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Volker Arnke, „Vom Frieden” im Dreissigjährigen Krieg. Nicolaus Schaffshausens „De pace” und der positive Frieden in der Politiktheorie, Berlin–Boston: De Gruyter Oldenbourg, 2018 (Bibliothek Altes Reich, 25), 294 pp.

The 400th anniversary of the outbreak and 370th anniversary of the end of the Thirty Years' War have inspired many historians to undertake research on a wide range of issues related to the longest-lasting and most serious conflict in Europe in the modern era. Both came in 2018. The result has been a number of publications published in many countries, highlighting various aspects of the war, its course in Europe¹ and in specific regions², analyzing the more important battles³, as well as the social consequences of the conflict⁴. Among them were missing new monographic studies of the Thirty Years' War prepared by Polish historians.

¹ Cf. e.g.: Johannes Burkhardt, *Der Krieg der Kriege. Eine neue Geschichte des Dreissigjährigen Krieges*, Stuttgart 2018; *Dynamik durch Gewalt? Der Dreißigjährige Krieg (1618–1648) als Faktor der Wandlungsprozesse des 17. Jahrhunderts*, ed. Michael Rohrschneider, Anuschka Tischer, Münster 2018; Radek Fukala, *Tricetiletá válka 1618–1648*, České Budějovice 2018; John Matusiak, *Europe in flames. The crisis of the Thirty Years War*, Stroud 2018; Georg Schmidt, *Die Reiter der Apokalypse. Geschichte des Dreissigjährigen Krieges*, München 2018.

² *Der Dreißigjährige Krieg in Schwaben und seinen historischen Nachbarregionen: 1618 – 1648 – 2018. Ergebnisse einer interdisziplinären Tagung in Augsburg vom 1. bis 3. März 2018*, ed. Wolfgang Wüst, Augsburg 2018; *Krieg – Pest – Schwedennot. Der Dreißigjährige Krieg in Regensburg. Begleitband einer Ausstellungsreihe zur Geschichte des Dreißigjährigen Krieges in Regensburg*, ed. Bernhard Lübbers, Regensburg 2018; Patrick Milton, Michael Axworthy, Brendan Simms, *Towards a Westphalia for the Middle East*, London 2018; Alexander Zirr, *Die Schweden in Leipzig. Die Besetzung der Stadt im Dreißigjährigen Krieg (1642–1650)*, Leipzig 2017.

³ Dušan Uhlíř, *Bitva na Bílé hoře 8.11.1620*, České Budějovice 2018.

⁴ See e.g.: Mary Elizabeth Ailes, *Courage and grief. Women and Sweden's Thirty Years' War*, Lincoln 2018.

A publication that is part of this trend, but at the same time different in that it focuses on legal contributions to the discussion of the nature of peace during the Thirty Years' War, is the work of Volker Arnke. It was published by the De Gruyter publishing house. The subject of the analysis was Nicolaus Schaffshausen (1599–1657), who was associated with Wittenberg and Hamburg. His pen yielded treatises on the theory of peace in relation to the Holy Roman Empire. Arnke's monograph is a revised version of his dissertation, written under the supervision of Professor Siegrid Westphal and defended in the winter 2016/2017 semester at the University of Osnabrück. The author of the publication under review was also involved in research on the issue of the Westphalian Peace as a co-investigator of the project "Frieden als Kommunikationsprozess. Die Dritte Partei des Westfälischen Friedenskongresses", carried out at the Institute for Cultural History of the Modern Period (Institut für Kulturgeschichte der Frühen Neuzeit).

Arnke's initial thesis is that during the Thirty Years' War, political theory was dominated by a negative understanding of peace. The preference for the law of war over the law of peace was influenced by the publication in 1625 of Hugo Grotius' outstanding, highly regarded and best-known work *De iure belli ac pacis* (pp. 2–3). However, during the final phase of the Thirty Years' War, which brought an exceptionally heavy toll of death and destruction on the territories of the states that made up the Holy Roman Empire, more and more treaties on peace began to be written. A treatise known under the abbreviated title *De pace*, which came from the pen of Nicolaus Schaffshausen, a little-known jurist and chancellor at the Saxon court, has so far remained outside the broader stream of research interest. Arnke, subjecting Schaffshausen's oeuvre to analysis, raised questions about how the positive conception of peace contained in his treatises stood against the background of the theory of ideas and the theory of law in the first half of the 17th century.

In an extensive first introductory chapter, Arnke presented the state of research and the source base, discussed the comparative method he used, aiming to analyze historical peace in combination with semantic approaches, and discussed the research questions posed in later sections of the monograph.

The second chapter reveals the context of the creation of Schaffshausen's eponymous treatise on peace in two aspects. First, Arnke discussed the historical formation of the idea of "ius publicum Imperii" (public law of the empire) in the late 16th and early 17th centuries, including the understanding of the concept of "German freedom" ("Deutsche Freiheit") and peace (pp. 53–57). The author then

recalled that in addition to Schaffshausen, the idea of the law of peace was also taken up during the Thirty Years' War by Christoph Besold in a treatise published in 1624 (pp. 57–60)⁵ and Franz David Bonbora in a work published at the end of the Thirty Years' War comparing the art of waging war with the effort to establish peace (pp. 60–63)⁶. After this outline of the prevailing understanding of the concept of the law of peace in the 1720s, Arnke moved on to the biographical context. The task was all the more important because the figure of Schaffshausen had, until then, remained little known. He did not even live to see a biography in the monumental and comprehensive *Allgemeine Deutsche Biographie*, nor in its later continuation in the form of the *Neue Deutsche Biographie*. Arnke managed to establish that Nicolaus Schaffshausen was born on 29th May 1599, as the son of the mayor of the town of Kuressaare (German: Arensburg) on the Estonian island of Sarema formerly known as Osilia (Ösel). However, nothing is known about his childhood. Information about him appears only from the time he came to study in Wittenberg in 1619. Already the following year, at the side of professor of rhetoric Johannes Avenarius, he took up the issue of the destruction of war and possible remedies in a political context (pp. 81–82)⁷. In the following years, his interest focused on the political view of the public law of the Empire and the making of peace as the best of solutions according to the maxim of “pax optima rerum” (p. 83). Later in the text, Arnke analyzed the circumstances of Schaffshausen's subsequent works. Particularly much space was taken up by a discussion of the motivation for continuing to address issues related to the “ius publicum Imperii” (pp. 89–97). According to Arnke, the key to the formation of legal-political concepts related to the law of peace became Schaffshausen's flight to Hamburg, which, while maintaining neutrality during the Thirty Years' War, became a diplomatic center, and at the same time a key center of political thought and literary life conducive to the drive to end the war and conclude a peace (pp. 99–104). Schaffshausen's move to this Hanseatic city was due to several factors. Hamburg's city councilor and city clerk was his uncle, Hans Schaffshausen. Nicolaus himself found a place of refuge here from 1638 after the Swedish army

⁵ Christoph Besold, *Spicilegia Politico-Iuridica, De Legatis, (2) De Sessionis praecedentia, ac item (3) De Pacis Iure: (4) deque Arcanis Rerumpublicarum*, Straßburg 1624. In the context of considering the law of peace in this work, the third dissertation is most important (*Diss. III. De Pace Pacisque Iure: [De Pace]*, s. 169–207).

⁶ Franz David Bonbora, *Ars belli et pacis sive de bello feliciter gerendo et pace firmiter stabilienda libri duo*, Straubing 1643.

⁷ Johannes Avenarius, Nicolaus Schaffshausen, *Dissertatio politica de causis conversionum et eversionum rerumpublicarum*, Wittenberg 1620.

occupied Wittenberg (pp. 96 and 105). Nicolaus Schaffshausen not only married in Hamburg a second time and took up clerical service, but published the treatise *De pace* here again in 1640, in a revised version, entering the circle of the intellectual elite advocating a rapid end to the Thirty Years' War (p. 112).

The main part of the monograph is a chapter devoted to a multifaceted analysis of Nicolaus Schaffshausen's main work quoted under the common title *De pace* (pp. 115–239). It was published three times, in revised versions, at an eleven-year interval. The first two editions were published in Wittenberg. In 1629, Nicolaus Schaffshausen published *Dissertatio iuridico-politica, de pace in tenere*, and three years later, in 1632, the *Discursus academicus de pace constituenda, firmanda & conservanda* was published. Published in 1640 in Hamburg, the text functions as *Tractatus de pace*. Subsequent editions differed not only in content, but also in the scope and nature of the text itself. Arnke's detailed analysis and comparison of the two Wittenberg editions with the treatise published in Hamburg in terms of form and content (pp. 117–146) clearly shows the path and evolution in the formation of Schaffshausen's political thought. The original scientific and legal treatise published in Wittenberg transformed into a contribution to political theory in the 1640 edition. Arnke analyzed in turn Schaffshausen's understanding of the concept of peace (pp. 146–177), the cause of peace (pp. 177–220) and the possibility of maintaining peace (pp. 221–249). He also explained Schaffshausen's understanding of the concepts of "pax" and "pactum", based on his knowledge of the works of earlier authors, ranging from the ancients, including the Roman jurist Ulpian, Titus Livius or Cicero, to his contemporaries. From Arnke's insightful analysis of *De pace*, a picture emerges of Schaffshausen's original pacifist political thought, at odds with the common discourse in the first half of the 17th century, which focused more on the law of war than on a theoretical account of the meaning of peace.

The publication under review has been prepared extremely carefully. The author's familiarity with the legal and philosophical sources on the theory of war and peace created in the late 16th and first half of the 17th centuries and the literature on the subject is commendable. Volker Arnke's special merit is the introduction of the previously practically unknown work of Nicolaus Schaffshausen into scholarly circulation. In turn, the publication of a monograph devoted to him by the De Gruyter publishing house coincided perfectly with the commemoration of the round anniversaries of the outbreak and end of the Thirty Years' War.