



Volume 1. From the Reformation to the Thirty Years War, 1500-1648 Protestant Resistance – The Schmalkaldic League (1531/35)

Since the time of the Peasants' War, the evangelical princes and city regimes had talked about forming a defensive military league to protect themselves, their lands, and their cities in the event that the Edict of Worms (which forbade their religion) were imposed on them by force. Early efforts failed because the leading southern cities refused to enter into an alliance with the princes, and, more importantly, because the evangelical party was split between the followers of Luther, on the one hand, and Zwingli, on the other, over the meaning of the Lord's Supper (Eucharist). But on April 19, 1529, the estates did in fact come together to protest the Diet of Speyer's decision to enforce the Edict of Worms, and it was at this gathering that the name "Protestant" was born. Still, the intra-evangelical doctrinal dispute prevented the formation of an alliance for another eighteen months. After the Diet of Augsburg (1530) failed to reconcile the Catholic and evangelical parties of the Diet, the Saxon elector called the Protestant estates to a meeting in the small town of Schmalkalden in December 1530. There, under the leadership of the Saxon elector and Landgrave Philip of Hesse, an agreement was made; a related treaty was approved at a second meeting in February 1531 (A). On December 23, 1535, nearly five years later, twenty-three estates approved the constitution of the Schmalkaldic League (B). The constitution makes clear that the alliance, unprecedented in its geographical scope, nonetheless conformed in its political and military institutions to the customs of the German federations.

A. The First Agreement on the Founding of the Schmalkaldic League, February 27, 1531

We, by the grace of God, John, archmarshal and elector, and John Frederick, father and son, dukes of Saxony, landgraves of Thuringia, and margraves of Meissen; we, Philip, Otto, Ernst, and Francis, brothers and cousins, all dukes of Brunswick and Lüneburg; we, Philip, landgrave of Hesse and count of Katzenelnbogen, Dietz, Ziegenhain, and Nidda; we, Wolfgang, prince of Anhalt, count of Askania, and lord of Bernburg; and we, Gebhard and Albert, brothers and counts and lords of Mansfeld; and the mayors, councilors, magistrates, and envoys of these southern and Saxon cities – Strasbourg, Ulm, Constance, Reutlingen, Memmingen, Lindau, Biberach [an der Riß], Isny, Lübeck, Magdeburg, and Bremen – declare and inform everyone:

Recent events have gone back and forth, rapidly and menacingly, in such ways that they seem to develop, signal, and portend that some intend to coerce those who, through God's grace and grant, have allowed the open, clear, pure, and unspotted Word of God to be preached and spread in their principalities, cities, lands, and regions, by means of which all sorts of abuses are reformed or abolished. The former intend to block with armed force the latter's Christian

enterprise, even though every Christian ruler is obliged by his office not just to have the holy Word of God preached to his subjects, but also to employ every effort, firmness, and resource to assure that they are not coerced away from God's Word or even against it. For us, the highest duty and obligation of the ruler's office requires that if it should happen, now or in the future, that anyone should attempt to force us or our subjects to surrender the Word of God and the clear truth – which God may prevent, and which we expect from no one – and to return to the abolished and corrected abuses, we intend with all possible effort to see that such coercion is blocked and our ruin, body and soul, ruler and ruled, may be avoided. Therefore, we have formed a Christian brotherly agreement with and among one another. We make it for the praise of God Almighty, for the spread and growth of godly, free doctrine, and for the revival and promotion of a united, Christian body, and for the peace of the Holy Roman Empire of the German Nation and all that is honorable, also for the prosperity, welfare, benefit, and honor of all of our principalities, cities, and lands. We do this solely for the purpose of defense and self-preservation, which is accorded to everyone both by customary and written law. This association shall be considered and accepted at this time through the power of this document in the following form and measure.

To wit, that we all intend loyally and sincerely to support one another, and that we should and will warn one another of dangers. None shall knowingly allow the enemies and foes of another to sneak through, advance, or withdraw. Our League is intended solely for defensive and repulsive purposes and not for any of us to start a war of any kind. It may happen that one of us, no matter which one, shall be attacked and invaded or threatened by feud and invasion because of the Word of God, the evangelical doctrine, and our holy faith, or on other grounds that depend on the Word of God, the evangelical doctrine, and our holy faith, or because of something alleged against one of us, so that we others, who are not attacked, can conclude that this attack is being made principally because of the Word of God, and thus could be extended to the rest of us. In that case, we others who are all united in this Christian League, also each on his own account, shall, as soon as we hear and accept report from the victim or another reliable source, regard the matter as though we ourselves were under attack, made feud against, or invaded, and as though the matter were our own. In that case, each ally shall, without delay and without waiting for the others, muster all of his resources to aid him who has been declared feud against or invaded, to save and free him and give him air and space. The rest of us shall, as best we can, loyally take up the matter, just as each one's Christian love and loyalty, conscience, and interest demand. We shall, one and all, render aid in the most rapid and efficient manner, as seems best and most appropriate to the case at hand. Nor, failing the knowledge and consent of the others, shall any undertake or commit himself to any arbitration, agreement, or truce.

This, our Christian League, is not intended to be against His Imperial Majesty, our most gracious lord, or anyone else, but only to sustain Christian truth and peace in the Holy Empire and the German Nation. It is meant, therefore, solely as a defense and protection for us, our

subjects, and our relations against unjust coercion. Otherwise, each of us is willing to seek and accept the law's judgment.¹

If an estate who is not a member wishes to join this, our Christian League, he shall be accepted and admitted with the knowledge and consent of all, provided that he himself has accepted the Holy Gospel.

Our Christian League, which shall begin today and remain in force for six consecutive years, will be accepted and held to by each and all of us honestly, loyally, and against any threat.

If it should happen that any member shall go to war with anyone because of God's Word or related grounds, and if the war is not settled before the six years are up, even though the stipulated term has run out and the League itself has [legally] expired, all members shall nonetheless remain steadfast and see the matter through to its end, and no member shall withdraw or take independent action.

This Christian League may be extended, should the parties to it so wish.

We, the aforementioned elector, princes, counts, and urban envoys pledge that these terms and promises shall be maintained firmly, constantly, and consistently, and we shall follow and live by them honorably, loyally, and without reservations, and do nothing that is in any way contrary to them. This we pledge by our honor and dignity, on our word and oath, for ourselves and our heirs or successors, and in accordance with this agreement.

Finally, in order to document, strengthen, and give greater security [to this act], we, the aforementioned elector, princes, counts, and cities, affix our seals. Namely, we Duke John, elector, for us and our son, Duke John Frederick of Saxony, Dukes Ernest for himself and his two brothers, Otto and Francis of [Brunswick-]Lüneburg, deliberately affix our seals to this treaty. Given on Monday after Invocavit Sunday in the year of Our Lord 1531.

B. The Constitution of the Schmalkaldic League, December 23, 1535

We, John Frederick, by the grace of God duke of Saxony, archmarshal and elector of the Holy Roman Empire, landgrave of Thuringia, and margrave of Meissen, both for ourselves and as guardian for the high-born prince, Lord John Ernest, also duke of Saxony, etc., and our dear brother; we, Philip, Ernest, and Francis, brothers and cousins, dukes of Brunswick and Lüneburg; we, Philip, landgrave of Hesse, count of Katzenelnbogen, Dietz, Ziegenhain, and Nidda; we, Wolfgang, prince of Anhalt, count of Askania, and lord of Bernburg; we, Gebhard and Albert, brothers, counts, and lords of Mansfeld; and we, the mayors, councilors, magistrates, and envoys, also the communes, of the these southern, Saxon, and northern cities

¹ "*recht geben und nehmen*," from the Latin: *iustitiam facere et recipere*. It means a willingness both to seek redress and to defend one's case before a court – trans.

– Strasbourg, Constance, Ulm, Esslingen, Reutlingen, Memmingen, Lindau, Biberach [an der Riß], Isny, Lübeck, Magdeburg, Bremen, Brunswick, Goslar, Einbeck, and Göttingen – affirm and proclaim to everyone:

Whereas, we have formed and established a Christian brotherly League for sufficient, Christian and good reasons, chiefly, however, to the praise and due honor of God Almighty and to the support and spread of His holy Word and Gospel, also that we may remain obedient members of the Holy Empire. Further, so that our subjects, whom God has commanded us to rule and protect in a Christian fashion, may, with God's grace, be protected from unjust, illegal coercion and injury and hold to what is good, Christian, honorable, just and necessary for their souls. Therefore, we have in God's name united in a Christian and brotherly League, on the terms and under the conditions contained in the treaty of alliance. Having subsequently deliberated further on the problem of defending ourselves and our subjects in a Christian and just manner, we have found highly necessary and good that in these troubling times of rapid change and great difficulties, we should establish a constitution² for defense and repulsion, which should remain in force as long as the Christian League we have formed, and in the manner that the treaty of alliance records. We have also made the [supply of] aid and force effective and well constituted, to the best of our ability – may God the Almighty grant us grace. Therefore, we have unanimously agreed, committed, and obliged ourselves to these articles, and we do this in the Almighty's name, deliberately according to this document, as follows for ourselves and our successors.

[1.] To begin with and first of all, this constitution shall have no other purpose, form, or intent than to provide defense and repulsion [of attack] and to keep ourselves and our subjects and related persons free of unjust violence. By this, we mean cases where, on account of the Christian, just, and correct cause – as defined in our treaty of Christian alliance – we are attacked, invaded, conquered, or in any other way injured, but only for this cause and no other.

[2.] Second, if any party to this League suffers attack or conquest or any other injury for the sake of this cause, upon which the League rests, and in consequence of which he believes the other parties are obliged to give him advice or aid, he can report this, at any time, to the ruling commander for the half-year in which the incident or damage occurs. If the ruling commander and the injured estate may hope to settle the matter through written approaches, envoys, or in other, similar ways, he shall attempt to do that by himself or with the advice and support of the other commander and at the expense of all the estates. If, however, the matter develops in such a way that an assembly of all estates is necessary, the commander for that half-year shall notify and report to the estates and summon them to a convenient meeting place, where they or their envoys should appear. When the allied estates assemble or send envoys, whether once or more times, they shall discuss whether the incident is covered by the treaty. Then the opinions of all the allied estates or their envoys shall be heard, for God often informs the last of that

² “Verfassung,” the normal term for the political and military structure of a sworn alliance or league dedicated to defensive, peace-keeping, and other purposes. It is also used for “constitution” in the modern sense. The best defense, as the saying goes, was often a good offense – trans.

which He holds back from the first, and they shall strive in a manner of friendship and good will to reach a unanimous agreement.

If it should happen, however, that unanimity cannot be attained in the assembly, it shall be negotiated according to the following distribution of votes, of which there shall never be more than nine who decide the matter at hand. The votes shall be distributed as follows: the elector of Saxony, 2; the dukes of Brunswick and Lüneburg, plus Prince Wolfgang [of Anhalt], and the counts of Mansfeld together, 1; the landgrave of Hesse, 2; and the honorable free, Imperial, and Hanseatic cities, 4; the southern cities of Ulm and Strasbourg, 2 each; Lübeck and Bremen together, 1; and the other Saxon cities belonging to the League, 1.

In order that voting on the question in our League's assembly is done in an orderly fashion, we, Duke John Frederick of Saxony, elector, etc., or our councilors, shall put the question [to the other voting members], because we hold this office in the Empire.

Once all the estates or their envoys have stated their opinions, those of the estates or envoys who possess the nine votes shall consult together, and whatever they think best and decide, that will be decided. If, however, among the nine votes there is no unanimity, the majority shall decide.

When a defensive action and aid is decided on by all the estates or by a majority of the nine votes, then they shall deliberate on how, where, and with what forces the action should be undertaken. This shall be done with the advice of the commander and the members of the military council as follows.

If the matter is so urgent that the commander cannot call all of the League's members together, he shall, in accordance with the following articles, call the other commander and the appointed military councilors to meet with him and decide and act in the following manner.

[3.] Third, in order that the aid will be reliable and useful, the levy shall be set at 2,000 cavalry and 10,000 infantry. For the purpose of supporting this military force, we members of the League will have supplied funds according to the following schedule. Or, if the levy has not yet been paid, it shall be sent as soon as possible to the proper place: the elector, princes, and counts to Torgau and Kassel; the southern cities to Ulm; and we, the Saxon and Hanseatic cities to Brunswick to be deposited with the burgomaster and council. The commanders and the military councilors shall receive assurance from the cities named, so that the latter will have the deposited funds ready for the former and will disburse them against appropriate receipts.

Every member of this Christian, honorable League should know how much he should pay into this levy for the aid and can, if necessary, show that he has paid: we, the elector of Saxony, the dukes of Brunswick and Lüneburg, Landgrave Philip of Hesse, etc., Prince Wolfgang of Anhalt, and the two counts of Mansfeld, 70,000 Rhenish florins; the southern, Saxon, and Hanseatic cities, also 70,000 Rhenish florins – all to be paid in coins. Reckoning one florin as equal to 21 *groschen* of Meissen, 26 *weispfenning*, or 15 *batzen*, the approximate costs for two months'

service (including a two-month extension) will run to 52,000 Rhenish florins for 2,000 cavalry and 88,000 Rhenish florins for 10,000 infantry. We members of the League have discussed the sum and each member's share of it, as our earlier decisions show.³

Should the war go so unfavorably, either at the beginning or within five months' time, that this aid proves too small for the purpose, or if the war is prolonged beyond five months, then, provided that the commanders and the military councilors approve, the League's estates shall be called to a convenient place to discuss and decide how the aid already levied can be enlarged or extended. The aim shall be to pose a powerful force against the foe and his forces, also to see that the previous aid has not been paid out in vain; and that the estates will not have to break off the action in shame and with losses and damages or be coerced into giving up God's truth. Then, the ruling commanders and military councilors shall, as they think best, call the elector, princes, counts, and cities, and other members of this League to assemble as soon as possible at a convenient place on a specified day. There, the members, either in person or through envoys with suitable powers of decision, shall help the whole to discuss the situation and help it decide what to do. Following a thorough discussion, whatever the members, as a whole – based on the understanding, commitment, and pledge of all – decide to be good, useful, and necessary [will have our support], and we should and will conduct and show ourselves to be loyal comrades and unstintingly pledge our life and goods. And whatever is decided, we shall obey promptly and without protest or delay.

If any other estate, whether prince, count, baron, city, or other, wants to join this League, that estate will be assessed a fair share of this levy. And if God so wills that this money is not expended by the expiration of the alliance, at that time each elector, prince, and estate shall recover what he paid.

In order that this alliance will remain as solid as possible, we have decided that we should appoint from the assembly nine military councilors as follows. Namely, we, the elector, 2; the princes of Brunswick and Lüneburg, the aforementioned Prince Wolfgang of Anhalt, and the two counts of Mansfeld, 1; we, Landgrave Philip of Hesse, 2; and also we, the southern cities, 2, and the Saxon and Hanseatic cities, 2. Further, during the six months when we, Duke John Frederick, elector, hold the ruling commandship, we shall fill only one seat in the military council. Likewise, we, Landgrave Philip, shall, during our period of ruling commandship, appoint not more than one military councilor. Each military councilor named by a member shall be presented by name to the two commanders, and when the ruling commander calls a councilor to duty, he shall come unless prevented by some cause. In that case, the members shall send in his place another who is skilled and experienced in these affairs. The ruling commander may call the eight military councilors to duty at any time to a specified place, where they shall be obligated by oath to appear. There they shall deal with all urgent matters and give advice, listen attentively to the commander's views, and if the councilor and the commander can agree, that shall be done.

³ In the recesses of the League's earlier assemblies – trans.

If it should happen, however, that the council cannot agree, either unanimously or by majority, the decision shall fall to the commander, and his will be the final word. And whatever is decided by a majority of the military council and the commander, or, if the council is split into equal parts, by the commander alone, the commander will execute loyally and without delay or hindrance. He will do this on his own, nor at any time will he entertain or encourage other opinions from outside the military council.

The nine military councilors shall swear to the full assembly, they will be steadfast and loyal, obedient and prepared, to do their best, to warn against threats, and to advise according to their best understanding and conscience on the matters for which they were chosen. Also to help decide and, when a vote needs to be taken, to do so without dissimulation and according to the following oath: *Forma juramenti [Oath to be taken by the War councilors.]*

If one commander by God's will – may He graciously prevent it – dies or for some other reason is indisposed, we, the other commander shall immediately call the voting estates to assemble in a month's time at a convenient place and time. They or their envoys, equipped with sufficient powers, shall together with the war councilors exercise their duty to elect and install another, suitable commander in the manner in which his predecessor was chosen. This shall be done without complaint or delay, and they will consult and discuss speedily and faithfully with the war councilors [. . .] concerning the commandership. And if the assembly cannot agree, the commander shall be chosen by the [nine] voting members, that is, by their envoys and not by their war councilors. The former shall have the power to negotiate immediately with the commander concerning his installation and to administer his, just as was done with his predecessor.

If one or more war councilors should die, or cannot perform his office for other pressing reasons, those who appointed him shall without delay and at the orders of the ruling commander appoint another man who is conversant with these matters, trustworthy, and able. And so that the commander may find no fault in the appointment, before the new councilor is admitted to the council, he will swear to the commander in the manner the other councilors have done.

Accordingly, we have elected and installed as our commander our dear cousin, uncle, brother-in-law, or brother, the most gracious lords, Duke John Frederick of Saxony, elector, and Landgrave Philip of Hesse, etc. [. . .]

Source of original German text: Ekkehart Fabian, *Die Entstehung des Schmalkaldischen Bundes und seiner Verfassung 1524/29-1531/35*, 2nd edition. Tübingen: Osiander, 1962, pp. 347-53, 357-76.

English translation: Thomas A. Brady Jr.