



Randall Lesaffer (ed.), ***The Twelve Years Truce (1609): Peace, Truce, War and Law in the Low Countries at the Turn of the 17th Century*** (Studies in the History of International Law 6; Leiden, Boston: Brill, 2014, ix + 297 pp., ISBN 978 90 04 27491 4).

This collection consists of thirteen essays covering a wide variety of topics relating more or less directly to the Twelve Years Truce, ranging from the revolution in tactics by the Dutch army to the unfortunate consequences for the Malayan kingdom of Johor of the signing of the truce in Europe. As is suggested by the inclusion of a reference to law in the title, a legal perspective provides some unity of approach, despite the variety of subject matter. This orientation is often refreshing, at least for the less legally-minded, particularly as the historiography of the Truce has tended to run on rather settled lines, with few new questions being asked let alone answered. On the other hand, for those not familiar with the rather specialised vocabulary often involved, this approach can prove somewhat disconcerting at times. For example, in her contribution Alicia Esteban Estríngana uses the term ‘sovereignty’ with reference to the attempt by Philip III to ease the way to a settlement with the rebellious provinces by transferring power to the archdukes. Yet she also makes clear the distinctly limited nature of the *dominium* conferred at this time, which at first sight seems contradictory. Such a limited authority does not sound like sovereignty at all, at least as the term is normally understood by historians.

However, it soon becomes clear that one of the major messages of this volume is the fluidity of meaning of such terms at this time. Evidently Bodin’s understanding of sovereignty had not yet taken firm hold in contemporary legal and constitutional thinking, which is hardly surprising in a discipline so deeply rooted in ideas and precedents from the rather more distant past. (However, the attempt by George Martyn to argue that the archdukes can be considered to have possessed real sovereignty by making a distinction between internal and external sovereignty might seem to be stretching the possible limits of the term’s meaning a little too far.) Such a pervasive lack of clarity had important practical effects, as it would seem that it was this very ambiguity of constitutional language which made the treaty of Antwerp possible despite the apparently incompatible positions of the main parties. The final text of the treaty exploited the uncertain definition of key terms so that both sides could interpret the agreement in ways they found acceptable. While the Dutch could regard the text as constituting a recognition of

their independence, the other side could argue that they had made no such unambiguous concession. Indeed, Estríngana argues that Philip III in any case could not have legally alienated the crown's *dominium* over the rebel territories, even if he had wished to do so. (The question how it nevertheless did prove possible at Münster less than thirty years later is not considered here.)

A further complication in theory, and possibly in practice as well, was that it was not at all clear just what a truce was. As the essay by the editor, Erik-Jan Broers and Johanna Waelkens points out, technical terms with a suitable classical ancestry existed – *indutiae*, *treuga* – for a situation somewhere between war and peace, but there was no agreement among theorists as to its precise nature. It was clearly more than a simple cease-fire, but equally clearly not a full peace, and this uncertainty led to at least some practical problems, such as whether a new declaration of war was required at the end of a truce. (In the event the Spanish resumed hostilities in 1621 without any such formal declaration.) The uncertainties surrounding the term are also central to the essay by Bernd Klesmann on peace and truce treaties in relation to the idea of *bellum justum*. The discussion by Beatrix Jacobs of what was meant when the treaty of Antwerp referred to the States General as free lands, provinces and states, whereas in the treaty of Münster they were called 'free and sovereign', reveals a similar lack of precise definition. It was, perhaps deliberately, left unclear in both cases whether this implied that the States General were sovereign or that the Dutch Republic was free but with sovereignty lying with its constituent provinces. That this was not simply a theoretical consideration was demonstrated dramatically in the crisis of 1618-1619, and was to remain a problem for the rest of the history of the Republic.

Among other contributions, Paul Brood compares the texts of the treaties of Antwerp and Münster and shows that there was a remarkable continuity between them, with the former requiring only minor emendations to become the basis for the latter. The way in which the problems concerning the contribution system were resolved at Antwerp is discussed by Tim Piceu, who suggests this laid the basis for the further development of the system during the Thirty Years War. Werner Thomas considers the effects of the Truce on the treatment of protestants in the South and argues that, despite the persistence of harsh laws, there was in practice an easing of persecution.

There is an irritating slip (10) when Adriaan Pauw is given the birth and death dates of his son of the same name, and the English of some contributions is a trifle eccentric though still intelligible. Such minor blemishes should not detract from what is overall an interesting and often thought-provoking collection.

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