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CONGRESS OF WESTPHALIA.
PARTICIPANTS IN THE NEGOTIATIONS,
MAIN PROVISIONS AND CONSEQUENCES OF DECISIONS TAKEN

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The procedures aiming at ending the Thirty Years' War started in the early 1730s. However, it was not until 25 December 1641 that an agreement was concluded in Hamburg between Sweden, France and the Emperor to organise an international peace congress in two cities in Westphalia: Münster and Osnabrück.¹ From 1643 onwards, the Westphalian cities, which were proclaimed to be neutral, began to receive messages from all over Europe. At the end of July 1643, the Emperor's deputation arrived in Münster, although the Grand Mayor of the Court of Ferdinand III, Count Maximilian von Trauttmansdorff, who was the main and most skilful diplomatic representative of the Hofburg did not arrive there until

¹ M. Braubach, *Der Westfälische Friede*, Münster 1948, p. 10; K. Repgen, *Dreißigjähriger Krieg und Westfälische Friede. Studien und Quellen*, pub. F. Bosbach i Ch. Kampmann, Paderborn–München–Wien 1998, p. 329; S. Westphal, *Der Westfälische Frieden*, München 2015, pp. 33–35.

November 1645. In the² meantime, the negotiations were conducted by a talented politician, Count Johann Ludwig von Nassau-Hadamar, assisted by the Counts Johann Weikhart von Auersperg and Johann Maximilian von Lamberg, who were co-opted into the lectures because of their social position and the skills they acquired during their many years of work for the Imperial Council of the Court (*Reichshofrat*) in Vienna. Their collaborators of aristocratic origin were the brilliant and revolving diplomat Johann Krane and doctor of law Isaak Volmar, who had the great confidence of the Emperor, as well as Countess Claudia Medici of Tyrol, widow of the Austrian Archduke Leopold V Habsburg. Volmar, considered by his colleagues to be mainly a career-focused representative, was an extremely valuable negotiator for the Habsburgs. He held the office of Chancellor of Alsace since 1621 and because of his many years of administrative experience, he knew best of all the complicated legal and political situation of the region. Volmar's advice proved invaluable in negotiations with France. Therefore, his position was not even shaken by the message given to Emperor Ferdinand III that he had accepted a generous bribe from a French spy.³ Interestingly, the list of defenders of imperial interests did not end with Volmar. The Court of Vienna was additionally supported by representatives of the Emperor such as the King of Bohemia and Archduke of Austria and also delegates of Ferdinand's younger brother, Archduke Leopold Wilhelm, who performed at the congress on behalf of his numerous church territories. Leopold William was not only the grand master of the remains of the Teutonic Order that survived the Prussian secularization of 1525, but he also held the position of a bishop of Pasava, Strasbourg and Halberstadt.⁴

The Westphalia Congress was attended by 194 official political entities. As many as 178 of them came from the German Reich. The largest group was made up of representatives of the Reich states (*Reichsstände*), among which were 8 members of the electoral college, 75 clerical and secular princes and 57 Reich cities (*Reichstädte*). In addition, there were 38 other political entities from the

² F. Dickmann, *Der Westfälische Frieden*, Münster 1972, p. 195; S. Westphal, *Der Westfälische Frieden...*, p. 63.

³ M. Braubach, *Der Westfälische Friede...*, pp. 22–24; F. Dickmann, *Der Westfälische Frieden...*, pp. 195–196; H. von und zu Egloffstein, *Volmar Isaak*, in: *Allgemeine Deutsche Biographie* (later: *ADB*), vol. 40, Leipzig 1896, pp. 263–269; R. Fukala, *Dramat Europy. Wojna trzydziestoletnia (1618–1648) a kraje Korony Czeskiej*, Wrocław 2015, p. 384; K. Repgen, *Dreißigjähriger Krieg...*, pp. 653–655; S. Westphal, *Der Westfälische Frieden...*, pp. 45–46; P.H. Wilson, *Wojna trzydziestoletnia 1618–1648. Tragedia Europy*, Oświęcim 2017, pp. 650–651, 683.

⁴ F. Bosbach, *Die Kosten des Westfälischen Friedenskongresses. Eine strukturgeschichtliche Untersuchung*, Münster 1984, p. 16; P.H. Wilson, *Wojna trzydziestoletnia...*, s. 651.

territory of the Reich that did not take place in any of the three curias of the assembly states. Worth mentioning is the presence of the Abbots, Imperial Knights (*Reichsritterschaft*), cities under the territorial sovereignty (*Mediatstädte*), such as Osnabrück and Minden, as well as individuals of aristocratic origin interested in the outcome of the proceedings. The latter category included Count Lodewijk von Egmond, a contender to the Principality of Gelderland, represented at the Congress of Westphalia by Pellegrino Carleni – abbot of the Italian Lugnano in Taverin. Apart from him, there were also representatives of the nephew of the Pomeranian Duke Bogusław XIII, Ernest Bogusław, the Duke of Croy and Aerschot (Balthasar Magnus von Wedel) and the Brandenburg Margrave Christian William (Johann Häffer).⁵

Among the other 16 participants in the negotiations there were some European countries: The Holy See, The Venice, the Kingdom of Denmark and Norway, France, Sweden, Spain, Portugal, the Republic of the United Kingdom of the Netherlands, Genoa, Mantua, Sabaudia, the Grand Duchy of Tuscany, Catalonia, the Republic of Poland and Transylvania. The last, sixteenth member of this committee was the Emperor himself. It is significant that Switzerland, represented at the congress by the Mayor of Basel Johann Rudolf Wettstein, was purely ignored. He was considered a person of the German Reich's origin.⁶

At first glance, it can be said that there were diplomats from all European countries except England, Russia and Turkey. However, their level of participation in the negotiations varied significantly. The role of other representatives looking after their own interests was assigned to representatives of Genoa (Niccolo Promontorio), Mantua (Francesco Nerli), Sabaudia (Claude Jérôme Chabot, Marquis di San Maurizio) and the Grand Duchy of Tuscany (Atanasio Ridolfi). The Transylvanian delegate Ferenc Jármi stayed in Münster for only 23 days in late spring 1646. Prince George I Rakosi of Transylvania saw no particular need to engage in Westphalia's negotiations, especially as he withdrew from the war with the Habsburgs on 16 December 1645, concluding a peace treaty with them in Linz on

⁵ *Acta Pacis Westphalicae* (later: *APW*), Serie III, Abteilung D: *Varia*, Band 1: *Stadtmünsterische Akten und Vermischtes*, ed. H. Lahrkamp, Münster 1964, pp. 352–354; F. Bosbach, *Die Kosten...*, pp. 14–16, 248, 250. See also: R. Endres, *Die Friedensziele der Ritterschaft*, in: *Der Westfälische Friede. Diplomatie – politische Zäsur – kulturelles Umfeld – Rezeptionsgeschichte*, ed. H. Duchhardt, München 1998, pp. 565–578; H. Neuhaus, *Das Reich in der frühen Neuzeit*, “Enzyklopädie deutsche Geschichte” 1997, 42, pp. 34–36.

⁶ *APW*, Serie III, Abteilung D: *Varia*, Band 1, p. 353; F. Bosbach, *Die Kosten...*, pp. 14–15, 226–227.

favourable terms. Polish delegates (Heinrich Christoph von Griesheim and Matthias von Krockow) also did not make good impressions. They did not negotiate their own problems with Sweden, but tried to harm the Scandinavian superpower as much as possible. Matthias von Krockow, a very well educated lawyer, was particularly active in these actions. Interestingly, before entering the service of King Władysław IV Vasa, he held the position of court advisor to the Pomeranian Duke Bogusław XIV. He discovered secret Swedish actions in Osnabrück which were meant to undermine the rights of the Brandenburg elector Frederick William to the Griffin legacy. He, then, provided Hohenzollern's diplomats Matthäus Wesenbeck and Johann Fromhold with secret information extracted from the French embassy on the matter.⁷

On the other hand, the objectives of the Catalan and Portuguese delegations in Westphalia were completely different. The creation of these countries came about as a result of the uprisings against the Spanish governments in 1640 in Barcelona and Lisbon. Therefore, the independence of Catalonia and Portugal was still being challenged internationally. The Catalan delegate, Josep Fontanel·la, confined himself to advising French diplomats in Münster on Catalan matters and protecting the interests of his country. The representatives of King John IV of Portugal, acting in Münster (Luis Pereira de Castro and Francisco de Andrade Leitão) and Osnabrück (Rodrigo Botelho de Moraes and Cristóvão Soares de Abreu) were also associated with French diplomacy. However, they could not achieve their goals, as France's pressure for the full participation of Portuguese and Catalan MPs in the congress, and for recognition of their credentials, was effectively blocked by the Viennese and Madrid courts. The decisive strike was inflicted by the emissaries of King Philip IV of Spain, who convinced the mediators, especially the papal nuncio Fabio Chigi, to their right.⁸

From the very beginning, King Christian IV of Denmark had been claiming the function of a mediator in peace negotiations in Osnabrück. For this reason, his

⁷ APW, Serie III, Abteilung D: *Varia*, Band 1, p. 347; H. Saring, *Matthias von Krockow*, "Baltische Studien" NF 1940, 42, pp. 198–202; K.M. Setton, *Venice, Austria and the Turks in the Seventeenth Century*, Philadelphia 1991, pp. 80–82.

⁸ APW, Serie III, Abteilung D: *Varia*, Band 1, p. 346; H. Steiger, *Der Westfälische Frieden – Grundgesetz für Europa?* in: *Der Westfälische Friede. Diplomatie – politische Zäsur – kulturelles Umfeld – Rezeptionsgeschichte*, ed. H. Duchhardt, München 1998, pp. 46–47; F. Sánchez-Marcos, *The Future of Catalonia. A sujet brûlant at the Münster Negotiations*, in: *ibidem*, pp. 273–291; P. Cardim, "Portuguese Rebels" at Münster. *The Diplomatic Self – Fashioning in mid-17th Century European Politics*, in: *ibidem*, pp. 292–333.

representative, court councillor Christoph von der Lippe, appeared at the venue as early as 10 July 1643. He was followed a few weeks later by the high Danish dignitaries of Osnabrück, Chancellor Just Høg, a member of the Kingdom Council Gregor Krabbe and Hamburg Cathedral Dean Lorenz Langermann. However, the Danish peace brokering did not last very long due to the reluctance of Sweden. Swedish Chancellor Axel Oxenstierny's fears of a biased – in his opinion – mediator were justified. The Danish delegation was to force Sweden to dissolve its army in Germany and to give up its territorial acquisitions in the Baltic Basin, including Pomerania. The Swedish attack on Denmark in December 1643 excluded any possibility of Christian IV mediation once and for all. After the signing of the Brömsebro Peace Treaty (13 August 1645) and the end of the Danish-Swedish war, there was no more talks about Christian IV's arbitration.⁹

In this situation, the main armistice negotiations were entrusted to the representative of the Holy See, Fabio Chigi, and the Venetian MP Alvise Contarini as he had even more experience than Chigi. Arriving in Münster on 20 November 1643, he already had 20 years of diplomatic service. He was previously the ambassador of Venice in the Netherlands, England, France, the Church State and Turkey and, importantly, he had a good reputation at the French court. His colleague, Fabio Chigi, a long-time official of the Roman Curia, inquisitor of Malta (1634–1639), has been involved in diplomacy for a much shorter time. He did not come to the first high-ranking diplomatic post until 1639, taking up the post of Apostolic Nuncio in Cologne. This was mainly achieved due to his good knowledge of German affairs but it was not fully used at the time. Eventually it was Contarini who played an irreplaceable role of a mediator between Protestants and Catholics. This was due to the attitude of the Holy See's envoy, who refused to participate in direct negotiations on behalf of the Pope with the Evangelicals. This radical but loyal attitude together with his determined defence of the interests of the Catholic Church at the Westphalian Congress were hugely rewarded. In 1655. Fabio Chigi sat on the papal throne as Alexander VII.¹⁰

⁹ APW, Serie III, Abteilung D: *Varia*, Band 1, p. 345; M. Bregnsbo, *Denmark and the Westphalian Peace, w: Der Westfälische Friede. Diplomatie...*, pp. 361–367; F. Dickmann, *Der Westfälische Frieden...*, p. 199; G. Lorenz, *Die dänische Friedensvermittlung beim Westfälischen Friedenskongress*, in: *Forschungen und Quellen zur Geschichte des Dreissigjährigen Krieges*, ed. K. Repgen, Münster 1981, pp. 31–61; K. Repgen, *Dreissigjähriger Krieg...*, pp. 697–698.

¹⁰ M. Braubach, *Der Westfälische Friede...*, pp. 20–21; F. Dickmann, *Der Westfälische Frieden...*, pp. 193–194; K. Repgen, *Dreissigjährige Krieg...*, pp. 699–719; S. Westphal, *Der Westfälische Frieden...*, pp. 44–47, 52.

The negotiating parties have decided not to hold plenary sessions and to negotiate in bilateral talks. The mediators were in charge of mediating negotiations between France and the Habsburgs. The latter refused to conduct formal direct talks. The application of this manoeuvre was intended to enable the Vienna and Spanish courts to maintain a common interest in front of their interlocutor. The Madrid court negotiated directly only with one country – the Dutch. The Habsburg-French and Dutch-Spanish negotiations took place in Münster, while talks with the Swedes took place in Osnabrück. After the admission of the Reich states to the congress, the main burden of negotiations shifted to the latter city. It was in Osnabrück that most of the confusing problems of the Empire began to be solved. The most important participants of the congress kept their missions in both cities, while their representatives still met at informal congresses in Lenggerich, Ladbergen and other settlements between Osnabrück and Münster. The organisation of such conferences was in the interest of France and Sweden, which agreed on a common position for the remainder of the proceedings.¹¹

A short presentation of the most important political players should start with Spain. Of all the powers, it had the weakest team of negotiators. The leader of the Spanish people for the first two years was Diego de Saavedra Fajardo, an eminent erudite and leading thinker of Spain, who arrived in Münster on 6 November 1643. He was assisted by two delegates from the county of Burgundy – Jean Cuyermans and Antoine Brun and Lope Zapata de Valtierra, Count de Walter. Despite the depletion of the delegation after Zapata's death (2 April 1644), the Madrid government delayed completing the mission. The new chairman of the Spanish delegation finally became Gaspar de Bracamonte y Guzmán, Count de Peñaranda, who did not arrive in Münster until 5 July 1645. Peñaranda was the protégé of the all-powerful First Minister of King Philip IV, Gaspar de Guzmán, Duke of Olivares, and because of his employment in the financial administration he was not prepared for his new role. In addition, the diplomat's work was hampered by his poor knowledge of French and constant illness caused by the humid Westphalian climate. To top it all off, Peñaranda had a crush on his main colleague Saavedra, who was not satisfied with the fact that he was subject to a not very competent Count. When the men finally reconciled, and started working together in April 1646, Saavedra was dismissed. This decision led to an even

¹¹ G. Teske, *Verhandlungen zum Westfälischen Frieden außerhalb der Kongreßstädte Münster und Osnabrück*, "Westfälische Zeitschrift" 1997, no. 147, pp. 63–92; P.H. Wilson, *Wojna trzydziestoletnia...*, pp. 649–650.

greater isolation of the Peñaranda, increasingly replaced at the negotiating table by a new assistant, Bishop 's-Hertogenbosch Joseph de Bergaigne. However, the biggest problem of the Spanish delegation was that none of its members actually negotiated. The Spaniards limited themselves to submitting their government's wishes, which were often outdated by war events before the letters from Madrid to Westphalia arrived.¹²

The Swedish delegation was also not a monolith, although it included diplomats and lawyers of the same measure as Baron Johan Adler Salvius, Schering Rosenhane and Mathias Biörenclou. The main 'helmsman' of the Swedish matter, Chancellor Axel Oxenstierna, who, unwilling to return to Germany, entrusted the post of chief MP to his son Johan. The young Oxenstierna did not enjoy the sympathy of the other members of the Swedish parliament. He simply was an arrogant, harsh and unpleasant man, aimed at confirming Sweden's authority and discounting at all costs his country's long-standing, costly involvement in Germany. The presence of Oxenstierna was never accepted by Salvius, 21 years older than him, who represented Sweden in the Empire since the Chancellor's return to Stockholm in 1636. He was active in Swedish diplomacy since 1622. He was distinguished in 1629 during the peace negotiations in Lübeck, and later, from 1630, he held the post of General Commissioner of War in Germany in Hamburg. The political experience gained in Germany suggested to Salvius that peace can only be achieved through compromising solutions. For these reasons, he maintained a private correspondence with Queen Christine of Sweden, who had similar views to him and promoted the conciliation course in Paris through the eminent international law theorist Hugo Grotius as his private agent.¹³

¹² APW, Serie III, Abteilung D: *Varia*, Band 1, pp. 345–346; S. Boadas Cabarrocas, *Camino a la Paz: el viaje de Saavedra Fajardo a Münster*, in: *Del verbo al espejo. Reflejos y mirandas de la literatura hispánica*, eds. P. Caballero-Álias, F.E. Chávez, B. Rippol Sintés, Barcelona 2011, pp. 75–76; M. Braubach, *Der Westfälische Friede...*, pp. 11, 35–37; F. Dickmann, *Der Westfälische Frieden...*, pp. 194, 198; M. Rohrschneider, *Terrible es este Congreso: Perceptions of the Stranger and Negotiation Dispositions as Reflected in the Reports of the Spanish Envoys at the Peace Congress of Westphalia*, in: *Wahrnehmungen des Fremden. Differenzenerfahrungen von Diplomaten im 16. und 17. Jahrhundert*, eds. M. Rohrschneider, A. Strohmeyer, Münster 2007, pp. 245–264; S. Westphal, *Der Westfälische Frieden...*, p. 45.

¹³ APW, Serie III, Abteilung D: *Varia*, Band 1, pp. 346–347; M. Braubach, *Der Westfälische Friede*, pp. 33–35; F. Dickmann, *Der Westfälische Frieden...*, pp. 197–198; H. Droste, *Ein Diplomat zwischen Familieninteressen und Königsdienst. Johan Adler Salvius in Hamburg (1630–1650)*, in: *Nähe in der Ferne. Personale Verflechtung in den Außenbeziehungen der Frühen Neuzeit*, eds. H. von Thiesen, Ch. Windler, Berlin 2005, pp. 87–104; S. Lundkvist, *Die schwedischen Friedenskonzeptionen und ihre Umsetzung in Osnabrück*, in: *Der Westfälische Friede. Diplomatie...*, pp. 349–359; S. Westphal, *Der Westfälische Frieden...*, pp. 45, 48.

The frictions in the French parliament resulted more from personal animosity than from political differences. The two leaders, Claude de Mesmes, Count d'Avaux and Abel Servien, Count de la Roche des Aubiers, who came to Münster for the negotiations on 18 March and 5 April 1644 respectively, were among the top administrative nobility.¹⁴ The d'Avaux had more experience in foreign diplomacy. He made himself known to the best of his ability by carrying out negotiating missions in Italy (Venice, Mantua, Florence, Turin, Rome) between 1627 and 1632, negotiating a Polish-Swedish truce in Sztumska Wieś in 1635 and a Franco-Swedish agreement in Hamburg in 1638. Being definitely more affluent and confident d'Avaux sought to marginalise Servien. However, he had the support of the first French minister, Cardinal Mazarini, and did not intend to submit to his colleague. Servien wanted to make the most of the benefits for France, while d'Avaux represented a more compliant and flexible position. After all, they both did not want France to be associated with any concessions to Protestants. The constant clashes between the two diplomats were finally decided to discontinue. For this purpose, the Duke of Longueville, Henry II of Orléans, who appeared in Münster on 30 June 1645, was appointed the leader of the whole embassy.¹⁵

The Dutch negotiators' team of 8 people stood out from the rest of the Members of Parliament. His chairman, Barthold van Gent, had no great authority. He was overtaken by the experience of Adriaan Pauw, a former large Dutch resident (1631–1636), known for his numerous diplomatic missions on the Seine and the Thames, and negotiator of the augmentation and defence alliance with France concluded in Paris in 1635. However, some of his colleagues were of the opposite opinion, especially Godard van Reede, a representative of Utrecht, who accepted a bribe of 100,000 florins from France to oppose the ratification of the agreement with the Spanish.¹⁶

The number of participants in the Westphalian Congress was much higher than it was officially announced. All diplomats were accompanied by additional

¹⁴ *APW*, Serie II, Abteilung B: *Die französischen Korrespondenzen*, Band 1:1644, eds. U. Irsgler, K. Goronzy, Münster 1979, pp. LV–LVI; M. Braubach, *Der Westfälische Friede...*, p. 11.

¹⁵ M. Braubach, *Der Westfälische Friede...*, p. 28–31; F. Dickmann, *Der Westfälische Frieden...*, pp. 196–197; M. Serwański, *Francja wobec Polski w dobie wojny trzydziestoletniej (1618–1648)*, Poznań 1986, pp. 94–97, 113–131; P. Sonnino, *Prelude to the Fronde. The French Delegation at the Peace of Westphalia*, in: *Der Westfälische Friede. Diplomatie...*, pp. 217–233; S. Westphal, *Der Westfälische Frieden...*, p. 48; P.H. Wilson, *Wojna trzydziestoletnia...*, p. 651.

¹⁶ *APW*, Serie III, Abteilung D: *Varia*, Band 1, p. 347; M. Braubach, *Der Westfälische Friede...*, pp. 38–39; F. Dickmann, *Der Westfälische Frieden...*, p. 198; P.L. Muller, *Pauw Adriaen*, in: *ADB*, vol. 25, Leipzig 1887, pp. 301–302; P.H. Wilson, *Wojna trzydziestoletnia...*, p. 704.

staff. The French arrived in a record companionship. The company of Count d'Avaux was 200 people and 119 people were added to Servien and his wife's group. Finally, the Duke of Longueville's arrived together with 186-person procession. These delegations included not only the groups of page boys, guardsmen and noble-born ladies. The French had own maids and washerwomen as well as cooks, priests, surgeons, medical students, stablemen, coachmen, postmen, lackeys, tailors, bakers, pastry makers, confectioners and messengers also responsible for local shopping.¹⁷

The delegation of the main Swedish MP, Johan Oxenstierna, who brought 144 people with him, was not far from the French in numbers. Against this background, the 22-person retreat of his colleague, Salvius, looked exceptionally modest. A large number of employees were employed by representatives of the Emperor – Trauttmansdorff (100 people), Count Nassau-Hadamar (72 people), Auersperg (9 people) and Lamberg (27 people). Other countries' missions were also impressive in size. The head of the Spanish delegation, Count Peñaranda, appeared in Münster with 112 people, and his assistant Saavedra with 35 people. They were kept in step by the Danes, who brought 106 staff to the meeting place. On the opposite side, there were 5 delegations from the cities of the Reich: Augsburg, Bremen and Lübeck and 4 delegates from the Grand Duchy of Tuscany, the Alsatian city of Colmar and the Swiss city of Basel.¹⁸ The hosts in Münster and Osnabrück were not able to serve such a large number of people properly. 29 members of the Bavarian parliament had to share 18 beds. The Swiss representative, in turn, having no better choice, agreed to live in a stinking of sausage and whale-oil room located above the weaving workshop.¹⁹

Despite the high cost of maintaining diplomatic representations, negotiations between the conflicted parties lasted relatively long. The Spaniards were the first to communicate with the Dutch by signing a peace treaty on 30 January 1648. In this agreement, ratified in Münster on 15 May 1648, the Court of Madrid recognised the independence of the Netherlands and agreed to close the Scheldt for trade. The Dutch also kept in their hands the lands conquered south

¹⁷ *APW*, Serie II, Abteilung B, Band 1, pp. LXIV–LXV; F. Bosbach, *Die Kosten...*, p. 22.

¹⁸ F. Bosbach, *Die Kosten...*, p. 22–24, 91.

¹⁹ P.H. Wilson, *Wojna trzydziestoletnia...*, p. 649.

of the Rhine, including Maastricht, without having to honour the privileges of the Catholic population in this area.²⁰

It was not until 24 October 1648 that peace agreements ending the Thirty Years' War were sworn in. The Emperor and the Empire resolved their own disputes, as well as those with Sweden, as part of the Osnabrück Peace (*Instrumentum Pacis Osnabrugense*), which at the same time imposed new political and religious provisions on German countries. At the same time, the arrangements made at Münster (*Instrumentum Pacis Monasteriense*) – meaning a peace between the Emperor and France – were signed.²¹ It is worth noting that the Treaties of Westphalia did not cover the entire territory of the German Reich. This is because the Burgundian district (i.e. Spanish estates in the Empire) and the Principality of Lorraine, which was still occupied by the French army, were excluded. In this situation, it is hardly surprising that Spain and Lorraine protested about their exclusion from the room in Münster. Another type of objection was raised by Bishop Franz Wilhelm von Wartenberg, Bishop of Osnabrück, rejecting all religious concessions made in the Westphalian peace. The Lutheran elector of Saxony, John George I, also protested against the inclusion of Calvinists in the room in Osnabrück. However, all the States participating in the Westphalian Congress and the German territorial rulers accepted the general validity of the Treaties. The exception was Pope Innocent X, who rejected the whole of Westphalia's peace in his breve "Zelo domus dei" issued on August 20, 1650. The Pope changed the date in this letter to the earlier one: November 26, 1648, in order to support the earlier oral protests of his MP Chigi.²²

A negative assessment of the Westphalian peace is justified by the facts. The Treaties have confirmed the territorial decline of the Empire and the weakening of its international position. Moreover, the negotiations in Westphalia revealed the ambitious plans of German dynastic families, especially the Wettins, Hohenzollern and Wittelsbach families, which were dangerous for the Habsburgs.

²⁰ Text of the Peace Agreement of 30 January 1648, in: C. Jenkinson, *A Collection of all the Treaties of Peace, Alliance and Commerce between Great Britain and Other Powers from the Treaty signed at Munster in 1648 to the Treaties signed at Paris in 1783*, vol. 1: *From 1648 to 1713*, London 1785, pp. 10–44.

²¹ Texts of both agreements of 24 October 1648, in: S. Pufendorf, *Sechs und Zwanzig Bücher der Schwedisch – und Deutschen Kriegs – Geschichte von König Gustav Adolfs Feldzuge in Deutschland an, biß zur Abdanckung der Königin Christina*, Frankfurt am Main–Leipzig 1688, book 20, pp. 525–545 (Osnabrück) and pp. 545–555 (Münster).

²² K. Reppen, *Dreißigjährige Krieg...*, pp. 539–561, 597–642; P.H. Wilson, *Wojna trzydziestoletnia...*, pp. 715–716, 720–721.

The Bavarian ruler Maximilian I, for example, joined in the dangerous game against the Viennese court by actively supporting Cardinal Mazarini's demands for Alsace and providing French negotiators with detailed information on the property relations there.²³

The Empire was saved from the loss of most of the land west of the Rhine by the tactics used by the leader of the Habsburg diplomatic team, Count Trauttmansdorff and his advisor Dr. Volmar. However, the territorial losses suffered by the Empire were significant. The King of France seized a large rag of land in the south-western part of the German Reich – the Upper and Lower Alsace Landgraves and the Sundgau district. In addition, the strategically located fortresses in Breisach and Philippsburg on the right bank of the Rhine, as well as the three Lorraine dioceses, Metz, Toul and Verdun, have also been given authority.²⁴ The status of the other Alsatian lands including Strasbourg and the 10 cities of the Reich: Hagenuau, Colmar, Schlettstadt, Weißenburg, Landau, Oberehnheim, Rosheim, Kaysersberg, Türkheim and Münster im Gregoriental remained deliberately unclear. This has opened the way for new armed conflicts in the near future. The undoubted success of Habsburg diplomacy, on the other hand, was to persuade the King of France to resign from Brigde, together with its main cities of Freiburg and Waldkirch and the four Forest Cities (*Waldstädte*) located on the Upper Rhine: Rheinfelden, Laufenburg, Waldshut and Säckingen.²⁵

Unlike France, Sweden sanctioned its territorial acquisitions in the Reich as fully-fledged states of the Empire, which gave it representation in the Reich Parliament (Reichstag) as well as in the assemblies of Lower and Upper Saxony. Thanks to this procedure, the Swedish ruler followed in the footsteps of the Danish king, who was represented in the institutions of the Empire as the Duke of Holstein. The power of the Swedes was limited by imperial law. They received immunity from imperial courts equal to that of the electorate, but at the same time they were obliged to establish their own tribunal in Wismar in order to uphold imperial law.²⁶ As a result of Westphalia, the Swedish hegemony was

²³ D. Albrecht, *Maximilian I. von Bayern 1573–1651*, München 1998, pp. 979–1020; G. Mecenseffy, *Habsburger im 17. Jahrhundert. Die Beziehungen der Höfe von Wien und Madrid während des Dreißigjährigen Krieges*, in: *Archiv für österreichische Geschichte*, vol. 121, 1955, p. 83.

²⁴ S. Pufendorf, *Sechs und Zwanzig Bücher...*, Abschnitt 20, p. 551.

²⁵ *Ibidem*, p. 552.

²⁶ *Ibidem*, p. 537. See also: S. Westphal, *Der Westfälische Frieden...*, p. 102; P.H. Wilson, *Wojna trzydziestoletnia...*, p. 724.

established in the Baltic Sea and the northern part of Germany. The most serious achievement of Sweden was the whole western part of the Pomeranian Principality with Szczecin, Dąbie, Goleniów, Wolgast, Stralsund and Greifswald and the islands of Rügen, Uznam and Wolin. In addition to this there were also parts of Mecklenburg that were granted under the same conditions – the port town of Wismar, the nearby Neukloster and the island of Poel in the Gulf of Mecklenburg, as well as the Archdiocese of Bremen, the Bishopric of Verden and the district of Wildeshausen in Lower Saxony to the southwest of Bremen.²⁷

German territorial rulers have also benefited a great deal from the Westphalian peace agreements. The Hohenzollern family, who ruled in Brandenburg and Ducal Prussia, gained most of them. Elector Frederick William put forward his claims to the Swedish-occupied Duchy of Pomerania, citing the old agreements concluded by the Hohenzollern family with the Pomeranian Griffin dynasty. Already in March 1493, the Elector of Brandenburg, John Cicero, in the Pyritz (Pyrzyce) system, obtained the right of inheritance of the Principality of Pomerania for the Hohenzollerns in case the Griffin dynasty expired. The death of the Pomeranian Duke Boguslaw XIV in 1637 should then automatically put Hohenzollern in the role of his rightful heir. However, the Brandenburg electorate was not able to raise anything in the face of Swedish power.²⁸ Friedrich Wilhelm, represented in both, Münster (a team led by Count Johann von Sayn-Wittgenstein and Dr. Johann Fromhold) and in Osnabrück (by a team led by Johann Friedrich von Löben and Dr. Matthaus Wesenbeck), demanded a generous compensation in the form of the Halberstadt bishoprics, Minden, Hildesheim, Osnabrück, Münster and Bremen, the right for official future perspective of ownership for the Archbishopric of Magdeburg and a large part of Habsburg Silesia, namely the Duchies of Głogów, Żagań, Jaworsko-świdnicki and Karniów, taken away from the Hohenzollern by the Habsburgs at the beginning of the Thirty Years' War. Eventually, he dropped out of opposition, contenting himself with smaller acquisitions, that were impressive anyway. The Brandenburg Elector obtained the eastern part of Pomerania, the so-called Rear Pomerania (Eastern Hinterpomern) with Kolobrzeg and Stargard, and as compensation for the bishopric of Halberstadt and Minden and the archbishopric of Magdeburg, which, however, was not to be taken over until after the death of the current administrator, the

²⁷ S. Pufendorf, *Sechs und Zwanzig Bücher...*, book 20, pp. 536–537.

²⁸ B. Wachowiak with A. Kamieński, *Dzieje Brandenburgii-Prus u progu czasów nowożytnych (1500–1701)*, Poznań 2001, pp. 37, 347–349.

Saxon Prince Augustus. As a result, Magdeburg did not come into the hands of the Hohenzollerns until 1680.²⁹

The Wettins also came out of the Thirty Years' War strengthened. Saxony maintained its previous allocation based on the Prague Peace of 1635 to Upper and Lower Lusatia. So did come the Wittelsbachs. Charles Louis, son of the "Winter King" Frederick V, was restored to the rank of Reich elector and the Lower Palatinate, while Maximilian I of Bavaria was granted the right to the Upper Palatinate and retained the title of elector. Earlier, since 1623, Maximilian I, was given the position of elector of the Palatinate of Rhine, which the Emperor took away from the "Winter King". Since the Peace of Westphalia, the electoral dignity of Maximilian I has been associated with Bavaria, elevated to the rank of electorate.³⁰ As a consequence, there was one more elector in the German Reich from that moment onwards. Thus, the number of members of the electoral curia increased to eight.

Karol Ludwik Wittelsbach was not the only territorial German ruler who returned to his property thanks to the Treaties of Westphalia. In the second, third and fourth articles of the Peace of Osnabrück a general amnesty was proclaimed for all German dukes, the wine accounts were waived and the estates were returned to numerous representatives of the ruling families, including the Duke of Württemberg Eberhard III, the Baden Margrave at Durlach Frederick V and the children of the Count Nassau-Saarbrücken Wilhelm Ludwig, who died in 1640.³¹

In the treaty of Osnabrück, the loss of the rulers of Mecklenburg was not forgotten too. In Article XII of this agreement, Adolf Frederick I, Duke of Mecklenburg in Schwerin, was given the land lost to the bishoprics of Schwerin and Ratzeburg as well as the Saint John Commandery of Mirow in exchange for the land lost to Sweden. His nephew, Gustav Adolf, the representative of the Mecklenburg Dukes' line at Güstrow, received a more modest compensation – the Joanine

²⁹ S. Pufendorf, *Sechs und Zwanzig Bücher...*, book 20, pp. 537–538; M. Braubach, *Der Westfälische Friede...*, pp. 45–46; F. Dickmann, *Der Westfälische Frieden...*, pp. 306–319; B. Wachowiak with A. Kamiński, *Dzieje Brandenburgii-Prus...*, pp. 351–352; S. Westphal, *Der Westfälische Frieden...*, pp. 73–74, 102.

³⁰ S. Pufendorf, *Sechs und Zwanzig Bücher...*, book 20, pp. 537–538; F. Dickmann, *Der Westfälische Frieden...*, pp. 377–379, 398–400; S. Westphal, *Der Westfälische Frieden...*, pp. 76–77, 104.

³¹ S. Pufendorf, *Sechs und Zwanzig Bücher...*, book 20, pp. 525–529.

Nemerow commandery.³² In the article XV of the Osnabrück Room, the reward of the most loyal German allies of Sweden and France – the Hessian landgraves on Kassel – is dealt with. Wilhelm V's widow, Amelia Elizabeth, who is the regency on behalf of Wilhelm VI's minor son, received compensation in the amount of 600 000 Reichstalers and territorial acquisitions – Hersfeld Abbey and part of the former county of Schaumburg. The agreement concluded on 14 April 1648 between the Hebrew rulers of Kassel and Darmstadt, which provided for the transfer of Amelia Elizabeth and her son in the Marburg district, was also confirmed.³³

The independence of the states formerly belonging to the German Reich – the Netherlands and Switzerland – deserves a separate discussion. In article number 1 of the Münster Peace Treaty signed on 30 January 1648, the King of Spain relinquished power over the Netherlands, which resulted in the Republic of the United Province of the Netherlands becoming a fully sovereign and independent state. The German side could not get used to the idea of the final exit of the Dutch from the Empire, although practically the Netherlands had enjoyed independence much earlier. In 1653, the Emperor acknowledged that the Dutch would not contribute to the defence of the Empire, but neither he nor the Reich Parliament until 1728 accepted that the Netherlands would leave the German Reich.³⁴

It was a bit different with Switzerland. The country's separation from the Empire can be attributed to the unparalleled activity and operability of Basel's mayor Johann Rudolf Wettstein, who arrived in Münster on 28 December 1646. Basel joined the Swiss Confederation only in June 1501, as the eleventh canton, and was more dependent on imperial institutions than the oldest members of the union. However, Wettstein, as an official representative of Zurich, Bern, Glarus, Schaffhausen, Appenzell, Biel, Sankt Gallen and Basel, did not focus on achieving particular benefits. Competently benefiting from the differences of interests between France and the Habsburgs, he led to the liberation of Basel and the rest of Switzerland from imperial jurisdiction. He also made an effort to include his country in the Westphalian Treaties. In this way, Switzerland has become

³² Ibidem, p. 539; F. Dickmann, *Der Westfälische Frieden...*, pp. 320–321, 384, 402; S. Westphal, *Der Westfälische Frieden...*, pp. 102–103.

³³ S. Pufendorf, *Sechs und Zwanzig Bücher...*, book 20, pp. 540–541; K.E. Demandt, *Geschichte des Landes Hessen*, Kassel 1959, pp. 197–199.

³⁴ C. Jenkinson, *A Collection...*, p. 12; S. Groenveld, *Der Friede von Münster. Die niederländische Seite des Westfälischen Friedens*, Bonn 1998, p. 57; P.H. Wilson, *Wojna trzydziestoletnia...*, p. 722.

a European sovereign state, widely recognised by the international community.³⁵ However, this did not involve the immediate removal of Swiss imperial eagles from public buildings. Some Swiss people still imagined the Empire as the embodiment of the ideal of a single European political community. This is the only explanation for the fact that Zurich did not remove the imperial emblem from his town hall until 1698.³⁶

Article VIII of the Osnabrück Agreement regulated the regime of the German Reich. It guarantees “territorial sovereignty” to the electors, princes and magistrates of free cities of the Reich (*Landeshoheit*). The territorial authorities were not, however, to be independent states, but rather components of an Empire which, on the one hand, legitimised the power of privileged groups and, on the other, protected their position and assets.³⁷ The German territorial rulers were then equipped with the right to form alliances with foreign countries themselves. This right, however, was limited as alliances could not be directed against the German Reich and the Emperor. However, this objection began to be violated quickly. The electors and the more important princes treated the law we are interested in as a tool to strengthen their position within the German Reich, as well as on the international scene, and to pursue their own dynastic ambitions, even at the expense of the German community. It is enough to refer at this point to the policy of the Brandenburg elector Frederick William, who firstly, has repeatedly bound himself with alliances with France, hostile to the Emperor, and finally, unwilling to give up Parisian grants, decided to withdraw his troops from the famous relief of Vienna in 1683.³⁸

Moreover, Article VIII of the Osnabrück Agreement strengthens the role of collective power, i.e. the Reichstag. Among other things, the exclusive right of the Reich Parliament to declare war and make peace on behalf of the entire Reich, to

³⁵ S. Pufendorf, *Sechs und Zwanzig Bücher...*, book 20, p. 535; F. Dickmann, *Der Westfälische Frieden...*, pp. 432–439; J. Gauss, *Die Westfälische Mission Wettstein im Widerstreit zwischen Reichstradition und Souveränitätslehre*, “Zeitschrift für Schweizerische Geschichte” 1948, no. 28, pp. 177–190; F. Gallati, *Die formelle Exemption der Schweiz vom Deutschen Reich im Westfälischen Frieden*, in: *ibidem*, pp. 453–478.

³⁶ P.H. Wilson, *Wojna trzydziestoletnia...*, p. 722.

³⁷ S. Pufendorf, *Sechs und Zwanzig Bücher...*, book 20, p. 535; F. Dickmann, *Der Westfälische Frieden...*, pp. 332, 495; P.H. Wilson, *Wojna trzydziestoletnia...*, pp. 742–743.

³⁸ S. Pufendorf, *Sechs und Zwanzig Bücher...*, book 20, p. 535; A. Kamiński, *Rola francuskich subsydiów w polityce zagranicznej Brandenburgii-Prus w latach 1679–1685/86*, in: *Pecunia nervus belli. Z dziejów dyplomacji i stosunków międzynarodowych w XV–XVIII wieku*, eds. M. Markiewicz, R. Skowron, F. Wolański, Katowice 2016, pp. 74–78.

create and interpret legal acts, to build new fortresses, to manage conscription to the Reich army and to enact taxes was confirmed. The cities of the Reich obtained in this assembly equal voting rights with the princes (*votum decisivum*).³⁹

In addition to political and systemic issues, the Westphalian peace agreements have also regulated religious issues. The religious wars in Germany were ended and Calvinism was recognised as the third legal religion in the German Reich, alongside Catholicism and Lutheranism. The Augsburg Peace of 1555 was approved, remedying its weaknesses under a permanent peace treaty. Article V of the Osnabrück Agreement prohibits any attempt to question the religious peace and to create interpretations contrary to the letter of the law. The controversies that might arise in future in religious matters were to be resolved through amicable discussions. The date of 1 January 1624 has been adopted as the normative date. The Protestants were granted all the lands in their possession on that very day. The prerogatives of the princes have been limited. They maintained the Reformation right granted to them in 1555, but it was now understood only as sovereignty over the territorial churches. They also could not impose their own theological views on their subjects. The subsequent conversions were to remain a private matter. The territorial rulers were granted personal freedom of conscience, which was to be exercised in 1697 by Saxony's elector Frederick August I.⁴⁰ The full right of the Reformation in its former form was preserved only by the Catholic Habsburgs, although they too were subject to certain restrictions. The Treaty of Osnabrück obliged Emperor Ferdinand III to honour the Protestant faith of the nobility of Lower Austria and defined in detail his relations with the Evangelicals from Silesia. The Habsburgs granted full religious freedom to the city of Wrocław and the Evangelical princes from Brzeg, Legnica, Oleśnica and Ziębice. Moreover, they guaranteed freedom of religion, but not worship, to Protestants living in the lands directly under the rule of Czech Crown. This provision therefore protected Silesian Protestants from repression and forcing them to accept Catholicism under the threat of expulsion from the country. As a sign of good will, the Emperor also agreed to build three Protestant churches in Głogów, Jawor and Świdnica, but outside the city walls, in the place he indicated. Supervision of

³⁹ S. Pufendorf, *Sechs und Zwanzig Bücher...*, book 20, p. 535; F. Dickmann, *Der Westfälische Frieden...*, pp. 331–332; S. Westphal, *Der Westfälische Frieden...*, pp. 105–106.

⁴⁰ S. Pufendorf, *Sechs und Zwanzig Bücher...*, book 20, pp. 529–532, 534–535; F. Dickmann, *Der Westfälische Frieden...*, pp. 367–376; S. Westphal, *Der Westfälische Frieden...*, pp. 84–85, 106–107; P.H. Wilson, *Wojna trzydziestoletnia...*, pp. 725–726.

the agreement was entrusted to the Swedish rulers and Evangelical states of the German Reich, who were granted the right to intervene for the benefit of Silesian Protestants in case the Habsburgs violated the provisions of religious peace.⁴¹

In all other estates, the Viennese court could continue to persecute the dissenters, regardless of whether they lived there before the contractual date of 1 January 1624. The emperor was also supported by certain decisions of the peace treaty in Osnabrück, including the confirmation of the confiscation of the rebel estates in Bohemia and Austria and the exclusion of the Habsburg estates from the control imposed on the rulers of the other territories.⁴² In this way, the hopes of Czech emigrants with Jan Amos Comenius at the forefront of the country's return to the homeland and the restoration of old relations fell. These treaty provisions enabled Emperor Ferdinand III and his successors to extend the power over their subjects by supporting the counter-reformation and obedient aristocrats.

The Habsburgs came out of the Thirty Years' War seriously weakened. However, they managed to rebuild their importance and return to the role of a European power in a slightly different political system than before. The Catholic majority in the Reich electoral curia guaranteed the Habsburgs the succession of the German and Imperial thrones. However, the main source of the Habsburgs' strength was their hereditary lands. The prevention of religious wars that have plagued the German Reich since the 16th century should be regarded as a positive effect of the Peace of Westphalia, while the consolidation of German political particularism should be regarded as negative. The treaty provisions, which were not fully specified, enabled France to interpret the agreements concluded and to seize the rest of Alsace with Colmar (1673) and Strasbourg (1681) within the "reunions". In 1678, France also took over the county of Burgundy (Franche – Comté), which was excluded from the Westphalia Agreements, and finally took over Lorraine in 1766.

The far-reaching consequences were that the negotiators focused on the problems of the German Reich and the recognition at the peace congress of the independence of two of the four aspiring states – the Netherlands and Switzerland. Portugal had to fight for independence for many more years. Despite the great victory over the Spaniards on 17 June 1665 at the Battle of Montes Claros,

⁴¹ S. Pufendorf, *Sechs und Zwanzig Bücher...*, book 20, pp. 532–533; J. Leszczyński, K. Piwarski, *Dzieje polityczne (od końca XVI wieku do 1675)*, in: *Historia Śląska*, vol. 1: *do roku 1763*, part 3: *od końca XVI wieku do r. 1763*, ed. K. Maleczyński, Wrocław 1963, pp. 364–365; G. Wąs, *Dzieje Śląska od 1526 do 1806 roku*, in: *Historia Śląska*, ed. M. Czapliński, Wrocław 2007, pp. 182–183.

⁴² S. Pufendorf, *Sechs und Zwanzig Bücher...*, book 20, pp. 528–529; P.H. Wilson, *Wojna trzydziestoletnia...*, p. 726.

the Court of Madrid recognised Portugal's independence and the immutability of its borders only in 1668.⁴³ Catalan aspirations for independence have remained valid until today.

The Holy Roman Empire, in the order established in 1648, survived until its dissolution in 1806, which was carried out by Emperor Francis II under pressure from Napoleonic France. The occupation of the lands captured by the Swedes in 1648 lasted longer than these decisions. They finally left Pomerania only in 1815. France's control of Alsace and Lorraine also had serious consequences. These lands were a hotspot in Franco-German relations until 1945.

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⁴³ A.H. de Oliveira Marques, *Historia Portugalii*, vol. 1: *do XVII w.*, Warszawa 1987, pp. 309–310; M. Tuñón de Lara, J. Valdeón Barunque, A. Domínguez Ortiz, *Historia Hispanii*, Kraków 1997, p. 303.

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**KONGRES WESTFALSKI. UCZESTNICY ROKOWAŃ, NAJWAŻNIEJSZE
POSTANOWIENIA I SKUTKI PODJĘTYCH DECYZJI****ABSTRAKT**

W kongresie westfalskim kończącym wojnę trzydziestoletnią uczestniczyli przedstawiciele 178 bytów politycznych z Rzeszy Niemieckiej oraz 16 państw europejskich. Nie stawili się tylko reprezentanci Anglii, Rosji i Turcji. Udział państw europejskich i niemieckich władztw terytorialnych w rokowaniach dyplomatycznych prowadzonych w Osnabrück i Münster nie był taki sam. Prym wiodły poselstwa cesarza, Francji, Szwecji i Hiszpanii. Westfalskie porozumienia pokojowe uregulowały sprawy polityczne, ustrojowe i wyznaniowe Rzeszy Niemieckiej. Usankcjonowano zdobycze terytorialne Francji, poczynione kosztem Cesarstwa oraz niepodległość Niderlandów i Szwajcarii. Zapewniono korzyści elektorom Saksonii, Brandenburgii i Bawarii oraz ugruntowano hegemonię Szwecji w basenie bałtyckim i w północnej części Niemiec, oddając jej zachodnią część Księstwa Pomorskiego, fragmenty Meklemburgii, a także arcybiskupstwo Bremy i biskupstwo Verden w Dolnej Saksonii. Ogłoszono powszechną amnestię dla wszystkich książąt niemieckich, zrezygnowano z rozliczenia win i zwrócono majątki przedstawicielom rodzin panujących. Wprowadzono przepisy utrwalające niemiecki partykularyzm polityczny i położono kres wojnom religijnym w Niemczech. Uznano kalwinizm trzecim, obok katolicyzmu i luteranizmu, legalnym wyznaniem w Rzeszy Niemieckiej. Osłabieni Habsburgowie skoncentrowali się na budowie scentralizowanego państwa absolutnego i walce z reformacją w Austrii, Czechach i na Węgrzech, powracając szybko do roli potęgi europejskiej i groźnego rywala Francji.

**CONGRESS OF WESTPHALIA. PARTICIPANTS IN THE NEGOTIATIONS,
MAIN PROVISIONS AND CONSEQUENCES OF DECISIONS TAKEN****ABSTRACT**

The congress of Westphalia ending the Thirty Years' War was attended by representatives of 178 political entities from the German Reich and 16 European countries. Only representatives of England, Russia and Turkey did not show up. The participation of European countries and German territorial authorities in diplomatic negotiations in Osnabrück and Münster was not the same. The first was the Emperor, France, Sweden and Spain. Westphalia's peace agreements have regulated the political, constitutional and religious affairs of the German Reich. The territorial achievements of France, made at the expense of the Empire and the independence of the Netherlands and Switzerland were

sanctioned. The electors of Saxony, Brandenburg and Bavaria were given an advantage and the hegemony of Sweden in the Baltic Sea and the northern part of Germany was established, giving it the western part of the Pomeranian Principality, parts of Mecklenburg as well as the Archbishopric of Bremen and the Bishopric of Verden in Lower Saxony. A general amnesty was declared for all German princes; the guilt settlement, as a threat of additional argument, was simply abandoned and the property was returned to the representatives of the ruling families. Provisions were introduced to consolidate German political particularism and put an end to religious wars in Germany. Calvinism was recognised as the third legal confession in the German Reich, alongside Catholicism and Lutheranism. The weakened Habsburgs, focused on building a centralised absolute state and fighting the Reformation in Austria, the Czech Republic and Hungary, quickly returning to the role of a European power and a dangerous rival of France.