

# The Open Court

A MONTHLY MAGAZINE

Devoted to the Science of Religion, the Religion of Science, and the  
Extension of the Religious Parliament Idea

Founded by EDWARD C. HEGELER

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VOL. XXXIII (No. 4)

APRIL, 1919

NO. 755

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## The Open Court Publishing Company

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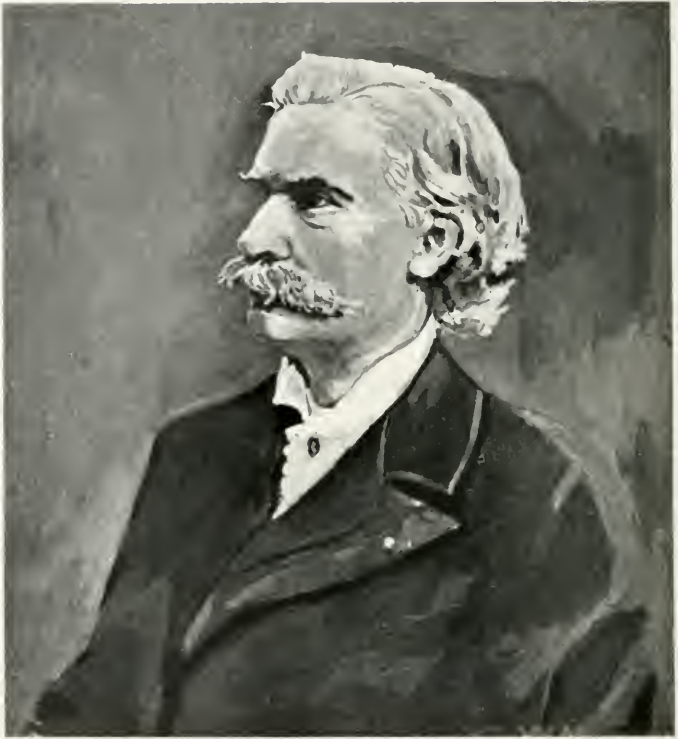
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## SUGGESTIONS OF THE PEACE TREATY OF WESTPHALIA FOR THE PEACE CONFERENCE IN PARIS.

BY ARTHUR MACDONALD,<sup>1</sup>

THE Conference of Nations that is now taking place around the peace table at Paris is doubtless the most important of any in history. One reason is the fact that whatever plan the conference may decide to carry out will necessarily concern most all countries of the world. For railroads, steamships, aeroplanes, telegraphs, telephones, and wireless telegraphy, as never before, have made communication between nations so easy, quick, and direct that distance is almost eliminated, enabling the whole world to think, reason, and act at the same time, and to be influenced as one human solidarity.

There seems to be a strong desire in all lands that the Peace Conference will make future wars not only improbable but practically impossible. But how can this be done? For years countless peace plans and theories have been proposed filling volumes of books, but they are mainly of a speculative nature. Since theoretical grounds have proved inadequate, is there then any experience in the history of the world which can be made a basis for permanent peace? Is there, for instance, any kind of war that has resulted in doing away with itself permanently? The answer would point to the Thirty Years' War, closing with the Peace of Westphalia (1648), which seems to have put an end to all religious wars.

How, then, does it happen that the Peace Treaty of Westphalia, of all the treaties in the world, is the only one that has succeeded in stopping all religious wars? We are certainly dealing here with

<sup>1</sup> Dr. MacDonald of Washington, D. C., is the Honorary President of the International Congress of Criminal Anthropology of Europe.

a phenomenal fact in history.<sup>2</sup> It would therefore seem of interest and importance, especially at the present time, to make a brief anthropological study of the Thirty Years' War which led to such an exceptional and successful treaty.

#### NEW FIELD FOR ANTHROPOLOGY.

From the anthropological point of view, history can be looked upon as a vast laboratory for the purpose of studying humanity and assisting in its progress. In the past, anthropology has concerned itself mainly with savage and prehistoric man, but it is due time that it take up the more important and much more difficult subject of civilized man, not only as an individual but as an organization,<sup>3</sup> or nation, or group of nations. It is true that other departments of knowledge, such as history and political science, have pursued these fields, but unfortunately not always in the scientific sense. Anthropology in this new field should seek to establish only those truths which can be based upon facts. There are doubtless many very important truths which cannot be established by scientific methods, but perhaps they can be better treated in political science, psychology, ethics, philosophy, and theology.

In the present inquiry, the anthropological problem is this: As religious wars are admitted to be the most intense, most idealistic, and most sacrificial of all wars, and therefore most difficult to stop: can it be ascertained just how the Thirty Years' War, culminating in the Peace of Westphalia, brought about the end of all religious wars? This might suggest how all political wars may be made to cease. If the seventeenth century accomplished the more difficult task, the Peace Conference at Paris ought to succeed in the less difficult one. If the twentieth century prides itself on being superior in diplomacy, practical statesmanship, and general mental caliber, it will now have an opportunity to show such superiority by formulating a treaty which will make all future political wars not only improbable but impossible.

#### PRINCIPLES OF A PEACE CONFERENCE.

In following the present Peace Conference and comparing it with the Peace Congress of Westphalia, it may be well to mention a few of the principles of such congresses in general. In a treaty

<sup>2</sup> The writer has been unable to find any discussion of this phase of the matter.

<sup>3</sup> See a study of the United States Senate by the writer (published in Spanish) under the title: "Estudio del Senado de los Estados Unidos de America," in *Revista Argentina de Ciencias Politicas*, 12 de Enero de 1918 (Buenos Ayres, 1918).



of peace, there are first of all the usual articles, as, e. g., a declaration that peace is restored and amnesty clauses, including restitution of such conquests as are not intended to be retained and of rights suspended by the war. Also there are provisions to remove the causes out of which the war arose, redress grievances, and prevent their recurrence. This is the most essential thing for the congress to do. Then there is the indemnity article to make satisfactory reparation for injury sustained and cost of war. But great prudence should be exercised here, otherwise the conquered power may feel deep resentment which is liable to sow seeds for a future war..

As to personal attendance at the congress one great advantage is that difficulties thought insurmountable in correspondence, often disappear in an interview. Half the work is done when members have come to know what each really wants. But in long discussions there is danger of becoming fatigued and making ill-advised concessions. There is also temptation for some members to interfere where they have no substantial interests nor rights, and to contract engagements in which they have no special concern. When strong enough, every nation will insist on the right to manage its own internal affairs. Sometimes there are a few particularly able men, speaking several languages fluently (a very practical advantage), but representing only small countries, who may exercise undue influence and cause the congress to authorize things which may not prove of equal justice to all. Members of congresses have been known to vote for things that they did not understand, to the great disadvantage of their own country, due mainly to inexperience and lack of familiarity with the language spoken in the congress.

#### THE PEACE OF WESTPHALIA.

As early as 1636, Pope Urban VIII extorted from the powers engaged in the Thirty Years' War their unwilling consent to treat. In 1637 a discussion of safe conducts was begun which lasted nearly five years, and it was not until 1641 that preliminaries as to time and place of the Congress were signed, and these were not ratified, nor safe conducts exchanged, until 1643, making six years for controversies as to mere formalities. One of the causes of this dilatoriness was that neither side really desired peace. Captiousness and punctiliousness were doubtless emphasized in order to obtain delay. The labor of concluding peace was colossal: there were endless obstacles to surmount, contending interests to reconcile, a labyrinth of circumstances to cope with, difficulties to overcome

besetting the Congress from the very outset of the negotiations, not only of arranging the conditions of peace but still more of carrying them through the proceedings.

It is therefore fair to assume that the difficulties in establishing the Peace of Westphalia were as great as, and probably greater than, those now confronting the Peace Conference at Paris. For in the Westphalian Congress nobody desired peace, and it was not possible to agree to an armistice, so that war continued while the Congress was in session, materially affecting the deliberations; this may be one reason why the Congress lasted as long as four years.

To avoid questions of precedence and to lessen further opportunities for disagreement, two cities in Westphalia, Münster for the Catholics and Osnabrück for the Protestants, were selected. These places were a short day's ride apart. The treaty was signed at Münster October 24, 1648, and was called "The Peace of Westphalia." In addition to the disposition for delay, there was a tendency to criticize things generally. Thus certain plenipotentiaries complained of their accommodations, saying that the houses assigned to them, though high and handsome externally, were in fact rat-holes.

First, questions of etiquette were taken up. For instance, did the precedence belong to Spain, and what marks of honor were due to the representatives of the neutral powers? Then came contests for the ecclesiastical seats. The Nuncio, the representative of the Pope, wished to sit not only at the head of the table but wanted a canopy over him, to distinguish him. The way in which the minor powers should be received was in doubt. It was finally decided to go half-way down the stairs with guests when departing. Also the question of titles arose. The word "Excellency" was chosen for addressing the envoys of the great powers, but it had to be extended to the lesser powers. The Venetian envoy obtained the honor (to his joy) of being conducted, when he visited the French plenipotentiary, to the door of his coach, instead of to the staircase. These few of the many incidents during the Congress will illustrate the human side of official matters. Such disputes as to precedence and etiquette were to be expected in a proud and ceremonious age among representatives of numerous states, especially when many of them were of doubtful rank. There was also much display. A train of eighteen coaches conveyed the French envoys in their visits of ceremony. It appeared that France desired to show that she had not been impoverished by the war, like Germany.

The Papal Nuncio and the Venetian envoy were mediators as well as members of the Congress. France and Sweden were opposed to each other in religion, but in accord on political matters. The treaty was drawn up with such fulness and precision of language as is rarely found in documents of this nature, due to a large body of trained lawyers among the members. As indicating a desire for fairness in little things as well as in larger questions, the treaty contained these words: "No one of any party shall look askance at any one on account of his creed." As an example of wise provisions, the following may be noted: The Protestants demanded the year 1618 as *annus normalis* for the restitution of ecclesiastical estates, the Catholics insisted on the year 1630, which was much more favorable to them. The Congress split the difference and made it 1624. The *medius terminus* is often the wisest course in acute controversies. As to temporal affairs, all hostilities of whatever kind were to be forgotten, neither party being allowed to molest or injure the other for any purpose. In regard to spiritual affairs, complete equality was to exist (*aequalitas exacta mutuaque*), and every kind of violence was forever forbidden between the parties.

The Peace of Westphalia was the first effort to reconstruct the European states' system, and it became the common law of Europe. Few treaties have had such influence, and Europe is said for the first time to have formed a kind of commonwealth watching with anxiety over the preservation of the general peace.

#### THE THIRTY YEARS' WAR.

To have called to mind some of the principal points in the Peace of Westphalia, is not sufficient for understanding the real significance of the treaty without some consideration of the war which it closed. As already suggested, this war, looked at from a scientific point of view, is an unconscious experiment of nations, an attempt to solve a problem in abnormal international psychology. In order to comprehend this experiment and its resultant treaty, just how it brought about permanent religious peace, some of the main events of the war must be recalled as a basis upon which to work.

The Protestant Reformation had great influence upon almost everything political in Europe, until the Peace of Westphalia. The Religious Peace of Augsburg (1555) furnished no settlement to questions stirred up by the Reformation. It was inevitable that such fundamental disagreements should lead to a general war. The

Thirty Years' War marked the end of the Reformation which changed the idea of Christian unity and altered the theory of a Holy Roman Empire, replacing it by the idea of autonomy for individual states.

On May 23, 1618, a body of Protestants entered the royal palace at Prague and threw two detested representatives of the Crown from the window. This act started a struggle that for thirty years involved Europe in a war which spread gradually from Bohemia over Southern Germany, then slowly to Northern Germany and Denmark, until country after country began to take part and the fighting became general. The war might have ended in 1623, making it a five years' war, had it not been for the outrageous treatment of the Protestant states of Northern Germany, resulting in a political disintegration in which Germany lost half of her population and two thirds of her wealth. Her religion and morality sank low, and the intellectual damage required generations to restore.

The Roman Catholic Church, having guided Christianity for centuries without a rival, naturally felt greatly wronged by Protestant secession. This explains the uncompromising enmities of the Thirty Years' War. Various parties claimed the control of the religious doctrines to be taught the people, as well as control of worship; they were fighting each other for this power, ready to sacrifice their lives for it. The Lutherans were as intolerant toward the Calvinists as they were toward the Catholics. The Catholic Church, convinced of the absolute truth of its doctrines based upon thirteen centuries of growth, naturally could not tolerate some young reformers to arise and challenge its divine right, especially not since these reformers seized old monastic and ecclesiastic foundations with domains and edifices and administered them in their own interest. The resistance of the Catholic hierarchy, to the last drop of blood, was a normal reaction. As so often happens, the conditions were abnormal, not the human beings.

Had the war stopped in 1623, the Catholics would have been left with decided advantages. Their own ambitions, however, prevented it. Gustavus Adolphus appeared, and by his efforts Protestantism is said to have been saved from extinction. During thirteen of the thirty years, the lands of the Protestants had been devastated; during the next seventeen years an equalization of the exhaustion of the parties developed before a lasting religious peace was made. It became clear in the end that neither Catholics nor Protestants could crush their opponents without perishing likewise.

## TERRIBLE RESULTS OF THE WAR.

The terrible results of the Thirty Year's War may be summed up by saying that Germany was the carcass, and the hosts which invaded the German soil were the vultures. The Protestant invaders were Swedes, Finns, Hollanders, Frenchmen, Englishmen, and Scotchmen; on the Catholic side there came in Spaniards, Italians, Walloons, Poles, Cossacks, Croats and representatives of nearly all other Slavonic tribes. There was an army never larger than 40,000 men, but the camp-followers were 140,000, consisting of gangs of Gipsies, Jewish camp-traders, marauders and plunderers. The soldiers robbed and tortured all alike, both friend and foe. The inhabitants would flee to the woods, taking with them or hiding everything they could. But the invaders were experts in discovering secret treasures; they would pour water on the ground, and where it sank quickly there they knew something had been recently buried.

To retaliate, the peasants would watch for stragglers, for the sick and wounded who had dropped behind, putting them to death with every device of insult and cruelty known. Much of the cruelty is too hideous to mention. In many districts the desolation was so great that persons were found dead with grass in their mouths. Men climbed up the scaffolds and tore down the bodies of those hanged and devoured them. The supply was large. Newly buried corpses were dug up for food. Children were enticed away that they might be slain and eaten. The population, when plundered, would become plunderers in turn, forming into bands, and inflict on others the horrors that they themselves had suffered. Men became wholly indifferent to the sufferings of others. Whole countries were destroyed, towns and villages reduced to ashes, and civilization was pushed back into barbarism for half a century. The Thirty Years' War is said to have been so unspeakably cruel and calamitous that the like has never been known in Europe.

## CAUSES OF THE LENGTH OF THE WAR.

Gustavus Adolphus writes in a letter that the war would be long drawn out and stop from exhaustion. The original purpose of the war was the suppression of the Protestant faith, but the victories of Gustavus Adolphus made the Catholics hopeless. Also other interests, of a political nature, rose up: the war passed from a German to a European question. Though there were times when peace might have been made, the side who had the best of it for

the moment deemed it folly to stop when victory was in reach. The other side thought it base and cowardly not to continue, as some turn of fortune might repair the losses. Many a war has dragged on after the purpose for which it began had become unattainable, because those who began it were too vain to admit that the objects of the war were impossible from its outset.

In a long war also individuals rise up to whom fighting becomes a second nature, who know nothing else but violence and murder. Thus many soldiers were indignant when the Westphalian Peace was signed, for they felt they had a vested right to plunder and murder, looking upon a wretched, helpless population as their just prey.

A further reason for the long continuation of the war was the very exhaustion of both sides; there was not enough strength on either side to strike a decisive blow, nor sufficient energy left to make a vigorous effort for peace, making it seem useless to try. In the earlier and middle period of the war there were many cries for peace, but in the last eight years there was a terrible silence of death and such utter desperation that no one dared to speak of peace, so great was the exhaustion. The soldiers decreased as it became more and more difficult to recruit and feed them; the military operations grew feebler and more desultory, the fighting more inconclusive, though the misery did not diminish. But while the people and soldiers had become tired of the interminable struggle and wanted peace, many of the diplomats did not appear to desire it.

#### CAUSES OF THE WAR.

The great length of the war gradually revealed its very hopelessness and uselessness, creating a general desire for rest and peace, transforming and weakening the religious movements out of which the war had arisen. The principle of private judgment, coming from the Reformation, had had time to develop and undermine the ideas of temporal rights and duties common to both parties, while many ideas first conceived by the Reformation but suppressed at the time, had at last commenced to grow through the long-continued turbulations.

Another cause of the war was the inherent incompatibility of religious views among the people. Religious discord exists to-day, but it is not decided by bloody contests, because of breadth of religious insight, general indifference, and increasing skepticism. The convictions of the people of the seventeenth century, as to the

truth of their own opinions and the errors of their opponents, were of such an absolute character as cannot be found nowadays even among people with the most rigid beliefs. They did not know then that it was possible to live together and yet have the most varied and contradictory religious convictions. To suppose that these people were stupid is an error. The chances are that they were less stupid than the people are to-day. How many, at the present time, can look at their country, its ideals, ideas, and customs justly and without prejudice? Naturally very few. But to place ourselves outside of not only our country but our generation is much more difficult. How could we then expect the people of the seventeenth century to do this?

#### IGNORANCE THE FUNDAMENTAL CAUSE OF THE WAR.

The fundamental cause that brought the Thirty Years' War to a close was *mental insight* into the uselessness and hopelessness of further struggle, caused by the feeling of exhaustion due to the long continuance of the war. The reason why this war put an end to all religious wars was, that this intellectual insight became general in Europe, inculcating more liberal religious views. This psychological attitude, with increasing indifference to religion and resultant skepticism, caused religious questions to be regarded less seriously, making further wars for such purposes impossible. The basal reason, therefore, was the intellectual realization of the foolishness of blood shed on account of difference of religious convictions: that is, lack of knowledge of this fact in the past—in short, *ignorance*—was at the bottom of it all, as of most evils in the world.

#### SUGGESTIONS FROM THE THIRTY YEARS' WAR.

In order to learn what suggestions from the Thirty Years' War may be of use around the peace table at Paris, it will be well to mention the general similarities and differences between this war and the recent European War.

The similarities are as follows:

1. The Thirty Years' War began with the throwing out of a window (defenestration) of detested persons; the European War started from an assassination.
2. The Thirty Years' War had been expected for some time; a general European war had been predicted for many years.
3. The Thirty Years' War, beginning with a local incident, spread from country to country, just like the European War did.

4. The Thirty Years' War was exceedingly brutal for its generation, just as the European War has been for our time.
5. The Thirty Years' War was a very long one for its generation; the European War has been a relatively long one for recent times.

As to the differences between the two wars, it may be said that,

1. In the Thirty Years' War, both belligerents finally proved to be nearly equal in strength. In the European War, one of the belligerents, though at first meeting with reverses, in the end completely overcame the other.
2. The Thirty Years' War ended in the exhaustion of both belligerents; the European War closed with the exhaustion of only one belligerent.
3. The Thirty Years' War was waged for religious convictions rather than for gain; the European War was not so ideal in its purposes.

Taking a general view of the similarities and differences between the two wars, the one great question arises: Is the experience of the present European War strong enough for victors and vanquished alike to be willing to yield sufficient of their natural rights and sovereignty to submit all questions of war to some superior international court from which there is no appeal?

In the Thirty Years' War, nothing further was necessary: the exhaustion of both belligerents was sufficient to end religious wars.

As the victorious party in war is much less inclined (if inclined at all) than the conquered foe to yield anything, will the Allies, without the experience of defeat and exhaustion, be willing to yield enough of their sovereignty to make the future peace of the world permanent? Will they be magnanimous and give up some national advantages of the present for future international benefits to all mankind? In short, are they unselfish enough to so temper their justice with mercy as to establish a world peace, the greatest boon to humanity ever known?

Here is a supreme opportunity. Will the victorious Allies arise to the occasion and make future wars improbable, if not impossible? We say "impossible," because if a nation is recalcitrant, it can be punished by a general boycott, leading toward its economic ruin. As the instinct of self-preservation is the most powerful influence in nations as well as in individuals, it is a moral certainty that no nation could or would submit very long to such punishment. Just after a war is ended, when the belligerents feel more keenly



its effect than later on, they are much more disposed to make mutual concessions. Will the victors of the European War strike *at once* while the iron is hot, and insist at the outset on the one paramount issue, the absolute prohibition of all wars? Such a decision would radiate through all further proceedings of the Peace Conference and greatly facilitate its work. By thus making a certainty of the most important question of all history, no matter how difficult and delicate matters of greater or less importance may be, the Conference of Paris will have assured its success in advance as the greatest and most beneficent influence that the world has ever experienced, just as the Peace of Westphalia was in its generation.

In the Peace Treaty of Westphalia were these words: "The hostilities that have taken place from the beginning of the late disturbances, in any place of whatsoever kind, by one side or the other, shall be forgotten and forgiven, so that neither party shall cherish enmity or hatred against, nor molest nor injure the other for any cause whatsoever." Will the peace treaty of Paris contain as generous and noble words, and stop all political wars forever, just as the Peace of Westphalia put an end to all religious wars?

Will the twentieth-century Christianity, with its supposed greater liberality and enlightenment, be as far-seeing, unselfish, and effective as the Christianity of the seventeenth century?

Let the Conference at Paris answer: Yes.

Just as the spread of education and knowledge has gradually liberated the intellect so as to undermine the ideas upon which religious wars were based, so a similar process of enlightenment may be necessary to cause political wars to cease.

## THE ONLY DEMOCRAT.

BY FRANKLIN KENT GIFFORD.

AS my friends are forever wondering why I have spoiled a good metaphysician to make a bad political economist, and why my promised volume on "The Mystery of Matter" is not forthcoming, I shall give a brief account of the singular experience that worked this miracle, leaving the public to judge whether my friend Professor Spiegelmann is right or wrong in pronouncing me crazy. I shall merely note in passing that any one is crazy, in Professor Spiegelmann's opinion, who devotes his time to anything but meta-