

Johann Rudolf Wettstein and the Peace of Westphalia

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The Thirty Years' War ended with the Peace of Westphalia, concluded at Münster and Osnabrück in 1648. For Switzerland, the peace had a particular significance because it was obtained by a mayor of Basel. Johann Rudolf Wettstein, born in 1594 into a family of modest origin, rose through the guild and the council of Basel to become mayor in 1645. In 1646, the Swiss Confederates sent him to the peace congress in Westphalia with a limited mandate: to obtain the exemption of Basel from the jurisdiction of the Imperial Chamber Court, which had accepted suits against Basel merchants despite the city's membership of the Confederation.¹

Wettstein went beyond his mandate. With the support of France and the patience of a skilled negotiator, he obtained a provision in the peace treaty that declared the Swiss Confederation and its members to be exempt from the Empire and its courts, in full liberty and possession. The article of the Treaty of Münster and Osnabrück recognised, for the first time in an international treaty, the independence of the Confederation from the Holy Roman Empire.² The formal separation of Switzerland from the Empire, which the Peace of Basel of 1499 had prepared in practice, was thus achieved by a mayor of Basel at the congress that ended the Thirty Years' War.

The origin of Wettstein's mission is significant for a book on a financial centre. The dispute that led to it concerned the enforcement of debts. Creditors in the Empire had sued Basel merchants before the Imperial Chamber Court and obtained judgments that they sought to enforce by seizing the goods of Basel merchants in imperial territory. The city of Basel regarded these proceedings as a violation of its independence and a threat to its trade. The question at stake was thus the jurisdiction over commercial

debts. The recognition of Swiss independence therefore resulted from a dispute over the enforcement of claims against merchants.

This origin anticipates a theme that has accompanied the Swiss financial centre ever since: the relationship between Swiss jurisdiction and the claims of foreign creditors, courts and authorities. The protection of assets located in Switzerland against the enforcement of foreign judgments, the conditions under which Switzerland recognises foreign judgments and assists foreign authorities, and the limits of Swiss cooperation in tax and criminal matters have been central questions of Swiss financial law. The Swiss Private International Law Act, the Lugano Convention and the Federal Act on International Mutual Assistance in Criminal Matters define the modern answers.³ Wettstein's mission of 1646 stands at the beginning of this history.

Wettstein was also a man of his time and his city. He came from a family of craftsmen, rose through the guild system, was a pious Reformed Christian and lived modestly. His career shows that the guild constitution of Basel allowed a talented man of modest origin to reach the highest office. His diplomacy shows the skill of the Basel merchant class in negotiation, patience and the use of legal arguments. He is commemorated in Basel by a bridge, the Wettsteinbrücke, and a square, the Wettsteinplatz, in Kleinbasel.

1 Notes

1. On Johann Rudolf Wettstein (1594–1666), mayor of Basel from 1645, and his mission to the peace congress of Westphalia (1646–1648), see HLS, article "Wettstein, Johann Rudolf". To be verified. ↩
2. Treaty of Osnabrück (*Instrumentum Pacis Osnabrugense*), Art. VI, and Treaty of Münster (*Instrumentum Pacis Monasteriense*), § 61, recognising the exemption of the city of Basel and the other Swiss cantons from the Empire and its courts. To be verified. ↩

3. Federal Act on Private International Law of 18 December 1987 (PILA, SR 291), Art. 25 ff. on the recognition of foreign judgments; Lugano Convention (SR 0.275.12); Federal Act on International Mutual Assistance in Criminal Matters of 20 March 1981 (IMAC, SR 351.1). To be verified. ↩

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