions, these [exceptions] shall not hinder the restitution; after this is done, their reasons and exceptions may be examined before competent judges. [...]

§69. [*Protection of the Peace.*] And that the said peace and amity between the emperor and the Most Christian King may be the more corroborated and the public safety better provided for, it has been agreed with the consent, advice, and will of the electors, princes, and estates of the Empire for the benefit of peace.

§70. [*Prince-bishoprics of Metz, Toul, and Verdun.*]^[41] First, that the chief dominion, right of sovereignty, and all other rights upon the bishoprics of Metz, Toul, and Verdun,^[42] and over the cities of that name

and their dioceses, particularly over Moyenvick,[43] in the same manner as they formerly belonged to the emperor, shall for the future appertain to the crown of France and shall be irrevocably incorporated with that forever except the right of the metropolitan, which belongs to the archbishopric of Trier.

§71. [*Restoration of the Prince-bishop of Verdun.*] Lord Francis,[44] duke of Lorraine, shall be restored to the possession of the bishopric of Verdun as the lawful bishop there. [...]

§72. [*Pinerolo.*][45] Second, 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 belonged or might belong to him and the Holy Roman Empire up to now in Pinerolo.

§73. [*Cession of Austrian Rights in Alsace and Breisach.*][46] Third, the emperor on his own behalf and behalf of the whole most serene House of Austria and also of the Empire resigns all rights, properties, domains, possessions, and jurisdictions, which have up to now belonged to him, the Empire, and the family of Austria, over the city of Breisach, the landgraviate of Upper and Lower Alsace, Sundgau, and the provincial lordship of ten Imperial cities situated in Alsace, namely, Hagenau, Colmar, Schlettstadt, Weissenburg, Landau, Oberehnheim, Rosheim, Münster im St. Gregoriental, Kaysersberg, Türkheim, and of all the villages and other rights which depend on the said landgraviates.[47] One and all there are made over to the Most Christian King and the kingdom of France in the same manner as the city of Breisach [...] nevertheless, with the privileges and liberties granted to the said town formerly by the House of Austria.

§74. [*Permanent Transfer of Alsatian Lands to the French Kingdom.*] Likewise, the said landgraviates of both Alsace and Sundgau and also the Imperial protectorate over the ten [Imperial] cities[48] nominated, and their dependencies as well, all the vassals, subjects, people, towns, boroughs, castles, houses, fortresses, woods, coppices, gold, silver, and other mineral mines, rivers, brooks, pastures, and all the rights, regalia, and appurtenances, without any reserve, shall belong to the Most Christian King and the crown of France and shall be forever incorporated with the kingdom of France with all manner of jurisdiction and sovereignty, without any contradiction from the emperor, the Empire, the House of Austria, or any other. [...]

§75. [*Protection of the Catholic Religion in Alsace.*] The Most Christian King shall, nevertheless, be obliged to preserve in each and every one of these districts the Catholic religion as maintained under the princes of Austria and to abolish all innovations that crept in during the war.

§76. [*Castle Philippsburg.*][49] Fourth, by the consent of the emperor and the whole Empire, the Most Christian King and his successors shall have perpetual right to keep a garrison in the castle of Philippsburg but limited to such a number of soldiers that they do not give their neighbors a well-founded cause for suspicion, and [this garrison] shall be maintained exclusively at the expense of the crown of France. The passage also shall be open by land and water into the Empire for the king to send soldiers, convoys, and bring necessary things there whenever and as often as it is necessary. [...]

§85. [*Restoration of Towns and Lands to Austria.*] The Most Christian King shall restore to the House of Austria and particularly to Archduke Ferdinand Charles,[50] eldest son of Archduke Leopold, the four forest-towns, namely, Rheinfelden, Säckingen, Laufenburg, and Waldshut, with all their territories and bailiwicks, houses, villages, mills, woods, forests, vassals, subjects, and all appurtenances on this or other side the Rhine.[51] The same is true of the county of Hauenstein, the Black Forest, Upper and Lower Breisgau, and the towns situated there, appertaining by ancient right to the House of Austria, namely, Neuburg, Freiburg, Endingen, Kenzingen, Waldkirch, Villingen, Bräunlingen, [...] and all other things [...] belonging to the sovereign right of territory in this district and to the patrimony of the House of Austria. And the same applies also to all of the Ortenau,[52] together with the Imperial cities of Offenburg, Gengenbach, and Zell am Harmersbach, in so far as the said lordships depend on that of

Ortenau, so that no king of France can or ought ever to claim or usurp any right or power over the said districts situated on this and the other side the Rhine. Conversely, the princes of Austria shall acquire no new right through this present restitution.

The commerce and transportation shall be free to the inhabitants on both sides of the Rhine and the adjacent provinces. Above all, the navigation of the Rhine shall be free, and none of the parties shall be permitted to hinder boats going up or coming down, detain, stop, or molest them under any pretence whatsoever (except the inspection and search which is usually done to merchandise). And it shall not be permitted to impose upon the Rhine new and unusual tolls, customs, taxes, imposts, and other like exactions. [...]

§87. [*Liberties of the Prince-bishops of Strasbourg and Basel.*] The Most Christian King shall be bound to leave not only the bishops of Strasbourg and Basel with the city of Strasbourg but also the other estates or orders in the one and the other Alsace^[53] that depend immediately upon the [Holy] Roman Empire [...] in the same liberty and possession of the immediacy of the Empire they have enjoyed up to now, in such a way that he cannot pretend any royal superiority over them.^[54] [...]

88. [*French Compensation to the Habsburg Ruler.*] Likewise the most Christian King, in compensation for the things made over to him, shall pay the said archduke, Ferdinand Charles, three million French livres on St. John the Baptist's Day [24/14 June] in the following years: 1649, 1650, 1651, [that is] paying each year one third each of the said sum at Basel in good money to the archduke or his deputies. [...]

NOTES

[1] Both the Julian calendar (Old Style) and the Gregorian calendar (New Style) were used in Europe between 1582 and 1752. Protestants retained the Julian calendar while Catholics used the Gregorian one. At the time, the two calendars differed by ten days. October 14, 1648, is the date of the signing of the Peace Treaties of Westphalia according to the Julian calendar; October 24, 1648 is the date according to the Gregorian calendar.

[2] The document lists the dates in both the Julian and the Gregorian calendars.

[3] Princes, nobles, urban regimes, monasteries, and other ecclesiastical foundations which stood directly under Imperial authority were said to be "immediate" to the Empire. Nobles, urban regimes, and ecclesiastical institutions which stood under the authority of a territorial prince or an Imperial city, and thus only indirectly under Imperial authority, were said to be "mediate" to the Empire.

[4] A land now in the northeastern area of the state of Bavaria. Its capital lay at Amberg. Regensburg, the only major city in the region, was an Imperial city and thus free of princely jurisdiction. The county of Cham was united politically with the Upper Palatinate.

[5] The Wittelsbach dynasty comprised two lines, the senior Palatine and the junior Bavarian (here: Wilhelmine). The two lines shared the titles of Count Palatine of the Rhine and Duke of Bavaria.

[6] Karl I Ludwig (1632–80)

[7] The term "allodial" refers to lands owned outright, as distinguished from lands held in feudal or any other kind of tenure. Here are meant the prince's equivalent of a royal domain.

[8] Lutherans.

[9] Habsburgs.

[10] The Ecclesiastical Reservation, an addition by King Ferdinand I to the Religious Peace of 1555, had given rise to numerous disputes.

[11] That is, nobles who were immediate subjects of the emperor.

[12] This article effectively abolished the right (later named "whose the rule, his the religion") of Imperial princes to require either conformity in religion or emigration.

[13] Reformed is the normal German name for the faith often called "Calvinist."

[14] Clergymen charged with visitation and correction of local pastors and congregations.

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- [15] The title of an emperor-elect before his Imperial coronation.
- [16] An Imperial capitulation was a document an emperor signed at his election, in which he swore to respect the Imperial estates' rights.
- [17] A decree of outlawry.
- [18] Circles were the twelve Imperial administrative districts created between 1495 and 1512.
- [19] Tax rolls.
- [20] Cities directly subject to the emperor and free from any obligations to a territorial prince. They formed one of the three chambers of the Imperial parliament (Diet).
- [21] "Immediate" in the sense of held directly from the emperor as a feudal lord.
- [22] Hither Pomerania (Vorpommern) and Further Pomerania (Hinterpommern) were respectively the western and eastern parts of the duchy.
- [23] Now Szczecin.
- [24] Now Goleniów.
- [25] The large lagoon at the mouth of the Oder River. Between it and the Baltic Sea lie the islands of Usedom and Wollin.
- [26] Now Dziwnów.
- [27] The Thaler (from the Bohemian mining town of Joachimstahl/Jáchymov) was a silver coin used throughout early modern Europe. In the Empire it was used as a standard against which the various principalities' coins could be valued.
- [28] Article XVII, §1 provides for ratification of the peace within eight weeks of its signing.
- [29] The Edict of Restitution, 1629.
- [30] The Peace of Prague, 1635.
- [31] The so-called Interim issued by Emperor Charles V at the Diet of Augsburg in 1548.
- [32] Articles that replicate provisions of the Treaty of Osnabrück are omitted from this abridged text.
- [33] Maximilian von und zu Trauttmansdorf (1584–1650), Imperial count and Styrian baron, knight of the Golden Fleece, and privy councilor and high chamberlain to the emperor. In his youth, he converted to Catholicism.
- [34] Isaak Volmar (1582–1662), a native of Württemberg and convert to Catholicism, was chancellor of the Austrian regime seated at Ensisheim in Alsace.
- [35] Archduke Ferdinand Charles of Tyrol (1628–62), son of Archduke Leopold V.
- [36] Henri II d'Orleans (1595–1663), due de Longueville and prince of Neuchâtel.
- [37] Claude de Mesmes (1595–1650), comte d'Avaux.
- [38] Abel Servien (1593–1669), marquis de Sablé, a confidant of Cardinal Mazarin.
- [39] Alvise Contarini (1601–84), one of the two mediators.
- [40] One of the twelve Imperial Circles. The point of this article is that since Charles V's allotment of Imperial Burgundy (Franche-Cômté) to Spain, it had become a major item of contention in the Franco-Spanish conflicts.
- [41] The three Lorraine bishoprics that had been occupied by the French king since the war of 1552.
- [42] The three prince-bishoprics within the boundaries of the duchy of Lorraine that were taken by King Henry II of France in 1552.
- [43] A district in the duchy of Lorraine.
- [44] Duke Francis (1599–1672) of Lorraine, bishop of Verdun (1623–61).
- [45] Pinerolo was a key strong point in the duchy of Savoy, much of which lay in the Empire.
- [46] Breisach was one of two fortresses retained by the French king on the right bank of the Rhine. The other was Philippsburg (§76).
- [47] Omitting Strasbourg, these are the Imperial cities of Alsace, the Decapolis.
- [48] These are the ten Alsatian free cities named in the previous paragraph. Breisach, which was not free, lies on the east bank of the Rhine.

[49] Philippsburg, until 1632 named Udenheim, lies on the Rhine's right bank north of Karlsruhe. Like Breisach (§73), it was retained by the king of France.

[50] See note 32.

[51] These are the four Austrian Waldstätte, now divided between Germany and Switzerland.

[52] The Ortenau is a district on the Rhine's right bank between Freiburg im Breisgau and Karlsruhe and directly opposite Strasbourg. Its principal town is Offenburg.

[53] Upper and Lower Alsace.

[54] That is, the emperor may not usurp their rights as estates of the Empire.

Source of the original Latin text: *Instrumenta Pacis Westphalicae. Die Westfälischen Friedensverträge 1648. Vollständiger lateinischer Text mit Übersetzung der wichtigeren Teile und Regesten*, ed. Konrad Müller, 2nd ed. Bern and Frankfurt: Lang, 1975, pp. 11–97.

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