Chapter 12

‘La dernière ancre de leur finesse’
Truce and Peace Treaties as Criteria of bellum justum in Early Modern Europe

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Introduction

King Henry IV of France had been corresponding for several years with his ambassador to The Hague, Pierre Jeannin, when he learnt in early 1609 that peace negotiations between the Archdukes, the King of Spain and the United Provinces were about to come to an end. A resulting treaty would settle a conflict reaching back to the time of his first marriage and would, in acknowledgment Dutch freedom, be a decisive victory in a struggle that had influenced every move in European politics for decades, involving quite a French commitment even after the Peace of Vervins of 1598. However, the French monarch knew too much about the vicissitudes of the cabinets from Edinburgh to Turin to allow himself any enthusiasm. His central interest was to be involved in the elaboration of a favourable treaty by imposing, through a role of mediation, political recompensation for the considerable amount of subsidies that had been paid to the young Republic during his reign.1 In several letters to Jeannin and Élie de La Place de Russy (fl. 1595–1610), Henry IV urged his diplomats to achieve a solid truce for twelve years including an explicit acknowledgement of free trade on all seas and warned them not to accept a mere prolongation of the current armistice (in vigour since April 1607) for another year, which in the plans of Madrid (and the mediators from London) would be ‘[…] la dernière ancre de leur finesse à laquelle ils auront recours, s’ils voient ne pouvoir obtenir mieux de vous, afin de gagner cette année, parce que les Espagnols véritablement n’ont argent ni forces préparées pour la guerre sitôt.’2 Rumours about


2 Henry IV to Jeannin and Russy, Paris 24 February 1609, in Collection des Mémoires relatifs à l’histoire de France, 2nd series (ed. M. Petitot, Paris 1819–1824), vol. 25, 226; four days later already, details of the Treaty were discussed: Ibid., 233–236; the financial situation of the Spanish monarchy was disastrous indeed, bankruptcy having been declared in November 1607, cf. Patrick Williams, The Great Favourite. The Duke of Lerma and the Court and
Spanish diplomats trying to avoid any formal implication of King Philip III in a truce that should instead be ratified only by the United Provinces and the Archdukes made Henry assume that his opponents' intention was to preserve Spanish reputation and to create a sufficient number of pretexts to return to war in the years to come.3 Mistrust and scepticism in this field, of course, were not unique to the King of France. His well-informed assumptions mirrored widely accepted notions of a general fragility of peace treaties and their political affinity to the legitimation of public warfare.4

After a brief outline of the main issues in early modern juridical discussions of peace and truce treaties in general, I would like to analyse several ways of using treaties in declarations of war before introducing some ideas about their impact on the Eighty Years War. While the importance accorded to the work of Hugo Grotius is partly due to the many innovative aspects of his writings, it is foremost the logical consequence of his eminent position in Dutch politics and literature that made him one of the most instructive observers and interpreters of the 1609 truce treaty.

‘Induciae’ – Juridical and Historical Implications of a Humanist Concept

Terminology
In the theory of international law of the 16th and 17th centuries, a truce is referred to as a ‘treuga’, ‘tregua’ or, more currently in humanist tradition, as ‘induciae’.5 The most concise definition has been given by Grotius in 1625: ‘Truces are conventions, by which, even during the continuance of war, hostilities on

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5 ‘Induciae’ in classical latin; Hugo Grotius, De jure belli ac pacis libri tres 3.21.2 (1625, original text of 1646 and English translation, Classics of International Law; Oxford/Londen, 1925, 2 vols.), identified ‘inde otium’ as the correct etymology, reproduced as a possible origin in Lexicon Totius Latinitatis (ed. Francesco Corradini, Padova, 1864), vol. 2, 813; more probable