An Honors Thesis Titled
"I loved War Too Much": The Peace of Westphalia's Attempt at Pragmatic International Relations.

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by

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“I Loved War Too Much”: The Peace of Westphalia’s Attempt at Pragmatic International Relations.

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Aspects of Work.

The two translations used for this work, the English translation from French in 1697 and the Avalon Project’s translation have slight differences in diction following translation. The old English translation was referred to primarily in situations of dispute.

“[I have loved War Too Much]” Quote from Louis XIV¹

Intro

In 1648, the Thirty Years War ended and brought about multiple treaties that cumulated in the Peace of Westphalia. The Peace of Westphalia ended war with religious intent, and solidified the Germanic Estates pursuit of sovereignty in Europe. The overarching themes of the Treaty held significance but the Treaty itself held more significance than grandiose ideals. The Articles and the precedent set by the plenipotentiaries of the Peace described international relations for Europe. The leaders of the Peace talks understood the conditions of European politics and the war that ravaged the continent. Europe, created in 1648, aspired not only to function under war, but also to prosper in these conditions. The Treaty of Westphalia reconstructed European relations economically and politically. The Peace affected Europe drastically and set precedent for future peace agreements. Following the Treaty of Westphalia, Europe designed to handle war, a Europe designed to function in war, a Europe designed for war. The Peace of Westphalia finally ended religious control over international relations and created a new diplomatic framework for Europe.

Prelude (Historiography)

The greatest historical debate over the Thirty Year War and the Treaty of Westphalia remarks whether or not the war derived its inspiration from religion or politics. A one-sided became difficult to make, for the war of religion still contained actions that only had political gain in mind. Defenders of a war based solely on politics also must face the challenge of religious decisions in many ways. The argument that Catholic leaders acted in spite of their Religion discerned through the French support of protestant states against the Holy Roman Empire, versus the Holy Roman Emperor
removing Generalissimo Wallenstein from power for his lack of piety. Historians combat this problem by analyzing the moments when religion and political agendas meet and how the leaders decided upon them.

Historians have raised the question of the Thirty Years War's inevitability. These historians argued that the Treaty of Augsburg set up a second war based on religion and politics. Major historians, such as Wilson, Pufendorf, and many others contributed to this topic. In each claim, historians focused mainly on the war and analyzed the Treaty of Westphalia as the end. The Treaty more often received claim from international political thinkers. These Historians tend to see that the Peace contained malicious intent for more war, whereas newer historians viewed the Peace positively, forming the basis for diplomatic relations.²

Most analyses of the treaty of Westphalia focus on the nature of the Treaty. These historians tried to define the delegates' aspirations and attempted to figure out the delegates' intent for their states at the peace conference. Historians like C.V. Wedgewood saw the treaty as a "rearrangement of the European map ready for the next war", while their peers, along the thinking of Georges Pages believed the Treaty to act as the "transformation from medieval to modern times".³ Political Scientists, more so than historians, focused their analysis on the aftereffects of the Treaty of Westphalia and its


effect on modern politics. What many historians generally addressed about the Treaty of Westphalia included grandiose themes of politics or war, and what the treaty eventually caused. It missed almost entirely the immediate effect of the treaty, the “mundane” articles that really changed Europe.

The War

The Thirty Years war brought about one of the most devastating times for Europe. The war resulted in the death of millions, both on the battlefield and through total war efforts. Even more death occurred, caused from famine and disease, which spread constantly. The German public in the 1960s revered the Thirty Years War to be their nation’s greatest disaster in spite of the World Wars, Holocaust, and other atrocities. The three decades of war led to an accumulation of treaties that comprised the Peace of Westphalia. The death of civilian and military personnel during the Thirty Years War compared in fatality numbers to both world wars. The major powers of Europe and the religious leaders on both sides came together in congress to find peace for their war ravaged continent, and in doing so create a new era.

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4 Wilson. *The Thirty Years War: Europe's Tragedy*, 5 (This was through a public poll and public opinion changed after more information of the Holocaust had been released to the German public.)

Europe's first major war of the seventeenth century centered on multiple conflicts, some of which continued from the sixteenth century, and culminated into the Thirty Years war. The war separated into four major phases politically. The first phase began with religious revolt in Bohemia from freedom of the Habsburg, in the seventeenth century Austrian Habsburg, controlled Holy Roman Empire. This short-lived revolt yielded to the second phase of war, which included the Danish fighting against the Holy Roman Empire. The third political phase involved war between Sweden and the Holy Roman Empire, mostly the success Gustavus Adolphus, and concluded with his death. The final phase included the entrance of France into formal Protestant alliances, which ultimately concluded in the Treaty of Westphalia. The War broke down into two pivotal religious sections. The first, the imperialist domination and success of the Holy Roman Empire, and the second, Protestant success and pushback leading to the treaty. The Edict of Restitution split the first years of the war controlled by Catholic armed success, changed to years of Protestant success. The final years are merely back and forth that led up to the creation of a peace.

The war began following the election of a new Holy Roman Emperor, the new King Ferdinand II (r. 1619-1637). He succeeded Mathias (r. 1612-1619). Mathias implied politics of his predecessor Rudolf II (r.1576-1612) the old Emperor who ruled from Prague, a predominantly Protestant town and followed the precedent of his grandfather Charles V (r. 1519-1556). Charles V granted certain rights to different denominations of Christianity. Bohemia had an armed intervention with the Habsburgs in 1611. The war between Bohemia and the Holy Roma Empire became possible because of the
combination of Silesian, Lusatian, and Moravian Estates into an army.\(^6\) This alliance, with the help of outside threats to the Empire, convinced Rudolf that he needed Bohemian estates and their support. Unlike his cousin Rudolf, Ferdinand II tightened his control over Protestant freedoms. On Wednesday May twenty third of the year 1618, religious tribulations brought about the Defenestration of Prague. Protestant members threw two members of the Catholic and Holy Roman Empire clergy out of the window of the Prague castle, both of the catholic clergymen lived to see the end of the war.\(^7\)

The Defenestration of Prague sparked the Bohemian Revolt. A short war, that lasted from 1618 to 1620. The Holy Roman Empire expected to crush the revolt easily. The Estates elected a leader to head their rebellion against the Habsburgs, Frederick of the Palatinate, nicknamed the Winter King. Frederick, unlike the previous Bohemia resistance, failed to win the support of the Protestant Union, Lutheran provinces, or from Denmark or England.\(^8\) Frederick’s failure to gain support against the Habsburgs baffled those who elected him. They elected him because of his blood relation to the Protestant cause, his father in-law the James I King of England and Frederick led the Protestant

\(^6\) Josef V. Polišenský and Frederick Snider. *War and Society in Europe, 1618-1648.* (Cambridge: Cambridge University Press, 1978), 58

\(^7\) Tomus II. *The beginning of the Thirty Years War. The fight for Bohemia. Source of the history of the Bohemian War (1618-1621).* Trans. Ellen Yutzy Glebe,( Prague: Publisher Hermann Böhlaus Nachf, 1972)

\(^8\) Josef V. Polišenský and Frederick Snider. *War and Society in Europe, 1618-1648.* (Cambridge: Cambridge University Press, 1978), 59
Union. England and the Protestant Union refused to intervene in the separation from the Holy Roman Empire. The Austrian Habsburgs decided to create a league of their own, adding Spain, Habsburg relatives, and Bavaria to their cause. The failure of Frederick made it all too easy for the Habsburgs to end the revolt and re-catholicize the area.

The Netherlands became involved in the war, following the Spanish alliance to the Holy Roman Empire. The Dutch had revolted from Spanish rule in 1568. The revolt embodied the Thirty Years War, with Protestant provinces revolting against a strong Catholic empire. The fighting between Spain and the Dutch contained years of peace, the truce between the two ended in 1621, not allowing the Dutch to support Bohemia. The long revolt persisted because of the newly created Dutch East India Company. The company gave the State the monetary capability to compete with almost any empire. The Dutch economy produced wartime munitions effectively, supplying full arms, armors and other materials to complete an army in 1622. The effective Dutch economy and munition output helped supply the Protestant forces and continued the war effort.

Following the Bohemian defeat in 1620, an alliance of Protestant German regions fought against the Habsburgs out of fear of losing their sovereignty, which they witnessed in Bohemia. The Peace of Augsburg in 1555 had established the sovereignty of Protestant Kings to decide their own religion. The Peace of Augsburg resulted from a long war between the Protestants and the Holy Roman Empire; both campaigns had been

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10 Wilson. *The Thirty Years War: Europe’s Tragedy*, 135-137
completely exhausted and wanted peace. The treaty granted the Evangelical Estates the ability to negotiate with the Emperor on slightly more equal basis than subjects did.\textsuperscript{11} The Latin “Cuius regio, eius religio”\textsuperscript{12}, “Whose Realm, His Religion”, established the freedom of religion, but only for the kings’ sovereign region and only for the Lutheran and Catholic denominations of Christianity. The Seven United Provinces [Dutch, the Netherlands, Holland, Seven United Provinces, and the Low Countries all represent The Dutch lands] continued its revolt against the Spanish and the Danish entered the war against the Holy Roman Empire in favor of its Germanic territories. \textsuperscript{13} The Protestant Germanic regions led by Saxony, took up the fight against the Habsburgs to defend their sovereignty. The protestant Estates of the Empire and the Danish struggled significantly and the Holy Roman Empire continued its successes. This stage of the War resulted in the Treaty of Lubeck signed in 1629, and ended Denmark’s involvement in the Thirty Years War.

Two key mistakes moved the Thirty Years war forward. Emperor Ferdinand believed the war a victory and instituted the Edict of Restitution in 1629. The Catholic Emperor decided to retake Protestant lands for Catholicism, even religious buildings. Many saw the failure that arose from the Edict before it happened. The King of Spain

\textsuperscript{11}Joseph Lortz. The Reformation in Germany. (London: Darton, Longman & Todd, 1968), 322-323


\textsuperscript{13}Croxton. Westphalia: The Last Christian Peace, 41,44
urged the Holy Roman Emperor to hold his “Piety” for he understood that the war had not ended yet.\textsuperscript{14} The Edict noted “establishments and spiritual affairs they have nothing to do with the lands and lordships… they belong to God and the churches”. \textsuperscript{15} “This year [1630] was a bad one for the Protestant religion everywhere, and if the Swedish king had not opposed the emperor in the field, the German princes would have been finished. Alone, they were too weak and couldn’t have overcome the sly crowd".\textsuperscript{16}

The second mistake the Emperor made involved the handling of his strongest general. The leadership of the generalissimo Wallenstein caused much of the success of the Holy Roman Empire during the early stages of the Thirty Years War. Wallenstein created an army with his own capital and hoped to build a navy by occupying German forts.\textsuperscript{17} Wallenstein’s army grew and he continued to succeed in battle. The forces of

\textsuperscript{14}Wilson. \textit{The Thirty Years War: Europe's Tragedy}, 448-454


\textsuperscript{17}Croxton. \textit{Westphalia: The Last Christian Peace}, 42.
Wallenstein ravaged foes and allies alike, and he himself focused on monetary gain, and earning titles. The clergy of the empire convinced Ferdinand II that Wallenstein lacked piety and must not lead an army for the Holy Roman Empire. However, shortly after war resumed at the turn of the decade, the emperor regretted dismissing General Wallenstein and needed to reinstate him. Wallenstein’s power and actions during the war brought him fame and caused the English popularize him in 1640 with a tragic play. The Edict of Restitution and the removal of General Wallenstein changed the Thirty Years war in the favor of the Protestants.

The next stage of the Thirty Years War started with the introduction of European powers into the forefront. Sweden finished their war with Poland and viewed the threat of the Edict of Restitution as too great not to interfere. The Holy Roman Empire’s army had taken much of the lands close to Sweden and the Baltic Sea. The closeness of the army and the duress of the sea made it very clear that Sweden needed to act. Under Gustavus Adolphus, the Lion of the North, Sweden turned the war around and reinvigorated the Protestant Germanic Estates. Adolphus’s impressive military strategy and refined advanced force, led to many successes. Gustavus Adolphus died during battle in 1632, shot three times. He “spent his royal blood… with the Protestant Electors, princes and

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20 “The Causes for Which Gustavus Adolphus is Constrained to Move into Germany” (Eebo. London: Nath, Butter, and Nicholas Bourne, 1631) 7
States of Germany... for the recoverie of your lost liberties”. The Swedish monarch brought back hope for the Protestants.

During all of the fighting and actions of the Thirty Years War, one major enemy of the Habsburgs, stayed out of the fighting. France felt, for much of its existence, that the Habsburgs surrounded them. On one side the Spanish Habsburgs and on the other the Austrian Habsburgs, who also ruled the Holy Roman Empire. Cardinal Richelieu became the leader of the policy of France. The Cardinal believed the wellness of France came before anything else and therefore acted accordingly. France failed to partake in the early stages of the war due to the internal fighting caused by the Huguenots, or French Protestants but predominantly Calvinist. In the Early 1630s Richelieu still feared resilience from the French Protestants and only aided the Swedish cause monetarily, but as Adolphus succeeded Richelieu started to fear the king more. Gustavus Adolphus occupied lands close to French borders and Richelieu put in place a policy, which protected lands that feared Swedish invasion. This policy protected other lands, but in actuality controlled strategic lands that stopped the territorial expansion of Sweden. When Adolphus died, Richelieu moved his focus from his ally to his enemies. France entered the war totally in 1635, declaring war on Spain and in 1636, declaring war on Austria. France’s entrance came at a dire time for Sweden, for the Electors of Saxony and Brandenburg had made peace with Ferdinand the II and then declared war on Sweden.²²

²¹“The Exact and True Relation of That Bloody Battle, In Which His Majestie, Was killed” (Eebo. London: John Wreitton, 1633), 6

²²Croxton. Westphalia: The Last Christian Peace, 44-52
France, Sweden, and the Protestant Estates of the Empire fought together take back their lands and the lands of the Emperor.

The process of ending the Thirty Years Wars struggled along and the leaders sought out no end to it. The peace did not come easily or smoothly. The first instance of the Emperors' willingness to negotiate came with the Peace of Prague in 1635. The emperor began to negotiate following Francis's entrance to the war and desire to turn all of his attention toward the French. Following a major battle between the alliance of Spain, Bavaria, and the Holy Roman Empire against the Swedes at Nordlingen, the leader of Saxony entered the Peace of Prague with the Empire. The largest German ally to Sweden went back to the Empire and now fought against the Swedes. The Treaty made some concessions on the Edict of Restitution in which disputes over religious lands went to court, although the Catholics controlled the courts. The Peace of Prague consolidated all the military forces of the Saxon's, Bavarian's and other forces for the Holy Roman Empire under control of the Emperor.\textsuperscript{23}

The war continued and more peace talks began. Two peace talks involved the Holy Roman Empire in 1636. One between France, Spain, and the Holy Roman Empire, and one between Sweden and the Holy Roman Empire. The Holy Roman Empire wanted to make a separate peace with Sweden in order to attack France with Spain, yet France and Sweden renewed their alliance with the Treaty of Hamburg. Sweden decided that until France made peace, they also fought. Neither of these peace talks ever came to

\textsuperscript{23} Croxton. Westphalia: The Last Christian Peace, 46
fruition and the war continued. For real peace to occur or actually be discussed the position of the Empire needed to change for the worse.24

The first move to peace from the Holy Roman Empire came with the calling of the Electors diet in 1639. The diet came before the Emperor and addressed their desire to end the war due to the extreme exhaustion that occurred economically, and the disdain of the people. Maximillan of Bavaria knew the diet would fail in bringing the Empire to peace, and decided a new meeting needed to take place. In the Estates of the Empire Imperial, circles existed acting as governing bodies of sort, holding their own diets and collecting taxes. These Imperial circles usually did not meet with each other but Maximillan figured that if the circles met with each other and the Electoral diet they might convince the Emperor. A meeting like that created democratic tendencies in an empire, and similarly to the peace negotiations with Sweden, this failed to occur, the Diets of 1639 and 1641 merely included Ferdinand working to raise war funds.25

Many of the Negotiations between the Protestant and Catholic Electors in the Diets consisted of Catholics telling the Protestants that it “was better to get something than nothing”26. Talks between both sides of the war continued and they decided that in 1642 in Westphalia peace talks must take place. The Treaty talks started in 1645, when both parties agreed to hold the talks in 1642. The delay happened because of French delegates heading to Hague to complete another treaty. The beginning of the Peace talks

24Croston. Westphalia: The Last Christian Peace, 67-68
26Croston. Westphalia: The Last Christian Peace, 73
at Westphalia moved slowly, for two of the delegates had orders not to deal with each other until they referred to Ferdinand with his imperial title. The delegates representing sixteen European states consisted of strong minded diplomats and aided by men holding doctorates in law. Most delegates held experience in diplomacy; the youngest member experienced diplomatic relations already and influenced multiple treaties. Abel Servien represented France and negotiated treaties before most notably with Spain in 1631. Trauttsmandorf represented the Holy Roman Empire, and held experience negotiating treaties since 1622. Some delegates held no experience in diplomatic relations, but held key positions in the governments of their respected States. The Treaty started 1645 but failed to accomplish any work until 1646, when the Emperor finally saw the need for Peace.27 The war continued alongside the Peace talks and only concluded after the signing of the Peace in 1648 and delivery of the Treaty.

France held three very simple goals going into the Treaty of Westphalia. France feared Spain and Austria the most during this time and required two specific actions during the Peace Talks. The first, acquiring land that became a boundary between Spain and Austria territory and the French; Alsace, Metz, and Verdun on the border of the Rhine and Catalonia the border between France and Spain. France desired to keep the agreement with Sweden. Sweden kept the Austria out of a combined effort of Spain and Austria against France.28

27 Croxton. Westphalia: The Last Christian Peace, 135, 179

28 Derek Croxton. Westphalia: The Last Christian Peace, 106-108
Ferdinand the Third, the Emperor, desired to keep his Holy Roman Empire together during the Peace talks. To accomplish this goal, he placed an emphasis on German nationalism. The Emperor believed primarily that he must rule his lands without any form of constitutional obstruction. The Estates of the Empire all wished to acquire different goals during the peace talks. Bavaria desired compensation for its loyalty to the Emperor. Princes, such as Frederick William, desired to continue their domain over their birthright lands that had been lost during the war. Other Estates, such as Saxony, held no desire to participate in the negotiations at all.\(^{29}\)

The Dutch and the Spanish held very similar goals. Spain desired to conserve most of their lands and keep most of its territory. Spain desired peace because the French continued to acquire strategic territories that the Spanish needed. The goal of the Dutch went opposite the goal of the Spanish, the Dutch desired official recognition from Europe that it and the Seven United Provinces acquired freedom from Spanish rule. Sweden, the final State that predominantly dictated the Peace of Westphalia, respected the decisions of France and decided similarly to the wishes of France.\(^{30}\)

**Analysis of the Treaty**

The Concluded Peace shall remain in force, and all covenanters of this transaction, shall be obliged to defend and protect all and every article of this peace without distinction of Religion; and if it at any point be violated, the offender not to come to any hostility, submitting the cause to a friendly composition, or the Ordinary Proceedings of Justice.\(^{31}\)

\(^{29}\)Croxton. *Westphalia: The Last Christian Peace*, 121-124

\(^{30}\)Croxton. *Westphalia: The Last Christian Peace*, 111, 113-118

\(^{31}\)“The Articles of the Treaty of Peace”, 42
The Peace of Westphalia created at Munster and Osnabruck contained multiple peace agreements. One agreement consisted of peace between the Holy Roman Empire and France. The next agreement came between Spain and the Dutch, and the final agreement included Sweden and the Holy Roman Empire. The Treaty brought about an end to the war, but the signing of the Treaty failed to bring peace to Europe. The above-mentioned quote held power, and became almost a concluding statement to the Treaty of Westphalia. This article of the Treaty defined that the covenancers must uphold the articles of the Peace, not to uphold peace itself. Europe, during the early modern ages, consisted mostly of war and continued to consist mostly of war and the delegates understood that. The plenipotentiaries of the Treaty of Westphalia understood Europe, and therefore sculpted the continent to operate in a war stricken environment, not to sustain peace. Europe handled war outlined in the Treaty through, economic policies during war, stronger and easier negotiation between States, and recovering from war. The treaty effected the wars that followed the Thirty Years war, through redistributing key forts, or attempting to limit the amount of participants in the war.

The peace talks of Osnabruck and Munster not only address diplomatic relations and negotiating factors, but the main pretext of war for Europe religion. The Treaty of Westphalia marks the end of Europe’s slow march towards the end of religious control over political agendas and religion as a pretext for war. The Arc of Catholicism defined the power of the papacy and the pope over the Kings and Queens of Europe. An example of the power of the Pope in the history of Europe in happened in the eleventh century
when Pope Urban ordered the first Crusade. The power of the pope and the Arc of Catholicism diminished with the end of the medieval age, in instances with the defining of South America, Portugal and Spain ignored two papal bulls and signed their own treaty that the Pope agreed with. Again, in 1555 the Treaty of Augsburg allowed freedom of Kings the choice of their States religion establishing sovereignty. The Arc of Catholicism diminished but the power of Christianity persisted. Pious men still served prominent roles in politics in Europe, the Cardinal held the position of advisor to the Most Christian King (the king of France).

Religion dominated the wars of Europe for multiple centuries during the Treaty of Westphalia's construction. The difference between Protestants and Catholicism cost Europe many lives. Following the end of the War, many failed to discern whether war

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came from a pious position or from greed and ambition. A key ideology arose in the early part of the seventeenth century that the pretext for war originated in honor, profit, revenge, or exercise.\textsuperscript{36} The Treaty of Westphalia addressed the problem derived from religion and decided to establish politics to act as pretense for war. In Article 121 and Article 123 the Treaty addressed religion and established that canonical or ecclesiastical law cannot intrude on the Peace of Westphalia and that no war stat over the problems of differing religion.\textsuperscript{37} With the two articles in the Peace agreement, the Treaty of Westphalia broke the already weakened, framework that Christianity created. The remaining articles of the Peace needed to create a new system of international relations in Europe.

The economic sector of an empire played the most important role in the prosperity of the Empire. During wartime, this concern grew even more. In the Thirty Years War, many states struggled to fund the war, taxed the subjects extensively, and received loans that negatively affected the economy. Most of the economic struggles arose from lack of freedom to trade or from raiding of agricultural lands. To thrive at wartime or at peace, trade and commerce needed protection. The Thirty Years War decimated the lands of Germany and destroyed lands that other states used for agricultural or other ventures. The strength of the Spanish and Dutch economies during an eighty-year war led the delegates


\textsuperscript{37} "The Articles of the Treaty of Peace", 42-43
in the direction that mercantilism best suited European economies, and helped states produce even during war.

The economic idea of Mercantilism resulted from Europe’s move to capitalism not from the Treaty of Westphalia or the Thirty Years War, but definitely quickened and expanded greatly with the help of the Treaty of Westphalia. Capitalism replaced Feudalism in Europe in the 15th century, backed through the influx of a monetary system dictated in the way of silver and gold coins. The desire for gold and silver led the Spanish Kings chasing the new world for riches, and many other States followed in suit. In looking for gold, the explorers found a different, but equally effective wealth, land. The colonies of multiple States later became established. The French created their first Colony in Quebec in 1608. The western European States found a strong desire in the lands that they found. The States with colonies started a new economic policy allowed through capitalism, called mercantilism.

Article 68 of the Treaty of Westphalia exemplifies the extreme movement towards a mercantilist economic policy. The article protected “commerce and navigation” and “provinces, ports and rivers”. The word province held many meanings, one being

38 William A Pelz. ""The King’s in His Castle ... All’s Right with the World": The Collapse of the Middle Ages." In A People’s History of Modern Europe, (London: Pluto Press, 2016), 16


40 “The Articles of the Treaty of Peace”, 25
the regions of a state that lay outside the capital, but the more interesting, territory. The
territory here, referred to the colonies that the states held or started to create during the
thirty years of war. In addition, “navigation” referred to traversing waterways for either
exploration or trading purposes. The protection of ports, rivers, and other commercial
trading routes showed the belief in mercantilism that Western Europe held, for the only
way to transport goods from colonies came via shipping. Reviving international trade and
internal economic stability also existed in the treaty but very broadly, for “commerce be
reestablished” upon the end of the Peace.

While France and other western European States looked west for economic
prowess, the German Estates stayed away from mercantilism. The Estates of the Empire
held two ports capable of colonial expansion but saw no incentive to participate in this
new wave. 41 Western Europe would look to the outside world for help economically and
for territorial expansion. The German Estates held too much responsibility to rebuild
following the war; they spared no opportunity to look for expansion elsewhere. The
Princes of the German States looked inward after the freedoms granted in the Peace, with
more control over their lands.

The plenipotentiaries made many decisions specifically designed in articles and
outlined how states must act according to the agreement. The Treaty of Westphalia also
established many important diplomatic precedents for the future through the actions and
wording of the delegation. In Article 11 of the Treaty “the Assembly of Munster” or the
representative body of Europe that served “for perpetual law and pragmatic sanction”

41 Wilson. The Thirty Years War: Europe’s Tragedy, 799
over the Holy Roman Empire and France. In another translation of Treaty article 121 established a “convention” and article 11 of the Treaty of Westphalia worked in “congress”. The wording and the acts of the delegates of the Treaty created a system of joint commissions during the peace talks. The wording that the representatives used symbolizes the idea of a joint-commission.

The Peace of Westphalia created a joint commission of equal standing in the Empire. The former religious Peace, the Peace of Augsburg, in diplomatic relations set a controversial precedence between European States. The Catholic leadership in the Empire, consisting of the Diet, and the Emperor, believed that the Diet and the Emperor decreed the Peace of Augsburg and it acted as legislation, whereas the Protestants believed that the Peace negotiations happened on equal terms and between equal parties. The system of commission, assembly, or convention created in Westphalia forever decided that States during negotiations held equal status and allowed diplomatic prowess to decide the treaty. The diplomatic equality that the Treaty of Westphalia exemplified in further negotiations that followed the Treaty of Westphalia. After 1680, European peace treaties did not call upon the Pope for guidance or mediation. The Holy Roman Emperor held authority to claim a higher power in Europe than other kings did,

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42"The Articles of the Treaty of Peace”, 40

but needed the help of a coalition to contain the advance of France in 1668.\textsuperscript{44} The coalition negotiated the peace following the war, not the Emperor. Diplomatic relations, following the Peace of Westphalia, happened with the acceptance of the states.

The Treaty used not only precedent act to change diplomatic relations between states, but also used language of the Treaty to implement change in the Electoral diet of the Holy Roman Empire. Article 14 of the Treaty established an Eighth Electorate to the Empire.\textsuperscript{45} Catholics controlled the Electorate during the course of the War, and much of the Empire’s history. This clause limited the power of Holy Roman Emperor and equalized the Electorate on Religious vote. This meant that the Diet and the Emperor no longer held the power to persecute Protestant.

The delegation at Westphalia continued to focus on the political spectrum of Europe. Firstly, the Treaty established the Republic of Venice the mediator of the agreement.\textsuperscript{46} The republic of Venice acted very seldom during war even though the State enlisted a strong military with power enough to stand against Spain\textsuperscript{47}. During the Treaty negotiations, the power of Venice over the peace raised significantly and Contrarini, the Venetian delegate, received the same negotiating powers as the Kings. This idea, that a


\textsuperscript{45} “The Articles of the Treaty of Peace”,8

\textsuperscript{46} “The Articles of the Treaty of Peace”,43

\textsuperscript{47} Croxton. \textit{Westphalia: The Last Christian Peace, 24}
third party equaled the power of monarchs, created a mediator that did not only define the rules of negotiation, but also held influence over the Treaty. A consequence of the powers granted to Contrarini and Venice came when the Electors of the Empire threatened not to attend the talks if the Emperor did not make them equal to Venice and transitively other monarchs.\textsuperscript{48}

The delegation established precedence for Europe to thrive and deal with war. Next the Peace of Westphalia ventured to define how modern Europe must deal with the end of war. The devastation of the Thirty Years War and the halt of economic function meant that the entire continent suffered. Article 69, reestablished trade among the continent. “There shall be a full Liberty of Commerce...same manner as was allowed before the Troubles of Germany”.\textsuperscript{49} The reestablishment of trade following war became commonplace, but Austria and the Estates of the Empire greatly needed to bring back the trade that existed prior to the war.

The Holy Roman Empire failed to flourish economically before the war having close to fifty percent of its population penniless.\textsuperscript{50} Being penniless in this era did not mean complete poverty; many still failed to understand capitalism and survived purely off their own agricultural capabilities. The Estates of the Empire fared even worse following thirty years of war that destroyed its lands, and wartime economic policies that created a massive debt for most participants of the war. The Treaty decided that “the

\textsuperscript{48} Croxton. \textit{Westphalia: The Last Christian Peace}, 148

\textsuperscript{49} “The Articles of the Treaty of Peace”, 25

\textsuperscript{50} Wilson. \textit{The Thirty Years War: Europe's Tragedy}, 795
restitution of debts, shall be lookt upon as null and void” except for “bona fide” (genuine) debts. The absolution of debts allowed for the economies of the Empire and trade between States to restart quickly.

The Treaty of Westphalia addressed the release of prisoners of War and the edicts created under war pressure. Article 110 of the treaty addressed the release of political prisoners. “All Prisoners on the one side and the other, without any distinction...shall be releas'd” the delegates decided that those who participated in the war, soldier or diplomats, held no fault. In addition, Article 9 released major political prisoners, particularly the Elector of Treves. Article part of absolvment that occurred from the Treaty of Westphalia. The precedent before the Treaty of Westphalia included ransoming or the killing of Prisoners of war, for the mindset of a State acted to obliterate the enemy.

The Treaty of Westphalia continued on its justice filled crusade. The next righteous action of the Treaty of Westphalia dealt with war crimes in Article 46. Article 46 established that “justice shall be administered” in all of the provinces of the Holy Roman Empire, and religious status held no effect on the administering of this justice.

The vagueness of the article alone reads that the Treaty of Westphalia addressed and

51 “The Articles of the Treaty of Peace”, 16

52 “The Articles of the Treaty of Peace”, 38

53 “The Articles of the Treaty of Peace”, 7


55 “The Articles of the Treaty of Peace”, 17
reprimanded those that committed war crimes, but this article mostly addressed lost property during the war, and the restoration of property to its owner. The first international war trial occurred in the late fifteenth century when Peter von Hagenbach hanged for crimes committed against civilians.\textsuperscript{56} The establishment of war crime punishments already existed, and the Treaty left discretion of punishment to the States.

The Peace of Westphalia instituted many modern ideals of war into Europe. The Treaty failed to modify Europe in a manner that prolonged peace. The redistributed lands and forts outlined in the Treaty concur with obvious motives for war. In an attempt at appeasing France and limiting its military numbers in German lands, France received a fort at Phillipsbourg. Phillipsbourg overlooked the Rhineland a strategically boundary between France and Germany. The French kept rights to hold a garrison at Phillipsbourg but with limitations, for the treaty held the fort “to a suitable number of soldiers... not capable to give any umbrage, or just suspicion.”\textsuperscript{57} The Peace did not allow for a present garrison that held the strength to “usurp” the Rhine.\textsuperscript{58} These two articles addressed French imperialism and seemed to halt its movement to expand its border.

The problem arose that now the French held a strategic Fort on the Border of the Rhine. There existed no power to control the amount of soldiers France placed in the fort, just an agreement that limited the number. Simply put, when numbers of soldiers at a fort increased, the German states responded with an increase of their own, and an outbreak of


\textsuperscript{57} “The Articles of the Treaty of Peace”, 28

\textsuperscript{58} “The Articles of the Treaty of Peace” 31
war loomed. France received Metz, Toul, and Verdun, which helped to gain other military fortresses along the Rhine.\textsuperscript{59} The articles that reposition forts and lands to the French in the Treaty seem to protect Europe from more war, but in actuality quicken the possibility of more war.

The Treaty of Westphalia tried to create a Europe that survived war. The Treaty outlined a system of alliances or moreover an agreement between France and Austria not to support the "present or future enemies of the other", in Article 3.\textsuperscript{60} The delegations understood that they lacked the power to create peace, but they tried, at least, to limit the length and devastation of war. The lower number of States involved in the war coincided with less devastation and a shorter time of war. France and Austria towards the end of the war and during the Peace wanted to weaken the other side, Austria sought a separate peace with Sweden to then attack France. France feared the encroachment of the Habsburgs, mostly Spain’s territorial controls over Catalonia, and during the sixteenth century aided any and all that opposed the Spanish and the Habsburgs.\textsuperscript{61} Austria now held the seat of Power in the Holy Roman Empire and the Habsburgs, the Treaty attempted to squash another rivalry from beginning.


\textsuperscript{60} "The Articles of the Treaty of Peace", 5

\textsuperscript{61} Croxton. Westphalia: The Last Christian Peace, 23,65
The Treaty of Westphalia changed Europe significantly. The Treaty instituted freedom of commerce overseas that allowed for a quicker and stronger movement to mercantilism. The Treaty of Westphalia designed diplomatic relations that benefited Europe during times of war, and instituted previously used diplomatic tactics into international relations of Europe. The Peace outlined precedent for European peace, that best suited States, and allowed them to recover quicker from war. The Treaty of Westphalia did not create all of the ideas presented but created modified them for Europe’s international use.

What Did the Treaty Actually Do?

The Treaty of Westphalia directly affected the States involved in the negotiations. The Treaties impact on Austria, Spain, Sweden, the Netherlands, and France clearly define the States for much of the seventeenth century through direct effects on the nations because of the treaty or latter treaties referencing the Treaty of Westphalia for guidance. The Treaty also made a major impact on international relations of the continent of Europe and the diplomatic decisions of States. The consequences of the Treaty of Westphalia brought a new era for Europe.

Austria and Ferdinand III understood the immediate effect the treaty of Westphalia had on their empire. The addition of the eight Elector in the Treaty of Westphalia turned the Austrian eye away from ruling Germany and the empire focused its attention towards taking lands from the falling Turks and moving East instead of solidifying the west.62 The Electorate now split even between Protestant and Catholic, and

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attempts to strengthen the power of the Diet during the war threatened to remove the power of the Emperor. The Electors and Princes protest of the Treaty in order to obtain equal status with the other heads of State in the Peace talks removed even more power from the Emperor. The German Estates proved this political divide when Munster and Cologne fought against Austria in the Franco-Dutch war.

Gustavus Adolphus success in the Thirty Years War led to a specific portion of the Treaty of Westphalia dedicated to Swede land and the Holy Roman Empire. The Treaty of Westphalia defined the house control of the northern Germanic estates that prior entrenched itself in disarray and constant dispute. The lack of order in the norther territories of the Empire created a boundary for the Swedes, and made it more difficult for other German States to move up toward the sea and closer to the Swedish homeland. Sweden looked east toward Polish-Lithuania and Russia and continued it wars with the eastern powers. Sweden held its own in the wars to come, yet the State lacked the economy or size to combat great powers and fell towards the turn of the century.63

During the negotiations of the Treaty Philip IV king of Spain dropped an important title that recognized the independence of the Dutch, the one expressing his rule over the United Provinces. Spain and the United Provinces, the Dutch, entered different paths. The negotiations between Spain and the Dutch continued to hurt the power and land claims of Spain. The Treaty removed the Spanish claim to Portugal and all the Portuguese colonies that the Dutch had conquered. The treaty gave the Dutch the right to

63Lee. Aspects of European History, 151-153
trade in any lands that Spain yet established its own.\textsuperscript{64} After Spain negotiated the Freedom of the Dutch, Spain withdrew from the peace talks and prepared for continued war against France.\textsuperscript{65} All of these aspects of the Treaty of Westphalia contributed to the Spanish depleted economy and the continued use of a weakened military.\textsuperscript{66}

The Netherlands or the seven united provinces received a recognized independence during the Treaty of Westphalia and more colonies from Spain. The freedom that the Dutch received to trade in the colonies that it owned and the colonies conquered from Portugal during the war between the two allowed for the Netherlands to flourish. The Dutch controlled much of the trade from the new world, but thanks to the Treaty of Westphalia and the freedoms of trade and commerce granted the French colonial power emerged. The Dutch experienced a golden age, the trade of the Netherlands flourished.\textsuperscript{67} The Dutch new world power based off of merchant trading failed to compete against the great powers of Europe, France and England outmaneuvered the small country economically into forcing their trade to stagger, and then went to war with the Dutch.\textsuperscript{68}

France benefitted extremely from the Treaty of Westphalia. The State received many lands from the Empire, and key forts along its border. The Treaties trade

\textsuperscript{64}Croxton. \textit{Westphalia: The Last Christian Peace}, 245

\textsuperscript{65}Holsti. \textit{Peace and War},41

\textsuperscript{66}Lee. \textit{Aspects of European History}, 143-145

\textsuperscript{67}Croxton. \textit{Westphalia: The Last Christian Peace}, 245

\textsuperscript{68}Lee. \textit{Aspects of European History}, 155-157
organization beckoned France to move into North America more heavily. Under Louis XIV, France centralized its colonial power in the Canada, and made expansion of colonies in what became Louisiana and Texas.\(^6^9\) The establishment of Saint Domingue (Haiti) proved to the most beneficial of the French colonies. The Treaty of Westphalia finally removed the Habsburgs pressure that French Kings had felt since the sixteenth century. The creation of the Dutch republic, weekend the Spanish and gave France a chance to take some of the low country. The Catalonia revolts allowed France to control the closest portion of Spain to the “Hexagon” of France.

The Treaty did not only impact the States directly, but with an introduction of radical and progressive wartime and peace aspirations in the treaty of Westphalia created a Europe built around handling and dealing with war, not a Europe made for peace. The introduction of arbitration, Joint committees, balance of Power, freedom of trade, and the other major themes of the Treaty opened the gateways for more fighting, but Europe now thrived in wartime.

Arbitration introduced a third party to wartime peace conferences. This way of ending war limited the punishments and successions that the losing side of a war would generally undergo. This did not stop war from happening, but stops the destruction of European states, their economies, or militaries in result of losing a war. Losing a war did not mean the end of your state as a great power it only meant losing a power struggle. The example of this arbitration arises in the second northern war between Denmark and

Sweden. England France, and the United Provinces of the Netherlands mediated the treaty and guaranteed it. The mediators offered terms of compromise in the Treaty, this allowed both parties to leave the war in better shape than had the war continued.\textsuperscript{70} The mediation of strong independent States to stop the destruction of two states and create a compromise of peace to preserve the greater Europe spurred from the Treaty of Westphalia.

Freedom of Trade on the waterways and by land allotted freedoms of States to continue to grow economically during times of war in Europe. Economically the other powers now faced no threat to their economies due to trading partners enveloped in war or because they themselves were in war. This allowed colonialism to continue to expand. The “general crisis” of Europe lasted the entirety of the seventeenth century, but after 1721, “plague and pestilence, if not famine” disappeared from the continent. Frances economy began to turn around in 1690, and the economic effects of the Treaty became noticeable.\textsuperscript{71} The economic benefits of the Treaty of Westphalia showed slowly because the major debt of war created during the Thirty Years War, and the constant war that happened during the rest of the century. The economic situation of Europe turned around still enveloped in constant war.

\textsuperscript{70} Herbert Harvey Rowen. "Storm in the North: (1657–1660)." In \textit{John De Witt, Grand Pensionary of Holland, 1625-1672}, (Princeton University Press, 1978), 323-326

Balance of Power created freedom and security as the Great Powers of Europe kept each other at bay. This worked well when the powers wanted to Balance the world. Great Britain and Austria used the Balance of Power well, stopping France from taking over Spain or in later centuries by propping up the Ottoman Empire to border the imposing Russian empire. Yet, what stopped the powers from not wanting to stay balanced, when one power became strong enough to dominate Europe, France in the late seventeenth century. In 1688, Louis XIV attempted to extend French dominance into the Rhineland, and a strong coalition of European States stood to stop him. This coalition contained England, the Habsburgs (Spain and Austria), the Dutch, and a few other States.  

The Balance of Power established in the Treaty of Westphalia seemed majorly in favor of France. France increased its territory through the Treaty, gained key forts on the Rhineland, and the enemies of France lost territory. The system aligned the French and the Habsburgs in a power struggle over the coexisting border, but France clearly the stronger of the two. The coalition created in 1688 to defy the French. The Peace of Westphalia established a European continent that did not allow one great power to dominate the region. The age European Empires on the continent quieted for a century.

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73 Chandler. Atlas of Military Strategy, 34

74 Amos S Hershey. "History of International Law Since the Peace of Westphalia." The American Journal of International Law 6, no. 1 (1912):
and a half. The Great Powers of Europe had no mind of peace, but understood that without new ways of dealing with war, continued destruction and long lasting wars are to be the only outcome.

**Legacy of Westphalia**

The Treaty destroyed the current governing body of the world community, the Arc of Catholicism. The political science community analyzed the political world through lenses, in the modern world they look at three stages of government particularly. The first being the individual, the second being the State, and the third being the void that connects the states, the international community. Most genuinely believe that the world lacks an international community and consisted of Treaties, councils, and alliances that mean absolutely nothing. The roots of a true and new controlling international body began with the Treaty of Westphalia. The joint commission that the treaty created led to the creation of the congresses of Europe, starting with the congress of Vienna in 1815. This in turn led to the peace agreements of World War I and World War II, creating the United Nations. The United Nations along with Geneva agreements of war ethics create a world governing body, a parliament or legislature for the globe. An international overseer of international relations did not start with the Treaty of Westphalia, but changed to political motivation under the new agreement. A stronger United Nations may be the only path to peace, the world cannot be governed by squabbling monarchs. That imperialism held the
path to peace, for one Emperor could put to end the disputes between Kings.\textsuperscript{75} The Peace of Westphalia became a constitution for Europe that filled the void left by the arc of Catholicism.\textsuperscript{76}

The Treaty of Westphalia set a precedent for major European peace treaties to follow. The negotiations at Nijmegen, Ryswick, and the grand alliance of 1688 intended to return Europe to the precedent set by the Treaty of Westphalia. Article 2 of the Treaty at Nijmegen, specifically, referenced the Treaties of Munster and Osnabruck.\textsuperscript{77} European reliance on the Peace of Westphalia ended with Napoleons success and the absolution of the Holy Roman Empire in 1806. To address the changes in Europe, following the defeat of Napoleon, the Congress of Vienna created a new constitution that set the international relations of Europe. The congress built up Prussia, and solidified Austrian colonies to counterbalance the Power of Russia. The parties that attended the Congress of Vienna failed to agree on everything, but they agreed that the agreement replaced the Treaty of Westphalia. The Congress existed to symbolize what the future treaties must resemble.\textsuperscript{78} The European order created in Vienna struggled to last. Even more changes to Europe led to another great war. The First World War led to The Treaty of Versailles, which held the

\textsuperscript{75}Indra Datt Sharma and Nand Lal. "The Place and Importance of Dante Alighieri in the History of the Medieval Political Thought." \textit{The Indian Journal of Political Science} 6, no. 1 (1944): 30.

\textsuperscript{76}Holsti. \textit{Peace and War}, 38

\textsuperscript{77}Holsti. \textit{Peace and War}, 44

\textsuperscript{78}Holsti. \textit{Peace and War}, 138
responsibility to replace the congress system of Vienna. European diplomats witnessed the failed attempts of the Treaty of Westphalia and the Congress system of Vienna in governing the international relations of Europe. The diplomats created the League of Nations, a police force, to govern the world. Once again, the governing system of Europe failed and led to the Second World War Europe and the United States created the United Nations that became a global police force. In all of these Peace agreements, the agenda and agreement that governed Europe became the duty of a few elite men.\textsuperscript{79} The governance of the United Nations over global international relations became the most powerful international body since the time of religious dominance of the Ottoman Empire.

The peace orchestrated in 1648 had its own weakness. The Treaty created a system of European diplomacy that governed the States, but created nothing to enforce the policies that agreed upon in the Treaty of Westphalia. The delegates believed that the balance of power enforced the laws of the Treaty, and enforced the framework created in 1648. When the balance of power broke down, the alignment created by Westphalia dissolved broke with it. The Westphalia system needed to be improved and the major peace agreements that followed, all attempted to improve on the Peace of Westphalia. The Congress System created in 1815 established a governing body, and the World War Peace Accords established a police force. The legacy of the Treaty of Westphalia is not only its success, but also through its failure.

\textsuperscript{79}Holsti. \textit{Peace and War}, 174-178, 242-243
Raison d'état, the political thought of Cardinal Richelieu, played a major role in the Peace of Westphalia. Raison d'état led to Realpolitik, and later to the political ideology of realism. The ideology that follows realism is that States always act in their own interest. The Peace of Westphalia and the actions of the leaders of the States involved coincided with the approach of realism. Westphalia created a new system of diplomacy in Europe, but it failed to create peace throughout the continent. France and Spain, who fought against each other during the Thirty Years War, continued their confrontation until 1659. Westphalia created peace in the area that required it the most Germany, but the law of war ruled Europe. Peace created ideally to continue and conserve peace, not to redefine the world for the winners, creates more peace. The Treaty of Westphalia continued the ambition of territorial expansion, when it transferred the lands of the Spanish and Austrians to the France. War arose from the contest of power from the Sovereign States of Europe. Now the idea of sovereignty created to replace religion introduced a new pretense for war, not an institution to control of limit war. From 1648 to 1713, Europe held stage to twenty two wars. The idea that Europeans wanted to end war because of the atrocity of Thirty Years War is not correct, the States


82 Holsti. Peace and War, pg 47
involved failed to cease the war between themselves in the Peace. The Peace of Westphalia monitored war and controlled the outcome, to allow Europe to prosper and grow.

The Treaty of Westphalia included many articles and even more ideologies. The goals of the Peace did not all succeed or even make it to the Treaty, but the Peace of Westphalia held major implications for the fate of Europe. The new framework that the Thirty Years War created in 1648 led a stronger and more prosperous Europe. The economic turmoil that persisted in Europe turned for the better in the latter half of the seventeenth century. The diplomatic relations of Europe allowed for the boundaries and territory of Europe predominantly to stay the same for centuries. The Treaty of Westphalia moved Europe forward and into prosperous times. The Peace became an early step in Europe’s domination of the globe.
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