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The Rise and Fall of the Schmalkaldic League: The Treaty of Passau, 1552

By THEO. HOYER

THERE are several reasons that suggest the truce of Passau as a subject for special consideration at the present time. One is, of course, the date. Since 1883 we have followed up the great outstanding events in Reformation history by church-wide celebrations, beginning with Luther's birth and ending, in 1946, with Luther's death. But several events following Luther's death were to be of immense importance to the Lutheran Church; one of them is the Schmalkaldic War, ending in the truce of Passau, 1552, and the Religious Peace of Augsburg, 1555.—Another reason: We have seen a veritable flood of books on Luther and the Reformation appearing on the market in late years. In most of them this last period of Reformation history is rapidly passed over. Some of them even stop with Worms, 1521. Is there something significant in this? Up to Worms Luther is every man's hero — then the defection begins; one faction after the other deserts him as it becomes evident what kind of a reformation he initiates. And the writer faces the obligation of taking a stand: for or against. Others pass over this section with gentle — or not so gentle — references to "old Luther," his illness, and other less friendly attempts to explain his late years. And yet this period brings the final and inevitable clash between the old and new and in 1552 leads to the first legal accreditation of the Lutheran Church in Germany. It also furnishes the chief reason why the militant phase of the Counter Reformation struck Germany so late.

Let it be said at once: This article offers nothing new on the subject — as there is little new information on the whole Reformation story in most of the late treatises; a different approach, a new emphasis, a new and striking presentation of the old story. But a review of the facts and the meaning of this section of the story may not be unwelcome.

The story of the Schmalkaldic League really goes back to the first Diet of Speier, 1526. Luther had been excommunicated by the Pope and outlawed by the Diet of Worms, 1521. But the Emperor, Charles V, had to leave Germany at once to meet Francis I of France, who had invaded imperial domain in North Italy. In the meantime the Diets of Nuernberg in 1522 and 1524 had not dared to enforce the Edict of Worms and to take action against the Evangelicals for fear of precipitating civil war in Germany. But others were not so ready to let matters rest there. The papal legate at Worms, Aleander, urged Charles to have Luther arrested and destroyed at once, but the Emperor refused. Then the papal legate at Nuernberg, 1524, Campeggio, instigated a union of Catholic princes in South Germany, the League of Regensburg, 1524, and a similar union in North Germany, the League of Dessau, 1525; both leagues in their constitution made it their object to enforce the Edict of Worms, to eradicate Lutheranism. That was the first threat of force, the beginning of the Church's disruption. Purely in defense against this threat the League of Torgau was formed in 1526. The Emperor had defeated France; he was coming to the Diet of Speier to "clean house" in Germany. The outlook was dark for Lutherans. — Luther was very dubious; he would not give his consent to the Torgau League; to him it smelled of revolution against the government.

This time the Pope came to the rescue! — The king of France, captured by Charles, had been released after he, in the Peace of Madrid, had taken an oath to keep the peace in future. But the Pope released him from this oath and in the League of Cognac promised him subsidies in money and men to renew the war against Charles — the Hapsburgs were growing too powerful! And the Emperor, instead of coming to Speier, again had to take the field; and he knew very well where the real troublemaker lived; he sacked Rome in 1527. — And in Speier the danger of attack evaporated;

the Diet adopted the principle, later so famous: "*Cuius regio, eius religio*" — until a council could convene, each estate should so act in the matter of the Edict of Worms that they could answer to God and the Emperor. In the absence of danger the League of Torgau became inactive.

During the three years between the two Diets of Speier (1526 to 1529) Lutheran ranks spread phenomenally. But again the Emperor was by that time victorious; the second Diet of Speier, under pressure of Catholic princes, rescinded the resolution of 1526 and resolved to enforce the Edict of Worms. The Protest of the Lutheran princes (hence Protestants) was thrown into the imperial wastebasket and the delegates who delivered it to the Emperor into prison. At the same time the situation in Switzerland had approached a climax: The Catholic cantons had united against Zwingli and had concluded an alliance with Austria; they were ready for war. The Colloquy of Marburg and the attempt, chiefly fostered by Philip of Hesse and Zwingli, to unite Protestantism against Catholic attack, had failed. The Diet of Augsburg, 1530, resolved to give Lutherans six months' grace, till April 15, 1531; if by that time they would not return to the old Church voluntarily, they were to be forced. Meanwhile they were to leave Catholics unmolested; they were to aid the Emperor in stamping out the Zwinglians and the Anabaptists. The *Reichskammergericht* (the imperial Court of Appeals for all disputed legal cases within the Empire) was restored; every case of transfer of property could be appealed to this court; and by the very nature of this court (its members were appointed by the Emperor) every such case would be decided against the dissenters (the whole Church of Saxony, e. g., was supported by income from old Church property). If the decisions of this court were disregarded, the Emperor could attack them as violaters of the constitution of the Empire (for the Schmalkaldic War the Emperor used just this excuse, among others).

This situation led to the organization of the Schmalkaldic League. The recess of the Diet of Augsburg was published November 19, 1530. Lutheran princes and delegates of cities met at the little upland town of Schmalkalden, December 22—31, 1530. The first matter to be discussed was: What was to be their attitude toward the resolution of the Diet and the probable action of the Emperor:

continue in their passive resistance or turn to active defense? The *right* of resistance was settled by the lawyers; the State of Germany was really a loose federation of almost independent principalities and cities; the Emperor was not an absolute ruler, but the Estates ruled with him, and he had only those rights and powers which the Estates had conferred on him. On legal and constitutional grounds they questioned the Emperor's right to impose his will on them in religious matters. Again: The Diet had really referred the matter to a council; the Emperor had promised to use his influence with the Pope to convene a council. Until that council had considered the religious differences and reached a decision, the Lutherans held, the Emperor had no right of execution. Luther, very reluctantly, gave his consent.

There has been (shall we say: naturally?) much criticism of Luther because of this change of opinion; it seemed expedient and useful to support the Schmalkaldic League, hence he buried his scruples and promptly changed his convictions! But isn't it rather an outstanding example to prove that, as uncompromising and stubborn as Luther could be when he was convinced he was right, he was ready to listen to argument and to change his opinion when it was brought home to him (as in this case) that he had been ill-informed. In his "Warning to His Dear Germans" (October, 1530) he still bases his opinion chiefly on religious grounds; the constitutional and legal justification of opposition to the Emperor he leaves to the doctors of law; but if Pope and the hierarchy, without any authority to do so, take the sword, let them not be surprised and cry "Rebellion" when they perish by the sword. He for his own person still prefers passive resistance; he will incite no one to resist; but let them not presume on this; he will not have those called murderers and bloodhounds who resist murderers and bloodhounds; such resistance is not rebellion; a man is justified in defending his life and property against a lawless aggressor. If they will have war, let them have it; but it is on their heads.

Since the doctors of law have established in what cases resistance to constituted authority is legally permissible, and this contingency has actually arisen; since, farther, we have always taught that the law should function and prevail, inasmuch as the Gospel does not militate against the secular law, we cannot invalidate from

Scripture the claim to adopt defensive measures even against the Emperor or anyone acting in his name. And seeing that the situation has now become so dangerous that events may daily render such measures immediately necessary, not only on legal grounds, but as a matter of duty and fidelity to conscience, it is fitting to arm and be prepared against the threatening resort to lawless force. For in hitherto teaching that it is not permissible to resist constituted authority, we were unaware that the law itself permits such resistance.¹

Mackinnon, who is by no means willing to go with Luther through thick and thin, here says:

His inflaming protest against the policy of seeking to decide this issue by brute force, in order to re-establish the old corrupt and oppressive system, was fitted to carry conviction over the length and breadth of the empire. It was one of those prophetic utterances which, as Randolph said of John Knox's sermons, was more potent to stir the minds of men than the blast of ten thousand trumpets. It ignores, indeed, the fact that the Emperor and the more enlightened section of the opposition were not, on principle, hostile to at least a practical reformation of the old papal and priestly system. But it certainly was a questionable preliminary to such a reformation to undo by force the reforming work of Luther, who could justifiably claim to have challenged and shattered the evil system which the merely practical reformers had in vain assailed for over a hundred years.²

A word should here be said for Charles V.

The restoration of the unity of the Church became a major concern of the Empire, never forgotten in the midst of others of greater immediate urgency. He was no obstinate bigot bent on crushing heresy by force. That was to be a last resort, from which he was long withheld by lack of means and by political expediency, but chiefly because he believed, and continued to believe in spite of repeated disappointments, that the gulf which threatened to widen might be bridged by discussion and maybe by compromise. . . . Not till 1543 did he make up his mind, after all other expedients had failed, to attempt to crush heresy by force.³

This is right, with the addition that, even in his desire to reunite the Church, Charles had a political object, truly medieval: a united Church to prop the tottering Empire. In God's hand that reluctance of Charles to use his imperial power, to follow the urgent advice

of Rome to quash the Lutheran movement by force, became one of the means of saving Lutheranism. By the time Charles was ready to use his "last resort," Lutheranism was too strong to be eradicated by force of arms. In 1531 the Emperor could probably have crushed the League. But existing conditions prevented it; the Turk was threatening Vienna, and Charles needed the help of the Evangelical princes.

After that preliminary meeting in December, 1530, and just before the time of grace granted them by the Augsburg Diet had elapsed, while Melancthon was putting the last touches to that trumpet blast of the Reformation, the Apology, a bond was drafted, very carefully worded; the Emperor's name was omitted; the causes for action were only vaguely alluded to. The signers promised to stand by one another in defense of their faith against the legal proceedings of the *Reichskammergericht* and to resist any attempt to use force against them. It was signed on March 29, 1531, by the Elector of Saxony, the Landgrave of Hesse, the Duke of Lueneburg, the Prince of Anhalt, the two Counts of Mansfeld, and the representatives of the cities Magdeburg and Bremen.

As a result the Emperor treated the Lutherans very courteously at the Diet of Nuernberg, 1532; the religious truce was prolonged indefinitely; all cases against Protestants in the *Reichskammergericht* were to be quashed and no proceeding for religious causes initiated against any State; and a council was promised within six months. — The Lutherans assisted the Emperor in the Turkish campaign, in fact, proved to be more patriotic than the Catholic princes. Luther declared roundly that the Turk must be met and driven back; that all Germans must assist the Emperor in this action. The Turkish invasion was repelled.

The Schmalkaldic League became a real power. In 1534, Philip of Hesse persuaded it to support the cause of the banished Duke Ulrich of Wuerttemberg, who had been dispossessed by the Emperor in 1519 and his land incorporated in the Hapsburg possessions. Philip easily defeated Ferdinand, the Emperor's brother and regent (Charles himself was kept busy during this time by pirates on the Mediterranean). Ulrich was restored, declared in favor of the Reformation, and Wuerttemberg became Lutheran and, in 1535, joined the Schmalkaldic League; also Pomerania, Anhalt; the cities of

Augsburg, Hamburg, Hannover, Kempen, and the South German cities (a union with the South German cities had been arrived at on the basis of the Wittenberg Concord), Goslar, Goettingen, and Rostock. In 1539 Duke George of Saxony (perhaps Luther's bitterest enemy, but also the most honest and disinterested of the Catholic princes), died; and his successor, his brother Henry, with the joyful consent of his subjects, turned the land Lutheran; and Luther preached in the great hall of the castle in Leipzig, where Eck had debated with him 20 years before and Duke George had called his teaching pestilential. The new Elector of Brandenburg, Joachim, joined the Schmalkaldic League.

The Schmalkaldic League became an international power. Denmark joined in 1537. France courted the Schmalkaldic League; Francis I asked Melanchthon to come to France to organize a new Church. Henry VIII of England ousted the Pope and made himself head of the English Church; for an eventual war with Charles (because of Henry's divorce from Charles' aunt, Katharine of Aragon) he began to dicker with the Schmalkaldic League for an alliance. Bavaria, though rapidly proceeding to the leadership among Catholic States, offered to support the Schmalkaldic League — not because they loved Luther, but because they hated the Hapsburgs. Cleve joined the Schmalkaldic League — and Anne of Cleve married Henry VIII of England! The three ecclesiastical electors, the Archbishops of Mainz, Koeln, and Trier, were contemplating the secularizing of their domains and becoming Protestants; that alarmed Charles because that threatened a large Protestant majority in the Electoral College and hence a Protestant emperor.

In the meantime the conduct of the Papacy had been disgusting, evidently subordinating the welfare of the Church to their anti-Hapsburg schemes; Pope Paul III, allied with Francis, who again was seeking alliance with the Turk. Charles invaded France and was defeated. Breslau was fanatically Lutheran. In Vienna, Bishop Faber said "the population was entirely Lutheran save himself and the Archduke." Romanist universities were almost without students. It was said that in Bavaria there were more monasteries than monks. Peter Paul Vergerius reported: There were no candidates for the priesthood, except a few paupers in Bohemia who could not even pay their ordination fees. The Roman Church seemed to lie in

the throes of dissolution, even where it had been strongest, and the Catholic princes were losing their power. The Emperor and his brother Ferdinand were considering whether a National German Church, to be organized by a German National Council (after the pattern of England), would not be the best solution.

To sidestep this danger, the Pope finally yielded to the pressure of the Emperor, the Diets, and the Lutherans and called a council, but it was merely for show, to forestall possible action of the Emperor. He sent delegates to the powers to ask where they wanted the council to assemble. The almost universal answer was: Not in Italy. So he called it to Italy! To Mantua. (Cp. the Historical Introduction to the Smalcald Articles, the visit of Legate Vergerius in Wittenberg, *Triglotta*, p. 47.) The council never met; only a few bishops came.

The threat of the general situation, and prominently the influence of the man who up to this time dominated the policy of the papal Curia, Cardinal Contarini, a policy of conciliation, led to the union conferences at Hagenau (June, 1540), Worms (November, 1540), and Regensburg (April, 1541), the last attempt at a compromise. The outcome only proved that while union formulas could be constructed, there was a great gulf between the two parties which Protestants would not cross; and the Catholics balked at articles on transubstantiation and the Mass, the divine primacy of the Pope, the universal priesthood of believers, the infallibility of councils. And Charles finally saw that Lutherans would not return unless compelled by force. — The final impulse toward this method of settling the controversies was perhaps given by the results of the Emperor's efforts (since 1521) to persuade (or force) the Pope to call a council where the two parties could be brought together for the purpose of discussing the differences. By 1542 he and the Pope had settled the place; the Pope had insisted on a city in Italy; the German estates demanded a council in Germany. As a compromise, Trent was picked, a city on the border of Italy and Austria (though a totally Italian city). A campaign against France intervened; but after the Peace of Crespy, November 19, 1544, the Pope issued a call for the Council of Trent to convene in March, 1545. But at the same time the Pope (against the definitely expressed will of the Emperor) issued secretly a program for the council which made

it impossible for Protestants to attend: Only Catholic bishops in good standing could vote (a first stipulation denied Protestants even the right to speak; but later this was changed); nothing settled in the Catholic Confutation of Augsburg (i. e., everything contained in the Augsburg Confession) should be discussed; Protestants should promise in advance to submit to the resolutions of the council without question. — The Emperor saw no possibility of reconciliation by means of the council; unity could be restored only by force. His correspondence with his sister Mary and his brother Ferdinand shows that by the middle of 1545 he had reached that decision.

But force he could not use unless the Schmalkaldic League was broken up. For this purpose the Emperor used that most unfortunate act, the bigamy of Philip of Hesse, and the jealousy and ambition of Maurice of Saxony.

Since 1526 Philip had urged Luther to grant his consent to a second marriage; it was denied. But finally, December 10, 1539, after Bucer had brought Luther a secret confession of Philip, he together with the faculty of Wittenberg gave their consent to a secret second marriage of Philip. — Jacobs⁴ calls this "the greatest blunder in Luther's career." It is difficult not to agree with him. Despite the never revealed secrets of Philip's confession there seems to be no excuse for this; explanation, yes, but no justification. But that is a different chapter.⁵ Here this must suffice: Since 1532 imperial law declared bigamy the same as adultery, a capital crime; and Philip himself had published the law in Hesse and subscribed to it. Of course, Philip's second marriage could not be kept secret; his second mother-in-law saw to that. And Charles jumped at the opportunity. A trial case offered. Charles claimed that a treaty had conferred the rule of Gelderland on him after the death of the present sovereign, the Duke of Cleve. But when the old Duke died, his son William (who was the brother-in-law of the Elector of Saxony) succeeded him. Here was a powerful anti-Hapsburg State, backed by the Schmalkaldic League, next to Hapsburg Netherlands. The Emperor offered Philip immunity for past crimes and advancement in the Emperor's service if he would see to it that the Duke of Cleve was not supported by the Schmalkaldic League against the Emperor; and Philip, humiliated by the criticism of his friends, isolated, shunned by them, was a ready tool for the Emperor's hands

to weaken the Schmalkaldic League. Duke Maurice of Saxony (son and successor of Henry, who had died in 1541) was the son-in-law of Philip and joined him. But the Elector of Saxony would not desert his brother-in-law. So the Schmalkaldic League was split. In 1543 the Emperor totally defeated Cleve and took the land; and the Protestants, hindered by Philip, had to see a powerful ally overthrown. Mutual recriminations grew; and when the Emperor was ready to attack the Schmalkaldic League, it was not difficult to persuade the Elector of Brandenburg and others to keep out of the mess.

Meanwhile the Emperor worked on Maurice. He promised Maurice the Electorate in place of the present Elector; he was to add Magdeburg and Halberstadt to his domain; and neither he nor his people should be subject to the decrees of the Council of Trent. — Maurice is one of the most perplexing characters in Reformation history. There is no reason to doubt that he became a Lutheran by conviction and adhered to that faith to the end; yet he more than anyone else is responsible for the overthrow of his associates in the Schmalkaldic League. Then he became the chief instrument for the restoration of Lutheranism, of securing its public recognition and, in the Religious Peace of Augsburg, 1555, its permanent accreditation, though he died before that date. Lindsay here inserts an interesting note: ⁶

A man's deep religious convictions can tolerate strange company in most ages, and the fact that we find Romanist champions in France plunging into the deepest profligacy the one week and then undergoing the agonies of repentance the next, or that Lutheran leaders combined occasional conjugal infidelities and drinking bouts with zeal for evangelical principles, demands deeper study in psychology than can find expression, in the fashion of some modern English historians, in a few cheap sneers.

War began soon after Luther's death. The time was auspicious. Charles had concluded the Peace of Crespy with France, leaving his English ally in the lurch. Nevertheless, Henry VIII had definitely declared for Catholicism in his Six Articles. The Turks had agreed to a truce. The Pope had been forced to call the Council of Trent. — On July 20, 1546, the Emperor proclaimed the ban of the Empire against Philip of Hesse and John Frederick of Saxony, because

they had repudiated the *Reichskammergericht*, protested against the Diet's recesses, denied the authority of General Councils and of the Emperor himself; to which the Pope added their refusal to acknowledge the Council of Trent.

In spite of the fact that Charles had induced the Elector of Brandenburg and several other princes to remain neutral, the Schmalkaldic League had an army of 50,000 men and 7,000 horse at Donauwoerth on the Danube. Prompt offensive action on their part would probably have ended the war in a short time. But the lack of unity and chronic mutual suspicion interfered (every action of military commanders had to be reported to, and sanctioned by, the headquarters of the League beforehand). They failed to intercept the Emperor's Spanish and Italian troops entering on the south — for fear of antagonizing Bavaria. Then they allowed the Emperor's forces from the Netherlands to cross Germany and join the other troops with very little hindrance.

Then, while they were holding the Emperor in check in the south, Maurice and Ferdinand raided the land of the Elector of Saxony. That effectually broke up the army of the League. It forced the Elector with the main part of the League's army to hasten to the rescue of his own land — enabling Charles to impose terms on the southern cities (except Constance), on the Elector of the Palatinate, Wuerttemberg, and others. In the meantime, John Frederick had not only reconquered his own land, but had taken most of Maurice's Ducal Saxony. But Philip's indecision (he was negotiating for a feasible peace) enabled Charles to move northward rapidly. On April 24, 1547, he routed the Saxon army; took the Elector prisoner; sentenced him to death as a traitor; deprived him of his land, chiefly in favor of Maurice; he was kept a prisoner in the camp before Wittenberg and forced to sign the capitulation of the city which had been ably defended by his wife; she surrendered it to save his life. Philip was induced to surrender by a promise of personal liberty given by Maurice and the Elector of Brandenburg, which, however, was repudiated by the Emperor; perhaps he had never authorized it.

It seemed as though all Germany lay at the Emperor's feet. But it soon became evident that politically he was not much stronger than before. His victory over the Lutherans was a victory for the

Hapsburgs; and the princes were at once "on guard" against the Hapsburg desire for centralization of power in opposition to the territorial jurisdiction of the nobility. At the Diet of Augsburg, September, 1547, they blocked Charles' attempt to make the Empire a reality with an organized military force (they wanted no Spanish veterans in Germany!); to stamp out Lutheranism (they wanted no Spanish Inquisition in Germany!); he could not even make use of the Council for that purpose; the Pope had removed the Council from Trent to Bologna in March, 1547, for the very purpose of keeping it out of the Emperor's hand and subject to his own mastery, and despite Charles' demands he refused to restore it to Trent. In fact, the Pope "had been praying and intriguing, for political and papal reasons, for the success of the Elector against the Emperor" (Mackinnon). Charles had to go his own way.

The result was the attempt to force Charles' own idea of a Confession on Protestant Germany. Like a second Justinian, he appointed Michael Heding, a medieval Catholic; Julius von Pflug, an Erasmusian; Agricola, Luther's old antagonist, now court preacher of Joachim II of Brandenburg, to construct the document that came to be known as the Augsburg Interim. It retained the Episcopal office, the seven sacraments, the Mass, the intercession and merits of the saints; it surrendered the absolute supremacy of the Pope over the Church; conceded to Lutherans clerical marriage and Communion in both kinds; it "split the difference" in the doctrine of justification; in fact, all doctrinal statements were ambiguous — were intended to be so! He defied Pope and Council; when the Pope refused to restore it to Trent, he protested against its existence and declared he would not be bound by it.

"Nothing that Charles ever undertook proved such a dismal failure as this patchwork creed made from snippets from two Confessions. However lifeless creeds may become, they all — real ones — have grown out of the living Christian experience of their framers and have contained the very lifeblood of their hearts as well as their brains. It is a hopeless task to construct creeds as a tailor shapes and stitches coats."⁷

But Charles was proud of it. It was to stand, pending the final decision of the council. It was dubiously accepted by the Diet, May 15, 1548. — Three days later Maurice brought in his protest:

He had been promised that his land was not to be subjected to such a change; moreover, his cousin, John Frederick, and his father-in-law, Philip, were still in prison; but Charles had promised not to imprison them; he had it black on white! — Here enters the disputed case of the document referred to: Maurice claimed the Emperor had guaranteed that they should not be kept "in eeniger Haft"; but when brought forth it read: "in ewiger Haft." Was it forged, or did Maurice fail to read it right? Historians are still debating the question.⁸ But Maurice was permitted to change the Augsburg Interim into the Leipzig Interim, December, 1548 ("for which the pusillanimous Melanchthon was largely responsible, and which gave away much that Luther had contended for, except the doctrine of Justification by Faith," Mackinnon).

Then Protestants found that the Interim was to be enforced on them only, not on Catholics. It was imposed on the South German cities despite Charles' definite promise of toleration. Constance was besieged and fell; was deprived of all imperial privileges and added to the Hapsburg possessions. 400 pastors were driven from their homes; many sought refuge in exile; Bucer and Fagius went to England. Churches stood empty. Everywhere in Protestant Germany there was passive resistance — "if singing doggerel verses, publishing satirical songs, pamphlets, even catechisms, cartoons, with an immense circulation, can be called passive." — Duke Christopher of Wuerttemberg was ordered to exile Brenz; he answered that he could not banish his entire population. Many of the North German princes and cities refused to accept the Interim. The example of the imprisoned John Frederick, who decisively rejected it, stalled the opposition. Leaders were Amsdorf, Flacius, Erasmus Alberus, Nicolas Gallus. From Magdeburg ("unsers Herrgotts Kanzlei") they kept up a strenuous and persistent pen warfare. — Charles' creed became a dead letter in most of Germany.

There was added opposition to the Emperor on personal and national grounds. The continued imprisonment of Philip was resented by Maurice. The general soreness was aggravated by the continued presence of Spanish soldiers and ministers in Germany, despite repeated promises to remove them. The renewed efforts of Charles to make the imperial crown hereditary in his family aroused apprehension; he had failed to have his son, the later Philip II, elected as his

successor; the Diet had elected his brother Ferdinand. Now Charles proposed to make his son the successor of his brother, instead of Ferdinand's son Maximilian, who was reputed to be favorably disposed toward Protestants. Added to this was the insolence of Spanish troops in enforcing the Interim; citizens were told: if they did not accept it, they must be taught theology by Spanish soldiers; or, They would yet learn the language of Spain. In the background threatened the dread specter of the Spanish Inquisition. Despite Charles' continued presence in Germany, anarchy increased. Revolt would have come sooner if Protestants had not suspected and hated Maurice. Charles' foreign prestige was waning. France and England had made peace; either one of the two was free to contemplate a move against him — and both had sufficient provocation. England was worried; Edward VI was declining rapidly; everybody knew Mary Tudor's feelings toward Protestants and, when she succeeded Edward, what she was sure to do — under Charles' advice. Charles had several times defeated France; France might try to take revenge. The Turk was on the warpath again.

Maurice, pure opportunist, had played the traitor to Protestantism because it paid him; now it was the Emperor's turn. It will be remembered that Maurice had received Magdeburg and Halberstadt in that ill-famed deal. But Magdeburg had persistently refused to accept the Interim, and Maurice laid siege to the city. But while the siege and fall of this city (November 9, 1551), purely because it refused to bow to religious tyranny, is a final item to be charged against Maurice, it is evident that he himself now became thoroughly alarmed, not only at the vicious way in which Charles wreaked his vengeance on the two imprisoned princes, but chiefly at the arbitrary manner in which he was proceeding to carry out his political aims. While he was ostensibly engaged with the siege of Magdeburg, he plotted with William of Hesse, son of Philip, who stood ready to avenge the wrong done to his father; with Hans of Kuestrin, Albert of Brandenburg-Culmbach, and John Albert of Mecklenburg against the Emperor. He negotiated an active alliance with Henry II of France (Treaty of Chambord and Fredewald, January—February, 1552) which ceded Metz, Toul, and Verdun to France, in return for which Henry invaded Lorraine. Maurice and his confederates suddenly turned on the Emperor, who in utter

self-confidence was resting at the spa in Innsbruck; when he awoke to the danger, it was too late to resist; too late to escape northward (the logical way, through the Netherlands by sea to Spain); Maurice had even begun to block the passes to Italy; if it had not been for a mutiny in his army, which delayed him a few hours, Maurice would have accomplished what he set out to do, "to run the old fox to earth" — Charles would have been a prisoner. As it was, in a litter, in darkness and storm, he escaped ("in Hemd und Struempfen") over the Brenner Pass to Villach (May 18—19, 1552). "It was the road by which he had entered Germany in fair spring weather when he came in 1530, in the zenith of his power, to settle, as he had confidently expected, the religious difficulties in Germany." In Villach he awaited the issue, it seems not particularly downcast, but rather disgruntled; he was a Hapsburg, which was a synonym for stubbornness and the conviction that God had established the "divine right of kings" as a special prerogative of the Hapsburgs. — The Fathers of Trent, fearing Maurice's advance, took to the bushes!

But the victors stopped short of revolution. No wish to depose the fugitive Emperor was voiced; they were ready to negotiate through Ferdinand. In great numbers the princes gathered in Passau in August. Maurice was master of the situation; his troops and those of his "wild ally," Albert Alcibiades of Brandenburg-Culmbach, filled the town, and the assembled princes were uneasy; someone said that many a prince felt "as if they had a hare in their breast." But Maurice was sensible and conservative; his demands were moderate and statesmanlike, aimed at the public good. He asked for the release of his father-in-law Philip; for a permanent settlement of the religious question by a meeting of German princes fairly representative of the two parties — no Council summoned and directed by the Pope, he held, would ever give fair play to the Protestants, nor could they expect to get it from the Diet because the large number of ecclesiastical members gave the Romanist side an undue preponderance — and in this he voiced the conviction of all Protestant and some of the other princes. They adopted what became known as the Treaty of Passau; the imprisoned princes were to be liberated and restored; the Interim was canceled; total religious liberty was to be granted until the religious differences could be

settled by a Diet. This agreement Charles signed. The additional demand that the religious peace should continue even if the Diet should fail to achieve religious unity he refused; obstinately he held to the supremacy of the Diet. Perhaps he still counted on the divisions among the Protestants, thought he could break up this alliance of princes by intrigue, by supporting the "born Elector" against the one whom he himself had created, Maurice. And Maurice himself perhaps feared this; he was satisfied when the "born Elector," John Frederick, consented to the transfer of the electorate to Maurice. This gave Maurice the additional satisfaction of showing his fellow nobles that the "Spaniard" was the only foe of a lasting peace in Germany.

Charles returned to Augsburg, where "he had the petty satisfaction of threatening the Lutheran preachers who had returned, and of again overthrowing the democratic government of the city" (Lindsay). The inveterate Hapsburg! But then, in the attempt to reconquer Metz, he failed miserably against the defense of the city by Francis of Guise; that finally filled him with such disgust that he left all German affairs to his brother and devoted the rest of his active life to Spain, where he had been more successful; he had managed to separate the Netherlands from the Empire and unite them with Spain; his son Philip had married Mary Tudor, Queen of England; hence Spanish ships could henceforth freely use the English Channel and "the harbors and roads of interior Europe" ending in the Low Countries; a combination which made for world domination! It failed because of one Elizabeth who had her own mind and ambitions — but that, too, is another story; Charles did not know that.

Disorders of the times delayed the assembling of a Diet. The old Elector died March 3, 1554, worn out by misfortune and imprisonment. Maurice was killed in a campaign against former fellow conspirator Albert of Culmbach, at Sievershausen, July 9, 1553 — only 32 years old. The Diet met February—September, 1555, and there, in the Religious Peace of Augsburg, made the stipulations of the Treaty of Passau law in Germany. The Peace of Augsburg, too, had faults which later on led to greater trouble; but it gave to the Lutheran Church its first legal accreditation in Germany; it assured peace to Germany until it was drawn into the Thirty Years' War,

which started in Bohemia, while other lands were being tortured by religious wars, the result of the Counter Reformation. And the tone for the Augsburg Peace was set by the Treaty of Passau.

St. Louis, Mo.

FOOTNOTES

1. Translation by Mackinnon, *Luther and the Reformation*, IV, 28.
2. *Ibid.*, p. 27.
3. John H. C. Burleigh, University of Edinburgh, in the *Evangelical Quarterly*.
4. H. E. Jacobs, *Martin Luther, the Hero of the Reformation*, p. 331.
5. Cp. A. L. Graebner, "Luther and Landgrave Philip's Double Marriage," *Theol. Quarterly*, IV, pp. 174—196; William Dallmann, "Luther's Connection with the Divorce of Henry VIII of England and the Bigamy of Philip of Hessen," *Theol. Monthly*, V, pp. 40—45.
6. Thomas M. Lindsay, *A History of the Reformation*, I, 384, note.
7. Lindsay, *loc. cit.*, p. 391.
8. Rabelais († 1552) already tells the story in Gargantua, blaming Granvella with the change. *It is said* that Leopold von Ranke credited it; modern historians, as a rule, do not, e. g., Gottlob Egelhaaf, *Landgraf Philipp der Grossmuetige*, Ver. f. Ref. No. 83; A. F. Pollard, *Cambridge Modern History*.