Cultural and Religious Studies, October 2019, Vol. 7, No. 10, 571-585
doi: 10.17265/2328-2177/2019.10.003

On the Regulatory Function and Historical Significance of the *Peace of Augsburg (1555)* in Religious Conflicts

WANG Yinhong
China University of Political Science and Law, Beijing, China

In 1555, the Imperial Diet in Augsburg passed a resolution to extend the application of decrees concerning peace and order of the Holy Roman Empire to religious issues, trying to achieve religious peace and order of the Empire. The *Peace of Augsburg (1555)* explicitly recognizes the legal existence of Lutheranism and stipulates the "religious freedom" of Imperial Estates, "cuius regio, eius religio" principle, and its exceptions. However, due to the lack of effective mechanism and measures to guarantee the compliance with the *Peace of Augsburg (1555)*, its regulatory function can only be realized through "commitment". The *Peace of Augsburg (1555)* is mainly formulated to pursue the peace and order of the Empire and also reflects the fundamental principle of compromise. However, the concepts such as "religious tolerance" and "right protection" contained therein are not original intention of the *Peace of Augsburg (1555)* or the subjective wishes of all parties thereto.

Keywords: Holy Roman Empire, Imperial Diet in Augsburg, the *Peace of Augsburg (1555)*, "cuius regio, eius religio" principle

On October 31, 1517, Martin Luther published his *Disputatio Pro Declaratione Virtutis Indulgentiarum* (*Disputation on the Power of Indulgences* in English, also known as the *Ninety-Five Theses*) at the Schlosskirche in Wittenberg, which was spread to the most German areas of Holy Roman Empire in a short time-frame and became the prelude to the Reformation in German areas. In 2017, exactly 500 years thereafter, human history evolved and turned to a new page, and the development of scientific techniques and humanistic thought entered into a new stage. Howsoever, those events occurred 500 years ago still worth in-depth thinking. Hegel pointed out that "experience and history show that all ethnic groups and governments have never learned from history nor take actions after that" (Hegel, 2015, p. 17), but it is still necessary to consider and summarize the experience and lessons in the development of human history, and explore and analyze the lessons we have not recognized yet. The focus of this article is not Martin Luther or the Reformation per se, but the *Peace of Augsburg (1555)* (*Der Augsburger Religionsfriede)*, the solution to the religious conflicts proposed by the Holy Roman Empire after over 30 years of Reformation. Many scholars believe that the *Peace of Augsburg* passed by the Imperial Diet in Augsburg of 1555 is "one of the most essential fundamental laws" of Holy Roman Empire, which is no difference from the *Golden Bull of 1356* and the *Perpetual Public Peace of 1495* (*Der Ewige Landfriede*) (Heckel, 2007, p. 13). The *Peace of Augsburg (1555)* is an issue that is inevitable in the institutional development of the Holy Roman Empire (Duchhardt, 1991, p. 107). In this article, the author discusses the solutions to religious issues adopted by the Holy Roman Empire during the Imperial Reform and

WANG Yinhong, Dr. iur., Associate Professor, Institute of Legal History, China University of Political Science and Law, Beijing, China.

analyzes the institutional connotation and influence thereof.

The Imperial Reform and Reformation in Holy Roman Empire

The Imperial Reform started in 1495 and the Reformation started in 1517 are events of great significance in the history of Holy Roman Empire. Before 1495, issues in relation to church reform were closely intertwined with those in Imperial Reform, becoming the institutional problem of the Empire and also an unavoidable problem of the Empire's reform. Under such context, Heinz Angermeier addressed in the book *Imperial Reform and Reformation* (*Reichsreform und Reformation*) that the Reformation and the Imperial Reform should be analyzed together rather than separately, as the two are strongly interacted with each other (Angermeier, 1983, p. 2). Especially, the Imperial Diet in Augsburg of 1555 aspired to solve the religious peace problems between Roman Catholic and Lutheranism through formulation of the *Peace of Augsburg*, and wished to settle the problems left unsolved in Imperial Reform through the *Reichsexekutionsordnung* and other legal resolutions. Also, the Holy Roman Empire's approaches to religious issues and institutional issues definitely show the intimate connection between Imperial Reform and Reformation. Though most scholars delimit the duration of Imperial Reform as from 1495 to 1521 (or to the end of the second Reichsregiment established by the Imperial Diet in Worms of 1521), there were still many problems in relation to the Imperial Reform that were unsolved at that time. Therefore, the Imperial Diet in Augsburg of 1555 and the *Peace of Augsburg* and other resolutions passed thereby further drove forward the Imperial Reform started by the Imperial Diet in Worms of 1495, which is the important reason why some scholars think the Imperial Reform ended in 1555. In this article, the *Peace of Augsburg (1555)* is also regarded as one of the important achievements of the Imperial Reform and construction of peace and order.

The Imperial Reform from 1495 to 1521 had endowed the Holy Roman Empire with a certain extent of "modernity" and accelerated the development of its own power separation system, which is composed of the institutionalized Imperial Diet, the Reichsregiment as the imperial government, and the Imperial Chamber Court (Reichskammergericht in German) (Wang, 2017, pp. 85-87). It is noticeable that after the Imperial Reform, the Holy Roman Empire achieved the institutionalization of powers and the normative mode of development based on laws at certain levels, therefore providing necessary support to the maintenance of the legislation, peace, and security of the Empire (Wang, 2016, p. 126). As mentioned by Heinz Duchhardt, Imperial Reform is the "transition from Middle Ages to modern times in respect of political institutions", as well as an attempt to make the state structure and constitutional order accommodated to the requirements of national development in modern times (Duchhardt, 1991, p. 13). Despite the fact that the Imperial Reform was aimed at creating a solid peace and legal order during the "transition" to maintain the unity and survival of the Empire, the whole process of "transition" was inundated with political struggles and compromises in pursuit of powers and interests (Angermeier, 1983, p. 3).

In 1517, the Reformation begun, which further aggravated the internal conflicts within the Holy Roman Empire as well as the difficulty for political compromise. As one of the significant events in the development of Christian Religion, the Reformation exerted profound influences on the Roman Catholic Church and is considered as "the greatest revolution of Western Europe in history" (Lindsay, 2016, p. 386), since it is also an important social and political reform. What is changed in the Reformation is not only the Christian Religion, but also the whole western civilization (Shelley, 2012, p. 247), for it originated on the Renaissance, targeted straightly toward the long-existing problems of the Roman Catholic Church, and promoted the development of

ideology and culture as well as the transformation of humanistic thought and belief at that time, causing many princes of the Empire converted to Lutheranism. However, Karl V, the Holy Roman Emperor, promulgated the *Edict of Worms* on May 26, 1521 (signed on May 8, 1521), and announced therein the creed proposed by Martin Luther as heresy and severely reprimanded him for flagrantly blighting the Holy Church, accusing him of "destroying and undermining the peace and humanity of gospel under the guise of restoring the creed of gospel", hence the Empire had to "strenuously and cautiously exclude" all heresies existed (Teaching and Research Section of Ancient World History of Beijing Normal University, 1991, pp. 571-576). Yet many princes and general public of the Empire still believed in Lutheranism, causing the aforesaid Edict not being implemented as expected.

One purpose of the Reformation was to create a new relationship between Christian and God and to eliminate the pre-existing drawbacks of Church and despotism in religious belief. However, the Lutheranism, after winning a place in the religious world, started to "repeat the errors of which their enemies had been guilty" (van Loon, 2001, p. 187) and "had nothing in common but a most intense hatred for all those who failed to share their own opinions" (van Loon, 2001, p. 189). Due to the absence of generally accepted rules to solve religious conflicts, religious conflicts and persecution loomed on every side, and religious issue consequently became a challenge for the Holy Roman Empire then. After the Reformation, the establishment of the internal peace and order of the Empire and the religious order were closely connected together, and such connection lays not only in the will and endeavor of the Emperor, but also Imperial Estates[1], who believed in different religions.

History has a way of repeating itself. The Imperial Diet capriciously changed its attitude towards religious issues and its resolutions collided with each other, approaching no uniform solution, which undoubtedly intensified the complexity and difficulty of religious issues. In the Imperial Diet in Speyer assembled in 1526, the *Edict of Worms* was deliberated, and a resolution was approved to forgive the states' and cities' violation of the *Edict of Worms of 1521* and to allow all Imperial Estates and subjects thereof to pursue their belief in God. Since then, the princes, cities, and subjects thereof may preach the word of God and worship in their own way and may decide the religion within respective territory, hence establishing the principle of "he who governs the territory decides its religion". Whereas, the Imperial Diet in Speyer assembled in 1529 overturned the resolution passed on that of 1526 and reiterated the resumption of the *Edict of Worms of 1521*, attempting to reestablish the dominance of Roman Catholic Church. But Imperial Estates believing in Lutheranism launched a strong protest, therefore causing the rise of Protestants and the *Augsburg Confession* drafted by Philipp Melanchthon, which, though not being approved by the Emperor, became the foundation for the drafting of documents in relation to religious peace and religious tolerance thereafter, including the *Peace of Augsburg (1555)*.

Neither peaceful negotiation nor violence shall settle religious conflicts, even after the Schmalkaldic War (Schmalkaldischer Krieg) (1546/1547), the Empire still failed to reach a generally accepted solution to religious issues. What is worth mentioning is that the *Treaty of Passau* (*Passauer Vertrag*) in 1552 acknowledged the legitimacy of Lutheranism pro forma, and the basic rules of religious peace of the Empire had not been established until the *Peace of Augsburg (1555)* (Boldt, 1994, p. 261), which confirmed the internal religious

[1] "Imperial Estates" (Reichsstände) include secular and ecclesiastical Imperial Estates and refer to the prince-electors, dukes, margraves, archbishops, imperial cities, and others with a seat in the Imperial Diet of the Holy Roman Empire and having the right to vote.

division of the Empire in terms of legislation. Notwithstanding the establishment and maintenance of the internal peace and order of the Empire is an important purpose of the Imperial Reform to enable the Holy Roman Empire to fulfill its functions as an "Empire", the inherent institutional deficiency of the Empire, especially the vacancy of executing (administrative) agency, resulted in the insufficient implementation of the resolutions approved by the Imperial Diet, and consequently affected the settlement of problems arising from the Reformation to a large extent.

The *Peace of Augsburg (1555)* and Settlement of Religious Peace Issues

At the beginning of 1555, all Imperial Estates of the Holy Roman Empire gathered together at Augsburg, eager for reaching a consensus and realizing final peace, as years of conflicts among princes and regional turmoil had gravely damaged the internal peace and order of the Empire. So they anchored their hope on the Habsburg King of Germany Ferdinand I (Brendle, 2007, p. 25)[2] to terminate the turbulence of the Empire and realize ultimate peace. On the other hand, Ferdinand I also wished to achieve peace and unity of religion. Yet, the re-unity of religion had become an "Utopia" in 1555. Before of the approval of the *Peace of Augsburg* on September 25, 1555 in the resolution of the Imperial Diet, all parties present at the Imperial Diet had a heated argument, in which Ferdinand I personally participated and played a leading role as the King of Germany and "moral authority", so it is reasonable to say that the approval of the *Peace of Augsburg* was significantly contributed to the intermediation and compromise by Ferdinand I, who was therefore known as "father of the *Peace of Augsburg*" (Kohler, 2007, pp. 22-23; Brendle, 2007, p. 25). From the report made by the Special Envoy of Venice, it is noticeable that Ferdinand I was satisfied with the achievements of the Imperial Diet, in which it said, "the King claimed that the Diet has reached agreements on all matters discussed", and "in deed, no other Imperial Diet makes greater achievements ever since Maximilian" (Kohler, 2007, p. 19).

As the main achievement of the Imperial Diet in Augsburg of 1555, the legal resolution on realization of religious peace and imperial order passed on September 25, 1555 has "permanently" become the "constitutional foundation" for maintaining the peace and order of the Empire and the significant achievement of Imperial Reform (Angermeier, 1984, p. 317). The *Peace of Augsburg (1555)*, as part of the resolution of the Imperial Diet (Articles 7 to 30)[3], is no doubt "the most important part" (Duchhardt, 1991, p. 107). The *Peace of Augsburg (1555)*, agreed between Ferdinand I as the representative of the Empire and the Imperial Estates in the resolution of Imperial Diet, established the peaceful coexistence of Catholicism and Lutheranism and the fundamental rules for peace in legal form.

---

[2] Ferdinand I, Habsburg King of Germany, was the younger brother of the Holy Roman Emperor Karl V and Karl V's deputy in German affairs (expressly acknowledged in Article 3 to Article 5 of the Resolution of Imperial Diet, representing the Emperor at imperial diets in which the Emperor cannot attend personally). He became the Holy Roman Emperor after the abdication of Karl V in 1556, the following year of the Imperial Diet in Augsburg of 1555 and was crowned by the Pope in 1558. In fact, Karl V realized that his present at the imperial diet would have no chance to make any achievement, for he insisted in utility in religion and was hostile to Lutheranism and was trying to force Protestants to apostatize, particularly the armed suppression of Protestantism in Schmalkaldic War, all making the "reconciliation" with Protestantism exceedingly impossible.

[3] For the resolution of the Imperial Diet in Augsburg of 1555, see Karl Zeumer (Hrsg.), *Quellensammlung zur Geschichte der deutschen Reichsverfassung in Mittelalter und Neuzeit* (2. Aufl.), Tübingen 1913, pp. 341-370. The resolution passed in the Imperial Diet on September 25, 1555 is consisted of the Peace of Augsburg (Articles 7 to 30), Exekutionsordnung (Articles 21 to 103), amended Imperial Chamber Court Regulations (Articles 104-134), Polizeiordnung (Articles 135-136), and *Münzordnung* (Articles 137-138). Each number of articles of the Peace of Augsburg (1555), Exekutionsordnung, and other imperial laws cited in this paper is also the serial number of such articles in the aforementioned resolution.

Realization of Religious Peace by Political and Legal Approaches

In the Imperial Diet in Augsburg of 1555, Ferdinand I, as the King of Germany, made agreement with the Imperial Estates on many issues. In addition to the *Peace of Augsburg* for settlement of religious issues, they emphasized and confirmed the contents of the previous Imperial Reform, and demanded to resume the implementation of the *Perpetual Public Peace* (*Ewige Landfrieden*) adopted at the Imperial Diet in Worms of 1495, and extended the application of earlier decrees concerning peace and order of Holy Roman Empire to religious issues (Article 13 of the *Peace of Augsburg*). Meanwhile, the substantial divergences between Catholicism and Lutheranism in various aspects make it clear that the re-unity of different religions is impossible in a short time period. Hence, the Imperial Diet set aside the divergences in religions and attempted to deal with the issues in relation to religious belief and religious peace by political and legal methods, trying to achieve religious peace through political peace (Huber, 2007, p. 87). In order to achieve peace, Ferdinand I "threatened" the Imperial Estates that he will agree on and support the politically "fragile" peace only after they unite as one (Schmidt, 1999, p. 100).

The *Peace of Augsburg* inherited the basic concepts of realizing imperial peace specified in the *General Peace* (*Landfrieden*) (Kroeschell, Cordes, & Nehlsen-von Stryk, 2008, p. 321). Specifically speaking, many articles therein, such as Articles 9, 11, 12, and 14, contain explicit provisions on the maintenance of lasting peace of the Empire and the resumption of the pre-existing regulations on the internal peace and order of the Empire. For example, Article 14 of the *Peace of Augsburg* provides that

> We therefore establish, will and command that from henceforth no one, whatever his rank or character, for any cause, or upon any pretense whatsoever, shall engage in feuds, or make war upon, rob, seize, invest, or besiege another […]. But every one shall love the other with true friendship and Christian love. […] In every way shall Imperial Majesty, and We, and all the estates, mutually adhere to all the contents of this present religious and general constitution for securing the peace of the land.[4]

The importance of imperial peace is re-stated in Article 15:

> in order that such peace is respected and maintained despite the religious chasm […] a complete peace within the disputed Christian religion shall be attained only by Christian, friendly and peaceful means through Imperial and Royal Majesties, the honorable princes and by threat of punishment for breach of the Public Peace.

In this sense, the *Peace of Augsburg (1555)* is a "political peace" as well as a "political contract" (Gotthard, 2004, p. 5).

It was also resolved at the Imperial Diet that the Imperial Chamber Court established in 1495 shall perform its functions continuously, and the *Imperial Chamber Court Regulations* were partly amended (Articles 104-134 of the Imperial Diet resolution), stipulating that the judges and other staff of the Imperial Chamber Court believing in Catholicism and Lutheranism shall enjoy the equal status and rights and shall attend in trial and take up respective positions equally (Article 106). In spite of such provision, the Imperial Chamber Court had not officially established the Religionssenate dealing with religious affairs in accordance with such principle until 1560 (Lück, 2006, p. 18). To enable the Imperial Chamber Court to exert its due role, the *Imperial Chamber Court Regulations* after amendment provides the financial basis of the Court, mediation

[4] According to the author's understanding, the word "us" in the *Peace of Augsburg* refers to the signers of the *Peace*. There are signature of the representatives and special envoys of the Imperial Estates at the end of the resolution of the Imperial Diet in Augsburg of 1555.

procedures, as well as situations in relation to appeal brought to the Court, inter alia, mediation issues of Ober-und niedersächsischen Kreise (Article 116) and the petition proposed by four Rhine prince-electors (Article 128) because such areas were out of order for a long time. Article 32 of the *Exekutionsordnung* provides that all judges of the Imperial Chamber Court shall "impartially provide due and necessary assistance" to both parties concerned pursuant to laws in regardless of their religious beliefs, whether Catholicism or Lutheranism. Such provision has been regarded as the "direction" of Imperial Diet to the Imperial Chamber Court. Undoubtedly, as the highest judicial authority of the Empire, the Imperial Chamber Court could settle certain disputes, but the institutional deficiency of the Empire caused great difficulty for enforcement of the judgments made by the Imperial Chamber Court.

Exekutionsordnung is an important part of the resolution of the Imperial Diet in Augsburg of 1555, also being regarded as the most outstanding achievements of the Imperial Reform and the most significant part of constitutional system of the Empire (Angermeier, 1984, pp. 318, 320), for it contains provisions on the obligations of Imperial Estates in prohibition of violence and maintenance of peace (Article 31), as well as punishments for violating the *General Peace* and other acts of violence (Articles 36-37), prohibition of wandering soldiers from depredation and prohibition on chasing wandering soldiers (Articles 38-40), prohibition against gathering a crowd and making disturbances, punishments for rebels and their accompanies (Articles 42-48), and not only specific provisions on the functions and powers of Circuli imperii (Reichskreise) and governors thereof but also measures to be taken in case of rebellion (Articles 56-79). In brief, the *Exekutionsordnung* attempted to rely on the Imperial Estates and Circuli imperii for the implementation of the *General Peace*, the *Perpetual Public Peace of 1495*, and other laws on institutional levels to maintain the internal peace and order of the Empire.

Therefore, the resolutions of the Imperial Diet in Augsburg of 1555, including the *Peace of Augsburg*, were mainly aimed at maintaining the internal peace and order of the Empire and seeking political and legal coexistence of different religions through legal method (Schilling, 2005, p. 33), rather than finding the "truth" of religion, as it tried to achieve the internal religious peace and ecclesiastical order of the Empire by using the *Peace of Augsburg* and other similar laws to provide fundamental rules for settlement of religious issues and the *Exekutionsordnung* to guarantee the external religious peace (Boldt, 1994, p. 262). But the issue here is whether the political tolerance and coexistence would settle the religious strife in Reformation (Hoffmann, 2007, p. 314).

Fundamental Rules for Realization of the Religious Peace

40 years after the Reformation, the Imperial Diet in Augsburg of 1555 finally recognized the religions in different areas and different stratums. Therefore, the *Peace of Augsburg* acknowledges Lutheranism as a legal religion, while Article 17 expressly provides that religions (such as Calvinism and Zwinglianism) except for Catholicism and Lutheranism are "completely" not protected by the *Peace of Augsburg*. Actually, the *Peace of Augsburg* acknowledges the internal religious division in the Empire but pursues the goal of religious peace at the same time and contains provisions on various religious rules applied in different circumstances.

"Either-or" religious freedom principle and "religious reconciliation". Considering the actual coexistence of Catholicism and Lutheranism in the Empire, the *Peace of Augsburg* conferred the right to believe in either Catholicism or Lutheranism on the Imperial Estates in principle, which is the "either-or" religious freedom principle specified mainly in Articles 15, 26, and 27. To be specific, Article 15 provides that

Imperial Estates have the right to comply with the *Augsburg Confession* or not and have the right to select Catholicism or Lutheranism and their liturgy:

> Imperial Majesty, and We, and the prince-electors, princes, and Imperial estates of the Holy Empire will not make war upon any estate of the empire on account of the Augsburg Confession and the doctrine, religion, and faith of the same, nor injure nor do violence to those estates that hold it, nor force them, against their conscience, knowledge, and will, to abandon the religion, faith, church usages, ordinances, and ceremonies of the Augsburg Confession, where these have been established, or may hereafter be established, in their principalities, lands, and dominions. Nor shall We, through mandate or in any other way, trouble or disparage them, but shall let them quietly and peacefully enjoy their religion, faith, church usages, ordinances, and ceremonies, as well as their possessions, real and personal property, lands, people, dominions, governments, honors, rights and justice.

Article 26 stipulates the religious freedom of Imperial Knights directly under the Emperor, saying that "all knights directly under the Emperor and free knights may select either religion among the two freely". "They shall not be interfered with, persecuted or troubled by any one on account of either of the aforesaid religions". In addition, Article 27, in light of the coexistence of Catholicism and Lutheranism in many cities, confirms to maintain the residents' religious beliefs in free and imperial cities in status quo, namely the "peaceful coexistence" of Catholicism and Lutheranism in one and the same city. In effect, the "peaceful coexistence" of various religions is nothing more than an ideal since many cities had established their own religious policies in the first half of 16th century, but the question that who should regulate and govern the religious issues required to be solved (Merz, 2007, p. 323). For instance, Nuremberg, a city of the Empire, took the lead in selecting Lutheranism as its sole religion in 1525 (Zhou, 2015, p. 2), and caused many problems, which were too significant to be solved pursuant to the *Peace of Augsburg*. Not until the end of the Thirty Years' War in 1648 did the cities with coexistence of Catholicism and Lutheranism achieve "religious equality" or "the equality achieved through (legal) compulsion" (Hoffmann, 2007, p. 302).

The Imperial Diet in Augsburg already realized the problems coming with the coexistence of the two religions, so it tried to achieve the "reconciliation" on the basis of the Imperial Estates' religious freedom. Though Article 25 stipulates matters in relation to religious reconciliation, it's merely a good wish for reconciliation, and fails to propose a proper scheme. This Article wishes "in effective and appropriate ways" to realize reconciliation in religious matters, "but without an enduring peace a Christian, friendly composition concerning religion cannot be achieved". Therefore, "a durable, permanent, unlimited and eternal peace should be established and agreed upon and remain in force". Combined with other provisions, this shows that the *Peace of Augsburg* was formulated on the basis of generous Christian love, with a view to achieving a compromise among different religious beliefs through appropriate religious freedom and reaching religious peace and unity in the end.

"Cuius regio, eius religio" principle and exceptions. The *Peace of Augsburg (1555)* reconfirmed the "cuius regio, eius religio" principle[5] concluded by the later generations, which provides that "he who governs the territory decides its religion". This principle is derived from Article 23 of the *Peace of Augsburg*, which stipulates that "no estate shall induce another's subjects to accept his religion and abandon the other's, nor shall he take those subjects under his protection or in any way defend them in such actions". That is, the Imperial

[5] In fact, the "cuius regio, eius religio" principle may be seen as the aforesaid "either-or" principle of religious freedom. However, in order to differentiate it from the rules of religious belief for free cities of the Empire, the author discusses the "cuius regio, eius religio" principle and the aforesaid principle in a separate manner.

Estates are endowed with religious freedom (or exactly, the freedom of religious choice) while the subjects thereof have none. Such freedom is shared only at the vassal level, which means every prince or duke has the power to decide the religious belief of the subjects ruled thereby and ban other religions within his territory. In order to protect the unity of the Empire and religion and on basis of personal hatred against Luther and the Lutheranism (Teaching and Research Section of Ancient World History of Beijing Normal University, 1991, pp. 571-576)[6], Karl V, the Emperor, rejected to recognize the Protestant beliefs of his hometown Burgundy, rendering Catholicism the only legal religion in such areas of the Empire.

Closely associated with the "cuius regio, eius religio" principle, Article 24 provides for the migration right of the subjects after conversion to another religion. Upon selling possessions, making appropriate compensation to his lord, and paying the additional tax (Nachsteuer), the subject concerned may leave with remaining property. This Article, to a certain extent, reflects the religious freedom. However, such migration right and property right are barely realized in most cases due to the heavy "emigration tax" stipulated by the lord (Schmidt, 1999, p. 101), which undoubtedly makes it harder to maintain the internal peace and order of the Empire. In other words, this Article realized religious freedom in legal form, but produced chaos and conflicts in political practices. Many states not only established multiple obstacles for such religious-belief-based migration right, but also implemented compulsory management on affairs related to religious belief of the subjects and persecuted those with different religious beliefs. Certainly, someone argues that "it is impossible for the authority of the day wishfully to impose its will on the subjects, or impose the so-called contemporary ideas on the civilians at that time" (Zhou, 2015, p. 214).[7] However, one must see that, though the authorities of different states possessed different intensity of rule, the politics and religions thereof "congenially" depended on each other to take a path towards "centralization" after the Reformation (Schmidt, 1999, p. 103) and the authorities of different regions enhanced their centralized rule and autocratic powers to different degrees. Simultaneously, many cities of the Empire at that time seemed to be satisfied with the status of being subservient to the autocratic powers of the princes, had no objection against the rule of princes, and carried no fight for their own "right of autonomy" or "imperial freedom" (Merz, 2007, p. 335).

In accordance with the "cuius regio, eius religio" principle, Imperial Estates shall be entitled to religious freedom, but the *Peace of Augsburg* also contains restrictive provision thereon, which is the "ecclesiastical reservation" (reservatum ecclesiasticum) principle. Article 18 provides that

> where an archbishop, bishop, prelate or other spiritual incumbent shall depart from Our old religion, he shall immediately, without any opposition or delay, abandon his archbishopric, bishopric, prelacy, and other benefices, together with the fruits and incomes he may have received from it, though without prejudice to his honor.

According to the analysis, this Article was formulated as required by Ferdinand I and the Catholics, which was accepted by the Protestants in the end after resistance in the beginning (Ströle-Bühler, 1991, p. 21). In accordance with Article 19, the status of the confiscated and redistributed properties, such as abbeys, monasteries, and other ecclesiastical properties, which are used as churches, schools, and charitable institutions by the Imperial Estates and their ancestors, shall be maintained, unless they are owned by those without any

[6] This can be reflected in the *Edict of Worms (1521)*, in which Luther is called "a madman", "the possessed", "devil with a human face", "impenitent deviationist", "man with evil heart", "shame and misfortune of the overall Christian Church and Germany", and otherwise.

[7] On the other hand, it is argued that, "the ruler decides all, formulates various rules and regulations and forces the civilians to obey" after the Reformation.

means or by direct Imperial subjects, or if the clergy have owned them at the time of the *Treaty of Passau* (1552) or subsequently. In order to maintain the permanent public peace, we order and command the chief judge and other judges of the Imperial Chamber Court to recognize or accept no citation, order or suit concerning the goods that were confiscated and converted to other purposes. Therefore, the status of religious properties of the Empire resumed to the status as it used to be on August 2, 1552, the day when the *Treaty of Passau* was concluded, and the Catholics (land) occupied by the Protestant princes before August 2, 1552 may not be returned (Teaching and Research Section of Ancient World History of Beijing Normal University, 1991, p. 592). Any Catholic prince, prelate, and others with church post and church properties shall, after converting to Lutheranism, give up his authority and lose his status, identity, and interests. The "ecclesiastical reservation" principle aims at limiting the religious princes believing in Catholic from converting into Lutheranism.

Content concerning the "ecclesiastical reservation" principle is a focus of controversy on the Imperial Diet in Augsburg of 1555. In fact, the Protestants disagreed with the contents concerning this principle in the *Peace of Augsburg*. The addition of such contents was ordered by Ferdinand I unilaterally. Hence, the Protestants claimed that they were only bound by the provisions that they agreed (Gotthard, 2004, p. 17). In order to ease the conflicts with the Protestants, Ferdinand I issued the "Declaration of Ferdinand" ("Declaratio Ferdinandea") one day before the promulgation of *Peace of Augsburg* (that is September 24, 1555) by the Imperial Diet in Augsburg as required by the Protestants (Lück, 2006, p. 18), who were not satisfied at all. According to the "Declaration of Ferdinand", the nobles, cities, and towns ruled by religious princes may, if having long believed in Lutheranism, keep their religious belief in the territory of the princes believing in Catholicism. This restricts the princes' power of regulating the religious belief within their territory to a great extent, triggering the objection of Catholicism. However, as the Habsburg King of Germany, Ferdinand I did not sign the "Declaration of Ferdinand" (Willoweit, 2005, p. 45),[8] causing the "Declaration" a "personal commitment" (Schmidt, 1999, p. 101) of Ferdinand I rather than the official resolution of the Imperial Diet in Augsburg. Therefore, the validity of such Declaration is questionable (Ströle-Bühler, 1991, p. 23; Gotthard, 2004, pp. 17-18, 268). Accordingly, Reinhold Kiermayer argues that the "Declaration of Ferdinand" has not exerted any substantial influence and was "forgotten very soon". However, according to Axel Gotthard, it was not "forgotten very soon" as the Protestants at that time treated it as the supplementary resolution of the Imperial Diet in Augsburg of 1555 and the imperial law with full legal effects. But the "Declaration of Ferdinand" was ignored by the Catholics and therefore failed to exert substantial influences in the next two decades (Gotthard, 2004, pp. 267-269).

The "ecclesiastical reservation" principle and the "Declaration of Ferdinand" have in fact become the exceptions of the "cuius regio, eius religio" principle and the issues not agreed uniformly in the *Peace of Augsburg (1555)*, which increased the complication of the religious situation and brought about more obstacles and difficulties to the execution of the *Peace of Augsburg*. Thomas M. Lindsay has pointed out in *A History of the Reformation* that two major issues showed in the "ecclesiastical reservation" principle and the "Declaration of Ferdinand" were not resolved specifically by the *Peace of Augsburg (1555)*, which is also one of the major reasons triggering the Thirty Years War (Lindsay, 2016, p. 394), since "one party insists on obtaining something unavailable, while the other party strives to defend what it already has" (Schiller, 2009, p. 9).

Someone argues that the *Peace of Augsburg (1555)*, especially the "cuius regio, eius religio" principle

[8] In accordance with the research of Professor Dietmar Willoweit, only Prince-elector of Saxon and the Secretariat of the Emperor signed the "Declaration of Ferdinand".

therein, is "of key significance" for the division of German areas (Liu, 2009, p. 337). However, from the purposes and the negotiation process of the *Peace of Augsburg*, the parties thereto subjectively wished to achieve "unity" instead of "division". Not only Karl V, the Holy Roman Emperor at the time, but also Ferdinand I, the "unpredictable" Habsburg King of Germany, wished to realize the unity of religious belief and existence of an universal empire (Gotthard, 2004, pp. 71-72). Hegel once argued that, "though the German areas is experiencing division, the parts thereof still follow its principles and are always in close relation" (Hegel, 2015, p. 407), that is, being part of the Holy Roman Empire by "unity of opposites" between secular rule and religious power. The *Peace of Augsburg (1555)* also reflects such principle of existence of the Empire, which is, to settle the political and legal issues and the religious issues together, try to resolve the religious issues in a political and legal manner at the imperial level, and connect the development of the Empire with the Christian Religion in a close manner, rendering the Holy Roman Empire a "combination of two religious beliefs and multiple territorial sovereignty" (Schilling, 2005, p. 25).

"Temporary Provisions" in the *Peace of Augsburg*

The last two articles of the *Peace of Augsburg (1555)* (namely, Article 29 and Article 30) provide for the commitment of the Emperor, Habsburg King of Germany and Imperial Estates of the Empire on compliance and execution of the *Peace of Augsburg*: The Emperor and the King "swear by their dignity and commitment that they would protect and execute every aforesaid article in a faithful and honest manner" (Article 29); all (whether attending the Imperial Diet or not) prince-electors, princes, prelates, dukes, and others of the Empire "undertake with their reputation and dignity to execute in a persistent, firm and faithful manner" (Article 30). Though many articles of the *Peace of Augsburg (1555)* have provided for and emphasized the importance of peace and order of the Empire, there lacks effective institutional measures to guarantee the compliance of the *Peace of Augsburg* by the Imperial Estates. Therefore, the mechanism established to solve religious issues and reach religious peace in the *Peace of Augsburg* is very fragile and the regulatory function thereof can only be realized by such attempt as "compliance commitment". Hence, Ferdinand I reaffirmed the compliance of the *Peace of Augsburg* in the speech made on the closing ceremony of the Imperial Diet and called for compliance by all Imperial Estates (Kohler, 2007, p. 19).

Ferdinand I at the time still dreamed for unity of religion. Therefore, the Imperial Diet in Augsburg of 1555 finally decided to reach a reconciliation over the holy religious and belief-related affairs of the Empire at the Imperial Diet in Regensburg held at the first day of May of the next year (that is, May 1, 1556) and finish and truly execute the new relevant laws and imperial orders. During this period, the Emperor and the Imperial Estates shall discuss, compromise, and solve other relevant issues as soon as possible (Article 141). In other words, the *Peace of Augsburg (1555)* is nothing but a provisional resolution; the parties thereto wished to realize the unity of religion in the next imperial diet. However, as the later development proves, the unity of religion becomes increasingly improbable and diversification thereof represents an irresistible trend. After the failure of Religious Disputation in Worms of 1557, all parties had to search for resolution to religious issues from the *Peace of Augsburg*, while Ferdinand I seemed to see through the development trend of religious reform, causing him to give up the dream for unity of religion after being crowned Emperor of the Empire in 1558 (Willoweit, 2005, p. 45).

The fundamental rules for realization of religious peace were temporarily established within the Empire through the *Peace of Augsburg (1555)*; however, as the "cliché" and "empty words" concerning pursuit of

peace and order therein cover the disputes and hostility of the parties concerned (Schmidt, 1999, p. 101) and the *Peace of Augsburg* itself possesses considerable degree of "openness", both the Catholicism and the Lutheranism may deliver different interpretation concerning relevant contents (Lück, 2006, p. 21). Hence, many issues are left unresolved and the difficulty for execution thereof is increased instead. More importantly, neither the demand of the Catholicism nor that of the Lutheranism is completely satisfied. The Emperor and Habsburg King of Germany believing in Catholicism had no intention to recognize the rights enjoyed by the Protestants, but the results of the *Peace of Augsburg* are not as Ferdinand I and the Catholics wished, since the Protestants benefited far beyond their expectation (Gotthard, 2004, pp. 75, 170). So "the Catholics argued that they have lost too much, while the Protestants insisted that they have received too little" (Schiller, 2009, p. 11). On the other hand, other religions developed thereafter (such as the Calvinism) do not fall within the regulation of the *Peace of Augsburg*. Disputing over the interpretation of certain doctrines with the Roman Catholic and objecting to certain doctrinal theories and inquisition system within the religion institution, such other religions insisted that their interpretation of religious doctrines and understanding of religion institution come directly from the word of God (Lindsay, 2016, pp. 10-11). Unfortunately, no proper resolution is proposed in the *Peace of Augsburg (1555)* for the controversies and issues among these religions, the Catholicism, and the Lutheranism, and the legitimate status of the Calvinism was not officially admitted until the promulgation of the *Peace Treaty of Westphalia* in 1648, which was about a hundred years later.

In addition, the emperors of the Holy Roman Empire are all Catholic and there have never been a Protestant being elected as Habsburg King of Germany or Emperor of the Empire, which leads to a fundamental issue: That is, how could the Emperor of the Empire, also the "defender" of Roman Catholic Church protect the rights and interests of the Protestants? How the properties of the Catholics can be protected from embezzlement by the Protestants? With respect to the settlement of such religious issues, people may, except for armed force, compromise, and legal "commitment", only resort to the Imperial Chamber Court and the Imperial Diet established during the Imperial Reform in 1495 in the institutional level, but it did not take long for them to realize that religious disputes can never be settled through court, while the Imperial Diet also can do nothing but throw a "friendly reconciliation" (Willoweit, 2005, p. 49). Therefore, there is scarcely any institution or organization at the imperial level that can deliver solid protection of the rights and interests of all parties. Since such issues were not resolved and handled properly, the *Peace of Augsburg (1555)* was not executed appropriately, leading to complaints concerning violation of the *Peace of Augsburg (1555)* by Catholic subjects under the rule of Protestant princes and hatred concerning personal persecution of Protestant subjects under the rule of Catholic princes. Simultaneously, the division and mutual suspicions within the Protestantism also intensified the religious instability and social unrest (Schiller, 2009, pp. 12-13). As a successful politician, Thomas Jefferson once "remarked that religion could only be regulated by reason and conviction and not by force or violence" (van Loon, 2001, p. 403). However, force and violence are never absent in human history. Where the breach of contract by one party is not punished accordingly or any party believes that he is too strong to obey the contract, such contract is just words on a piece of paper, and the other parties would never comply with the contract, neither. The outbreak of Thirty Years War from 1618 to 1648 is a true portrayal of the execution of the *Peace of Augsburg (1555).*

"Religious Tolerance" and Interests Weighing Between Belief and Humanity

As "the Reformation was the work of all sorts of people with all sorts of motives" (van Loon, 2001, p.

184), the disputes resulted from the Reformation are also intensified by "all sorts of people with all sorts of motives", while the religious belief played the role less und less. For example, though supporting the Lutheranism and objecting to the Holy Roman Emperor Karl V, Prince Philip, also called Philip I, the Magnanimous (1504-1567), "willingly accepted the help of the infidel Turks in his warfare upon other Christians". In order to gain freedom, he (on the basis of the commitment by Karl V) accepted the *Treaty of Passau* in 1552, which has laid the foundation for the *Peace of Augsburg (1555)*. We can see the ambition of Prince Philip, who "hoped to see the house of Hesse play the role thus far played by the rival house of Habsburg" (van Loon, 2001, p. 184). J. Ch. F. von Schiller once pointed out that,

> some monarchs implemented the Reformation eagerly for pursuit of independence […], they fight for self-defense and expansion, while religious passion summoned the army and took the wealth of people for them. Crowds of combatants believed that […] they are fighting and bleeding for the truth, while instead they only flighted for the interests of the princes. (Schiller, 2009, pp. 2-3)

Even during the Reformation, when religious belief was widespread and pervasive, it still yielded to the temptation of power and interests, and human's intent towards benefits and interests exposed completely. Additionally, the Catholic-dominated France persecuted the Protestants at the time, but it turned to support the Protestants and fought against the Holy Roman Emperor believing in Catholicism in the later Thirty Years War with a view to maintaining the division status of German areas and better realizing its own interest. Therefore, we can see that the interests outweigh the belief. In conclusion, war may be caused by religion, but not all for religion (Schiller, 2009, p. 2).

Seeing from the historical background of the *Peace of Augsburg (1555)*, the choice between humanity and interests plays an important role. Such a Lutheranism-friendly peace proposed by Ferdinand I and the Imperial Estates at the time is not reached due to "tolerance" but due to the Emperor's failure in the previous war (especially the failure in the war in 1552), which forced him to make compromise with the Imperial Estates and Protestant princes. Neither the Roman Catholic nor the Lutheranism had any absolute advantage in the struggle or saw a complete victory. Both parties figured that continuance of struggle will lead to nothing but greater sacrifice and interest loss. With regard to the situation of the day, Konard Repgen wrote, "they are all 'exhausted, since the Protestants, as the 'son', are satisfied for the legal protection obtained, while the other party (namely the Catholics) lacks enthusiasm for the Catholic reform and only attempts to avoid further loss by law'" (Repgen, 1962, p. 70; Gotthard, 2004, p. 75). Axel Gotthard called the Catholics the "exhausted father" and the Protestants the "exhausted son" (Gotthard, 2004, pp. 75, 80). It is good for both "exhausted" parties to back down and reach a compromise.

The conclusion of *Peace of Augsburg (1555)* is a choice of rational balance as well as an unavoidable compromise in reality. The Catholicism never intended to acknowledge the legitimate status of Lutheranism, since it would shake the ruling base of the overall Roman Catholic Church. Simultaneously, Karl V, the Emperor of the day, also could not tolerate the division of religion, as he realized that "if the unity of religious belief is abandoned at the imperial level, the common authority of the emperor will lose […] its foundation of existence" (Rabe, 1996, p. 331). However, in real world, the Catholic Church had to face the truth that Protestants had made a place for itself and a compromise was imperative. In this regard, the *Peace of Augsburg (1555)* is "a treaty between the master and an unconquerable rebel" (Schiller, 2009, p. 10). Hence, some scholars have argued that, the treaty reached by the parties is only a "pro forma compromise" and the peace

reached through such method is actually a “squabbling peace”, demonstrating the hypocrisy behind the treaty reached by the Roman Catholic and the Lutheranism (Gotthard, 2004, p. 271).

Karl V dreamed for building a powerful world empire and wished to resolve the “empire-religion” or “religion-empire” issue through “imperial reform” (Angermeier, 1984, p. 280), but the Empire itself was too weak and incompetent to “figure out the proper treatment for religious reform” and various Protestant religions developed thereon (Hegel, 2015, p. 437). All of these lead to the inconsistent resolutions of the Imperial Diet over religious issues. For example, the resolution proposed by Ferdinand I in 1555 also provided for several exceptions. Undoubtedly, such resolutions with “inner contradictions” can hardly resolve the religious issues. In addition, as the Emperor of the day was defeated, the *Exekutionsordnung* in 1555 conferred the Imperial Estates and Circuli imperii with more power that used to be exercised by the Emperor. Due to the absence of central imperial authority and ineffective institutional construction during the Imperial Reform, it becomes increasingly difficult to maintain the peace and order within the Empire. All of these show that the Holy Roman Empire has never truly become a “universal empire” nor a “world empire”, because it not only “overloads” a large number of states and cities but also has to maintain the “cohabitation” thereof, which is provided by means of imperial law in the *Peace of Augsburg (1555)* (Schilling, 2005, p. 27).

The *Peace of Augsburg (1555)* confirmed the “religious reconciliation” and religious freedom of the Imperial Estates and also showed a certain degree of “religious tolerance”, “right guarantee”, and “interest protection”. However, neither “religious tolerance” nor “right guarantee” falls within any purpose of the *Peace of Augsburg (1555)* or the subjective intent of the parties concerned. The religious reformers of the day also rejected “tolerance”, as “religious tolerance” equals to agreement and confirmation of those “deliberately-made mistakes” in terms of religious belief (Hoffmann, 2007, p. 314). Therefore, the “religious tolerance” and “right guarantee” are additionally contained in the *Peace of Augsburg (1555)* under unavoidable circumstance. Throughout the history, multiple movements and reforms are implemented in the name of “freedom” and “tolerance”, which are abandoned without hesitation by the ones who once strongly advocated after victory; they repeated the mistakes made by their former enemies. With this regard, seeing from the “reverse side”, the title of this part may be interpreted as intransigence and intolerance, or helpless compromise and unavoidable tolerance. “At the bottom of all intolerance” is “fear” (van Loon, 2001, p. 411).

There may be multiple defects and limitations in the *Peace of Augsburg (1555)*, but it has set up the basic rules concerning religious peace within the Empire, saved the Holy Roman Empire from the crisis of division of religious belief, maintained the “integrity” of the Empire (Heckel, 2007, p. 13), established a certain degree of religious freedom, confirmed the legitimate existence of Lutheranism in the Empire, enabled the political coexistence of different conflicting religious beliefs, and at least formally guaranteed the protection of such beliefs by the imperial laws. In later historical development, the *Peace of Augsburg (1555)* itself has completed the “transformation of meaning” from a provisional religion resolution to the “holy fundamental law” showing religious freedom and religious equality (Heckel, 2007, p. 13).

References

Angermeier, H. (1983). *Reichsreform und Reformation* (*Imperial Reform and Reformation*). München: Stiftung Historisches Kolleg.

Angermeier, H. (1984). *Die Reichsreform 1410-1555: Die Staatsproblematik in Deutschland zwischen Mittelalter und Gegenwart* (*The Imperial Reform 1410-1555: The problematic Situation of the States in Germany between Middle Aages and Modern Times*). München: Verlag C. H. Beck.

Boldt, H. (1994). *Deutsche Verfassungsgeschichte* (*Germany Constitutional History*) (Band 1) (3. Aufl.). München: Deutscher Taschenbuch Verlag.

Brendle, F. (2007). Die habsburgischen Kaiser und der Augsburger Religionsfrieden (The Habsburg Emperors and the Peace of Augsburg). In H. Schilling & H. Smolinsky (Hg.), *Der Augsburger Religionsfrieden 1555: Wissenschaftliches Symposium aus Anlaß des 450. Jahrestages des Friedensschlusses, Augsburg 21 bis 25. September 2005* (*The Peace of Augsburg 1555: Academic Symposium on the 450th Anniversary of the Conclusion of the Religious Peace, September 21-25, 2005, Augsburg*). Münster: Aschendorff Verlag.

Duchhardt, H. (1991). *Deutsche Verfassungsgeschichte 1495-1806* (*Germany Constitutional History 1495-1806*). Stuttgart-Berlin-Köln: Verlag W. Kohlhammer.

Gotthard, A. (2004). *Der Augeburger Religionsfrieden* (*The Peace of Augsburg*). Münster: Aschendorff Verlag.

Heckel, M. (2007). Der Augsburger Religionsfriede: Sein Sinnwandel vom provisorischen Notstands-Instrument zum sakrosankten Reichsfundamentalgesetz religiöser Freiheit und Gleichheit (The Peace of Augsburg: The Change of its Meaning from Provisional Emergency-Instrument to Sacrosanct Fundamental Law for Religious Freedom and Equality of the Empire). In J. Gaertner & E. Godel (Hrsg.), *Religionsfreiheit und Frieden: Vom Augsburger Religionsfrieden zum europäischen Verfassungsvertrag* (*Religious Freedom and Peace: From the Peace of Augsburg to European Constitutional Pact*). Frankfurt am Main: Peter Lang GmbH.

Hegel, G. W. F. (2015). *Vorlesungen über die Philosophie der Weltgeschichte (Berlin 1822-1823)*. (L. Q. Liu, Zh. Shen, D. H. Zhang, & Y. Yao, Trans.). Beijing: The Commercial Press.

Hoffmann, C. A. (2007). Die Reichsstädte und der Augsburger Religionsfrieden (Imperial Estates and the Peace of Augsburg). In H. Schilling & H. Smolinsky (Hg.), *Der Augsburger Religionsfrieden 1555: Wissenschaftliches Symposium aus Anlaß des 450. Jahrestages des Friedensschlusses, Augsburg 21 bis 25. September 2005* (*The Peace of Augsburg 1555: Academic Symposium on the 450th Anniversary of the Conclusion of the Religious Peace, September 21-25, 2005, Augsburg*). Münster: Aschendorff Verlag.

Huber, W. (2007). Religionsfreiheit und Toleranz: Wie aktuell ist der Augsburger Religionsfriede? (Religious Freedom and Tolerance: How is the Practical Significance of the Peace of Augsburg). In J. Gaertner & E. Godel (Hrsg.), *Religionsfreiheit und Frieden: Vom Augsburger Religionsfrieden zum europäischen Verfassungsvertrag* (*Religious Freedom and Peace: From the Peace of Augsburg to European Constitutional Pact*). Frankfurt am Main: Peter Lang GmbH.

Kohler, A. (2007). Ferdinand I. Vater des Religionsfriedens (Ferdinand I.: Father of the Peace of Augsburg). In H. Schilling & H. Smolinsky (Hg.), *Der Augsburger Religionsfrieden 1555: Wissenschaftliches Symposium aus Anlaß des 450. Jahrestages des Friedensschlusses, Augsburg 21 bis 25. September 2005* (*The Peace of Augsburg 1555: Academic Symposium on the 450th Anniversary of the Conclusion of the Religious Peace, September 21-25, 2005, Augsburg*). Münster: Aschendorff Verlag.

Kroeschell, K., Cordes, A., & Nehlsen-von Stryk, K. (2008). *Deutsche Rechtsgeschichte* (*Germany Constitutional History*) (Band 2) (9. Aufl.). Köln-Weimar-Wien: Böhlau Verlag.

Lindsay, Th. M. (2016). *A history of the reformation*. (X. M. Kong, B. Ling, H. S. Lü, & H. Lü, Trans.). Beijing: The Commercial Press.

Liu, X. L. (2009). *The ethnic and religious history of Germany*. Beijing: The Commercial Press.

Lück, H. (2006). Der Augsburger Religionsfrieden und das Reichsrecht. Rechtliche Rahmenbedingungen für ein epochales Verfassungsdokument. (The Peace of Augsburg and the Law of the Empire: Legal Frame Conditions for a Epochal Constitutional Document) In G. Graf, G. Wartenberg, & Ch. Winter (Hrsg.), *Der Augsburger Religionsfrieden: Seine Rezeption in den Territorien des Reichs* (*The Peace of Augsburg: Its Accept in the Territories of the Empire*). Leipzig: Evangelische Verlagsanstalt GmbH.

Merz, J. (2007). Der Religionsfrieden, die Declaratio Ferdinandea und die Städte unter geistlicher Herrschaft (The Peace of Augsburg, the Declaratio Ferdinandea and the Cities under the Rule of the Church Governors). In H. Schilling & H. Smolinsky (Hg.), *Der Augsburger Religionsfrieden 1555: Wissenschaftliches Symposium aus Anlaß des 450. Jahrestages des Friedensschlusses, Augsburg 21 bis 25. September 2005* (*The Peace of Augsburg 1555: Academic Symposium on the 450th Anniversary of the Conclusion of the Religious Peace, September 21-25, 2005, Augsburg*). Münster: Aschendorff Verlag.

Rabe, H. (1996). Karl V. und die deutschen Protestanten: Wege, Ziele und Grenzen der kaiserlichen Religionspolitik (Karl V. and the Germany Protestants: Ways, Purposes and Bounds of the Religious Politics of the Emperor). In H. Rabe (Hrsg.), *Karl V.: Politik und politisches System* (*Karl V.: Politics and Politic System*). Konstanz: Universitätsverlag Konstanz GmbH.

Repgen, K. (1962). *Die römische Kurie und der Westfälische Friede: Idee und Wirklichkeit des Papsttums im 16. und 17. Jahrhundert* (*The Roman Curia and the Peace of Westphalia: Idea and Reality of the Government of the Roman Catholic Church in the 16th and 17th Century*) (Bd. 1.1). Tübingen: Max Niemeyer Verlag.

Schiller, J. C. F. (2009). *Geschichte des Dreißigjährigen Kriegs* (*History of the Thirty Years' War*). (G. Q. Shen & J. H. Ding, Trans.). Beijing: The Commercial Press.

Schilling, H. (2005). Das lange 16. Jahrhundert—der Augsburger Religionsfrieden zwischen Reformation und Konfessionalisierung (The Lang 16th Century—The Peace of Augsburg between Reformation and Religionization). In C. A. Hoffmann & M. Johannes u.a. (Hrsg.), *Als Frieden Möglich war: 450 Jahre Ausburger Religionsfrieden* (*As the Peace was possible: 450 th Anniversaty of the Peace of Augsburg*). Regensburg: Verlag Schnell & Steiner GmbH.

Schmidt, G. (1999). *Geschichte des Alten Reiches: Staat und Nation in der Frühen Neuzeit 1495-1806* (*History of the Old Empire: State and Nation in Early Modern Times 1495-1806*). München: Verlag C. H. Beck.

Shelley, B. L. (2012). *Church history in plain language* (3rd ed.). (P. Liu, Trans.). Shanghai: Shanghai People's Publishing House.

Ströle-Bühler, H. (1991). *Das Restitutionsedikt von 1629 im Spannungsfeld zwischen Augsburger Religionsfrieden 1555 und dem Westfälischen Frieden 1648* (*The Edict of Restitution 1629 in the Field of Conflict between the Peace of Augsburg1555 and the Peace of Westphalia 1648*). Regensburg: S. Roderer Verlag.

Teaching and Research Section of Ancient World History of Beijing Normal University. (Eds.). (1991). *Selected historical materials of ancient world history and medieval history*. Beijing: Beijing Normal University Press.

Van Loon, H. W. (2001). *Tolerance*. (L. Y. Qin & S. X. Feng, Trans.). Guilin: Guangxi Normal University Press.

Wang, Y. H. (2016). Rethinking on the imperial reform in 1495 and the system dilemma in reconstruction of the peaceful order in the Holy Roman Empire. *Journal of Comparative Law, 4,* 119-130.

Wang, Y. H. (2017). "Fundamental Law of the Empire" and the contracted rule: "Imperial Reform" under the concept of contract in the Holy Roman Empire (1500-1521). *Journal of Historical Science, 10,* 81-90.

Willoweit, D. (2005). Religionsrecht im Heiligen Römischen Reich zwischen Mittelalter und Aufklärung (The Religious Right in the Holy Roman Empire between the Middle Ages and the Age of Enlightenment). In C. A. Hoffmann & M. Johannes u.a. (Hrsg.), *Als Frieden Möglich war: 450 Jahre Ausburger Religionsfrieden* (*As the Peace was possible: 450 th Anniversaty of the Peace of Augsburg*). Regensburg: Verlag Schnell & Steiner GmbH.

Zeumer, K. (Hrsg.). (1913). *Quellensammlung zur Geschichte der deutschen Reichsverfassung in Mittelalter und Neuzeit* (*Collection of Historical Data for the Constitutions of the Germany Empire in the Middle Ages and the Early Modern Ages*) (2. Aufl.). Tübingen: Verlag von J. C. B. Mohr.

Zhou, S. T. (2015). *Faith and life: Reforms in Nuremberg in the 16th century*. Beijing: Peking University Press.