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Bertha von Suttner:

Locating International Law in Novel and *Salon*

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Abstract

This portrait of Bertha von Suttner brings us to study sources traditionally not considered relevant within the scope of international legal history. That is, female diaries and a bestselling novel, *Die Waffen Nieder!* (1889), which has a female protagonist. Not allowed access to the formal sessions of the 1899 and 1907 Hague Peace Conferences, Von Suttner resorted to a typical female practice to influence intellectual and political debates. As *Salonnière* in the Hague during these Conferences, she created an informal social space for frank conversations among the small cosmopolitan elite of diplomats, journalists and international legal experts to influence negotiations and to contribute to the 'peace through law' project. Locating international law in her novel and *Salon*, this portrait connects loosely with a more socio-legal and materialist approach to international legal history. It shows Suttner held a rather well-developed - and at times fairly sceptical - outlook on international law.

Keywords

peace movement, disarmament, nobel prize, salon, nationalism, internationalism, 1899 and 1907 hague peace conferences, international law, permanent court of arbitration (PCA), international law



'Finally, in 1907, just as eight years earlier, I was present at The Hague during the time of the Peace Conference'.¹

¹ Bertha von Suttner, *Memoirs of Bertha von Suttner: The Records of an Eventful Life* (Ginn & Co Boston and London 1910) vol II, 402. Hereinafter: *Memoirs*.

Bertha von Suttner:

Locating International Law in Novel and *Salon*

1. Introduction

Austrian feminist and pacifist Baroness Bertha von Suttner, née Countess Kinsky von Chinič und Tetttau (1843-1914), is not completely absent from the historiography of international law. She is portrayed – as the only woman - in the *Oxford Handbook of the History of International Law* (2012) as ‘one of the leading figures of the late 19th-century [international] peace movement’, a friend and love-interest of Alfred Nobel, an ‘important initiator’ of the Nobel Peace Prize, and its first female recipient (1905).² But this is about it. In spite of the flurry of intellectual histories of international law in recent years, Bertha von Suttner has remained largely unstudied in international legal historiography.

In *The Gentle Civilizer of Nations*, Martti Koskenniemi examines the intellectual scene to which she was both insider and outsider.³ When exploring late 19th century liberal internationalism, his focus is on the ‘Men of 1873’ and Suttner does not feature in any way. Similarly, I failed to mention Suttner when I explored the early twentieth century intellectual and legal context of Viennese and neo-Kantian constitutional and international law scholar, Hans Kelsen (1881–1973).⁴ This short portrait shows that her ideas on international law deserve serious discussion. Together with the ‘Men of 1873’, she stood – literally and figuratively – at the foundations of the international legal institutions in The Hague. Like these liberal internationalists, she adhered to international law’s ‘civilizing mission’ and had a certain ambivalence about colonialism. She strongly opposed the warfare, ‘imperialist violence’, and exploitation of European expansion, and rejected a plan to divide China among European powers.⁵ Yet she also seemed to have accepted colonialism as part of humanity’s civilizing process of international organisation and integration.⁶ The distinction between civilization and savagery, she appears to have drawn between ‘*Rechtmenschen*’ and ‘*Gewaltmenschen überall*’.⁷ At the same time, she considered many of the Austrian and German law professors ‘*Friedensbremsen*’.⁸

² Simone Peter, Bertha von Suttner (1843-1914), in Bardo Fassbender and Anne Peters (Eds), *The Oxford Handbook of the History of International Law* (OUP 2012) 1142-1146.

³ Martti Koskenniemi, *The Gentle Civilizer of Nations. The Rise and Fall of International Law 1870-1960* (CUP 2001).

⁴ Janne E Nijman, *The Concept of International Legal Personality: an inquiry into the history and theory of international law*, T.M.C. Asser Press, 2004, chapter 3.

⁵ Hamann, Brigitte, *Bertha von Suttner: Ein Leben für den Frieden* (Piper München, 1986) 254-256, 255: ‘Unsere sogenannte europäische Zivilisation kommt aus dem Orient. Sie sind uns einige Jahrhunderte voraus.’ One recognizes similar wording by Kant, Leibniz and Wolff. In her *Memoirs*, she cites a Chinese attachée, who tells her success of the 1899 conference is ‘highly desirable’ for China ‘is particularly threatened by the most serious dangers of the European policy of force.’ (263).

⁶ *Ibidem* at 256: ‘Wenn er aber Europa vereinen will, um *Raubpolitik* in Asien und Afrika zu vertreten, so bin ich dagegen. Aug die Kolonisierung muß auf das ethische Gebiet hinübergebracht werden, sonst sind wir mit uns selber in Widerspruch. [...] Auch für Kolonial-Streitigkeiten müßten unsere Prinzipien gelten.’ See for a brief conversation in The Hague with a physician of the Dutch Colonial Army, who had been stationed in Borneo, Indonesia, about the violence and suffering he had seen there, *Memoirs*, 297.

⁷ Suttner as cited in Hamann n5, 257.

⁸ *Ibidem*, 260.

Similar to many women in the history of international (legal) thought, Suttner and her work have been largely ignored, as not fitting traditional understandings ‘of what counts as international thought and [...] of who counts as an international thinker.’⁹ To include Suttner in this historiography, requires us to move outside the gendered frame of international law and international legal history and to study sources traditionally not considered relevant within the scope of international legal history. That is, female diaries, journal and magazine articles, and in this case a bestselling novel *Die Waffen Nieder!* (1889) with a female protagonist. From reading this one realises Suttner held a rather well-developed - and at times fairly sceptical - outlook on international law (section 3). The novel contributed to her standing as a world-leading peace activist, ‘the only woman permitted’ at the opening ceremony of the 1899 conference at Queen Wilhelmine’s *Huis ten Bosch*.¹⁰ In The Hague, not allowed access to the formal sessions, she resorted to a typical female practice to influence intellectual and political debates. As *Salonnière*, she created an informal social space¹¹ for frank conversations among the small cosmopolitan elite of diplomats, journalists and international legal experts to contribute to the ‘peace through law’ project (section 4). With this focus on international law in her novel and *Salon*, this portrait connects loosely with a more socio-legal and materialist approach to international legal history.¹² Section 2 will first briefly situate Suttner’s life and work.

2. Situating “*Friedensbertha*”

Born in Prague, one of the capital cities of the Austro-Hungarian Empire, Bertha grew up in Brno (Moravia), in Vienna, and in the spas and casinos of Europe with her gambling bourgeois mother. Her father died at the age of 75, shortly before Bertha was born. He came from a Bohemian, high nobility family with a long military tradition. Her whole life, Bertha would be much aware of the implications of class-society being an outsider to both imperial aristocracy and bourgeois middle class. She received however an excellent education thanks to private tutoring and together with her cousin Elvira she read Kant, Hegel, and Shakespeare. When Bertha’s first professional love, opera singing, did not lead to a career, her excellent education helped her to find work as a governess to the Von Suttner family in 1873.

She avoided marriages without love, a deviation from the social convention she criticised in *Die Waffen Nieder!* (1889),¹³ to then fall in love with the eldest Von Suttner son, Arthur (1850-1902), seven years her junior. When she was ordered to leave the house, her command of English, French, German and Italian *inter alia* enabled her to start as private secretary with Alfred Nobel in Paris in 1875. Alfred and Bertha would stay in touch throughout their lives. Within a few weeks, however, Bertha and Arthur reunited, married, and moved to the Caucasus. Here Bertha’s aristocratic network was helpful but did not provide sufficient financial stability, so the couple worked as journalists and teachers. They lived an austere life from 1876 till 1885. During the Russo-Turkish War of 1877-1878, Arthur reported on the war for the leading newspaper of the establishment, the *Neue Freie Press*.

⁹ Huber V, Pietsch T, Rietzler K (2019). Women’s International Thought and the New Professions, 1900–1940. *Modern Intellectual History* 1–25, at 1. <https://doi.org/10.1017/S1479244319000131>

¹⁰ *Memoirs*, 250.

¹¹ See eg *Memoirs*, 283-4, for how she creates her Salon in the Kurhaus.

¹² See eg Quiroga-Villamarín, D. R. (2020). Beyond Texts? Towards a Material Turn in the Theory and History of International Law, *Journal of the History of International Law*, 1-35. doi: <https://doi.org/10.1163/15718050-12340172>

¹³ Bertha von Suttner, *Lay down your arms. The autobiography of Martha von Tilling*, authorised transl. by T. Holmes, 2nd ed., rev. by the authors (Longmans, Green and Co. 1908) 30, 423. Hereinafter LDYA, and references in main text are pagenumbers of this edition. A first English translation appeared in 1892.

Next to from her journalistic and *feuilleton* writing, Bertha transformed their home into a hospital for wounded Russian soldiers. From 1885 onwards, after reconciliation with Arthur's conservative family, the couple lived at Schloss Harmannsdorf a little over 80 km North-West of Vienna in a rural, conservative and intensely Roman Catholic area. With the success of *Die Waffen Nieder!*, Bertha also travelled Europe as an activist for peace and social justice and founded for example the Austrian and German peace societies. Bertha left Harmannsdorf for Vienna after Arthur's death in 1902 and lived there until she died in 1914 just a few days before World War I broke out.

Late Habsburg Vienna – or *Kakania* as Robert Musil called it - was marked by cultural, intellectual, social and political paradoxes and fault lines. It was the imperial-royal capital of a multinational empire in decline. The old social and political order was held together by a class-based social scaffolding, a clerical system of government, dynastic bonds among the ancient Catholic aristocracy, "*schwarz-gelb*" loyalty to Emperor and imperial army, and by *Salons* and perpetual waltzing.¹⁴ This deeply conservative imperial society was challenged by progressive liberals, who were of an anti-clerical, internationalist, capitalist and rationalist mind-set and who wanted to reform the Habsburg empire into a constitutional parliamentary monarchy.¹⁵ In *Die Waffen Nieder!*, Frederick, Arthur von Suttner's alter ego, represents this 'democratic and liberal point of view' (351). Both progressive liberals and 'modernist' artists and intellectuals suffocated in what Kelsen would later call the 'the polluted political atmosphere'.¹⁶ Anti-Semitism was fanned by the toxic politics of the Christian Socialists and their German-Nationalist friends. Bertha and Arthur responded with the foundation of the *Verein zur Abwehr des Antisemitismus* in 1891. Like Freud, they too were friends with Theodor Herzl, an editor at the *Neue Freie Presse*, to which both Bertha and Arthur contributed. Herzl would finance their stay in The Hague in 1899.

Bertha von Suttner was a harsh critic of the old social and political order. Her work testifies to the 'misery' underlying all the 'pomp and circumstance', all the 'sensuous worldly splendor and glory' of the Dual Monarchy.¹⁷ One only has to read in *Die Waffen Nieder!* Martha's repudiation of the imperial couple's theatrically washing of the feet of the poor – a 'sham' through which they compared themselves with God: not 'peculiarly humble' (86-9) – to realise how critical she was of 'the unshakable commitment of the ruling dynasty to the Habsburg concept of *Hausmacht*, that is, the idea that the Habsburgs were the instrument of God on Earth.'¹⁸ That said, Bertha was not part of the 'modernist' cultural and social scene either. She rejected the attitude of 'therapeutic nihilism', so popular an antidote among Viennese artists and thinkers, such as Sigmund Freud, for failing to provide answers to the problems of the day.¹⁹ Bertha and Arthur were well-read, they studied the latest scientific articles and books together on a daily basis. With an optimism about human reason and humanity's progress, inspired by the political philosophy of Immanuel Kant, Charles Darwin's theory of evolution²⁰ and by the evolutionary sociology of Herbert Spencer and Thomas Buckle. She mocks the 'barbarism' of self-acclaimed 'civilised nations' and calls for 'the triumph of the intellect' over the

¹⁴ Allan Janik and Stephen Toulmin, *Wittgenstein's Vienna* (1973) 33 et seq.

¹⁵ *Ibidem*.

¹⁶ Hans Kelsen, The Pure Theory of Law, 'Labandism', and Neo-Kantianism. A Letter to Renato Treves (1933), in Paulson and Litschewski Paulson (eds) *Normativity and Norms: Critical Perspectives on Kelsenian Themes* 172 (1998).

¹⁷ *Wittgenstein's Vienna* (n 14) 37.

¹⁸ *Ibidem*.

¹⁹ William M. Johnston, *The Austrian Mind: An intellectual and social history 1848-1938* (1983), 223 et seq. One cannot help but think Bertha was familiar with Sigmund Freud's incipient ideas. Frederick explains how war 'electrifie[s]' in Freudian terms: united in 'love' and peace as an alternative for Id, LDYA 388.

²⁰ Eg LDYA 44, 65-69.

irrationality of war.²¹ While this rationalism was shared by many Viennese intellectuals, prominent authors such as Karl Kraus and Rainer Maria Rilke ridiculed '*Friedensbertha*' for her utopian and "low-culture" writings.²² Similarly, modernist Arthur Schnitzler depreciated her belief in reason. After Bertha's visit in March 1914, he penned down '[s]he is a good though doubtless fundamentally banal person', which he related to her lack of nihilism: 'like people who "have to believe something," even in the triumph of reason.'²³ While celebrated by many in the national and international 'peace through law' movement, German international lawyer, Felix Dahn (1834–1912), famously snarled at her '*Wo Männer fechten, hat das Weib zu Schweigen!*'.²⁴

It is against this background of *fin-de-siecle* Vienna and the disintegrating Austro-Hungarian Empire that Bertha von Suttner became a leading international peace activist, who advocated social justice and a Kantian transformation of the old international order: '*Gestern: Gewalt als Recht. Morgen: Recht als Gewalt*'.²⁵

3. International law in *Die Waffen nieder!*

*Die Waffen Nieder!*²⁶ is a first-person novel that tells the life-story of Martha von Tilling amid four European wars - 1859, 1864, 1866 and 1870/71. It describes in very realistic terms the suffering war brings to both men and women. While this largely explains its world fame, it is also a novel of international (law) ideas. Martha examines contemporary international law issues such as the problem of secret treaties (359-60), the right to self-determination of the people of Schleswig-Holstein (195), 'historic rights' claimed by Denmark as a 'right cause' (135-36, 157), or other *causa belli* (eg 386) claimed by European states to justify war. She passionately attacks the conservative perspectives on state, war and international order, so all-pervasive in the German-language world – Austria, Germany, 'it is all the same school' as Martha's husband Frederick observed (300). In the novel, Martha's father, *k.u.k.* General Count Althaus represents the old outlook on society and international order steeped in Hegelian and Clausewitzian thought.²⁷ Martha and Frederick draw on Kant's teleological conception of universal history and nature and his claim that 'reason' obliges humanity to 'progress' morally towards 'enlightenment' and 'perpetual peace'.²⁸ A rationalism that morally commands a law-governed national and international society and institutions that administer justice. They study the Swiss liberal

²¹ Eg LDYA 47-48, 74, 201, 261; also the Preface to *Memoirs* vol 1.

²² See eg Stefan Zweig, *The World of Yesterday* (Cassell 1943, 4th ed 1947) 163: 'the old lady, *who was not taken seriously in Vienna*'. Italic added.

²³ Peter Gay, *Schnitzler's Century: the making of the middle-class culture 1815-1914* (2002) 288.

²⁴ Hamann (n 5) 141, 264.

²⁵ Jemand [B von Suttner], *Das Maschinenalter: Zukunftsvorlesungen über unsere Zeit* (1889), 292, as cited in Peter n 2, 1145. Cf Hamann n 5, 234 for Suttner's commitment to the development of the international legal order to constrain states.

²⁶ As many female authors at the time, Von Suttner was initially turned down by publishers. She had published *Das Maschinenalter* anonymously. *Memoirs*, 275-6. She resisted however the prejudice of women as 'the weak-minded sex' and published the "women's novel" under her own name. See *Memoirs* vol 1, 289. The cry of the title '*Die Waffen Nieder!*' is penned down by Martha in her diary for the first time in 1864. LDYA, at 143; subsequently, it is on her lips a few times throughout the book, eg at 150, 209, and 277.

²⁷ In LDYA, Carl von Clausewitz is represented by his follower, the *Schlachtendenker*, Helmuth von Moltke, whose view on war is captured here by his famous adage "Everlasting peace is a dream, and not a pretty dream either", LDYA 423. See eg on 19th century perspectives on international law, including the Hegelian and Clausewitzian perspectives, Hendrik Simon in *EJIL* 2018.

²⁸ Immanuel Kant, 'Idea for a Universal History with a Cosmopolitan Purpose' and 'Perpetual Peace' in H.S. Reiss (Ed), *Kant Political Writing* (Cambridge Pb ed 1997) 41-53 and 93-130.

international lawyer Johann Caspar Bluntschli (1808-1881), who stood in the Kantian tradition of legal pacifism and argued for an international legal order (*Rechtszustand*) that outlaws war (433).²⁹

For Martha, war is the negation of 'civilisation' and she mocks the sense of superiority of European 'civilised nations' (261). Through her eyes the reader learns how society maintains this 'savagery' (315): by social conventions that define a woman's role by her (breeding) function to the military, by a culture of patriotism and militarism, and by a Roman Catholic clergy who treats warfare as a product of the will of God.

In a state organised for warfare, women are belittled and silenced: 'What a cowardly lot you women folk are!' or 'politics is [...] far "too high a thing" for ladies'.³⁰ Martha resists fervently to 'educate' her children in patriotism and militarism, as is clear for example when her father brings her son Rudi a box of tin soldiers 'to awaken the love for the trade [of war]'.³¹ While she refuses to raise her son for military service, she refuses to indoctrinate her daughter to adore military uniforms and to cry to her future husband "'Go on, die for your country that is the most glorious of deaths"'.³² Martha is often furious when 'for [her] female weakness of intellect' she is told not to think about politics and war: "'don't think about it" that is the support of all kinds of barbarity'.³³

The novel character of aunt Mary gives us an insight in the toxic entanglement of militarism, patriotism, the 'loyal love' of the imperial Habsburg family, and the doctrine of Divine Providence: "'What is the will of God, [m]ust be borne with composure and resignation.'"³⁴ This is an attitude Martha qualifies as 'folly. All savagery, all the arbitrary action of men, hiding itself under the shield of God's will'" (321). Martha unravels the influential doctrine/ideology in a conversation with a clergyman in which 'the lawfulness of war' (339) is discussed within the Roman Catholic just war tradition. One recognises Thomas Aquinas' *Summa Theologiae* II.II. Qu 40 to structure the clergyman's discussion of 19th century wars.³⁵ Martha rejects the 'suppression' of 'the gift of reason' by religion (227-8).

Throughout the book, Martha fights the old order by quarrelling with her father. This aristocratic, *k.u.k.* General features as the embodiment of the 'war spirit' that infects society with '*la haine sacrée de l'ennemi*' and 'patriotic egotism' (402-3). He sets out the 'old idolatry of war' (48) in Hegelian terms: 'Continual peace relaxes, effeminates, produces like stagnant water corruption; especially the degeneration of morals. [...] Wars are the best means for putting in practice self-sacrifice, heroism in short, the firmer elements of the character.'³⁶ Count Althaus defends the so-called *liberum ius ad bellum*: the international 'right to go to war'.³⁷ He stands for mainstream nationalism and glorification of the state. He reasons about European politics as a zero-sum game (211), a 'contest for hegemony' and 'honour',³⁸ and with the 'European equilibrium' or 'balance of power' logic as his guiding principle.³⁹ In this outlook, war is a regular instrument of international and dynastic politics.⁴⁰

²⁹ See for international legal thought of Bluntschli and Kant, Hendrik Simon, *JHIL* 2020. See also for Bluntschli as also one of the founders of the *IDI*, the 'Men of 1873', Koskenniemi (n 3), at 42-7; colonization 'to promote civilization and the extension of culture', in Bluntschli, *Droit international codifié* (4th ed 1886) 176-77.

³⁰ LDYA 30 and 350; cf Suttner, *Universal Peace* (1899) 51.

³¹ LDYA 62; on the same theme of raising sons into soldiers and nationalists, 171, 190, 196, 229;

³² LDYA 228, cf Suttner, *Universal Peace* (1899) 51.

³³ LDYA 218, also 225, 287, 297.

³⁴ LDYA 133 and 20; also 112, 337

³⁵ LDYA 338-346.

³⁶ LDYA 197; see also 41-43, 124-25, 228, 385-6; cf *Hegel's Philosophy of Right*, Transl by T.M. Knox, §§324-5.

³⁷ LDYA 434 emphasis added; see also Simon (n 29).

³⁸ LDYA 126, 135

³⁹ LDYA 126, 135, 208, 368, 372, 383,

⁴⁰ LDYA 135, 146, 204

Sovereignty and territorial integrity of the state are sacred⁴¹ and the normative force of treaties is extremely limited.⁴²

As an alternative, Martha and Frederick argue for a peaceful order based on international law. Once retired from the *k.u.K* army, Frederick starts to study international law and to correspond with Bluntschli, who published *Das moderne Völkerrecht der civilisierten Staaten als Rechtsbuch dargestellt* in 1868 and argued that peace through international law was possible (368). In Martha's red diaries, she copies excerpts of international legal documents of her time. In a blue cahier, Frederick and Martha develop their 'peace through law' argument by engagement with peace studies authors from Aristophanes to Kant (365-7). In the international legal order, they advocate, war is not a natural disaster but inflicted by human choice, it is 'a crime' or '*Völkermord*' as Martha phrased it at the graveyards of Königgrätz (1866).⁴³ War does not morally improve humanity, it 'dehumanises'.⁴⁴ Bertha von Suttner was more radical than those contemporaries who argued for the development of international humanitarian law: progress lies in a positive *ius contra bellum* not in *ius in bello*. Martha fulminates against the assumption that the 'humanisation' of war as envisioned by Henry Dunant and in the Geneva Convention (1864) is at all possible.⁴⁵ She attacks the international *right* to go to war.

With their '*Protocol of Peace*', Martha and Frederick aimed to change the minds of humanity. Martha invoked Kant's *Project for a Perpetual Peace* (1795) to argue against the natural 'right' of sovereign states to go to war and for 'general disarmament' in Europe (362, 390), and to suggest that 'the civil constitution in ever state should be republican' to avoid war provoked by dynastic conflicts (387).⁴⁶ She quotes moreover from paragraph 3 of its Preliminary Article, which argues for the abolition of standing armies.⁴⁷ Nations with armies would become 'armed nations' (351-3). Martha protests against the arms race and the industrialisation of weaponry (351). She draws on Kant's cosmopolitan outlook when she calls for a confederation or 'union' of states, a 'league of peace', in Europe (177, 298).⁴⁸

Here, I want to end with Martha's plea for the peaceful settlement of international disputes by an international 'court of law' (198-99). She refers a few times to the Alabama Claims (1872) and the Caroline Islands (1885) cases to oppose the traditional view that 'Sovereign states and nations will never accept such a court's decision'⁴⁹ and that arbitration is 'a utopian [...] dream' (296, 386, 424). At the end of the novel, Martha explicates the agenda of the peace movement and pleads one last time: 'to move the Governments to submit their differences in future to an Arbitration Court, appointed by themselves, and so once for all to enthrone justice in place of brute force.'⁵⁰ With this agenda of arbitration, disarmament and the abolishment of the *ius ad bellum*,⁵¹ Bertha went to The Hague to work them through her salon in 1899 and 1907.

⁴¹ LDYA 41, 386

⁴² Cf Hegel (n 37) §§330-340.

⁴³ LDYA 279; cf Kant (n 28).

⁴⁴ LDYA 197-98, 227

⁴⁵ LDYA 220-27, 295

⁴⁶ Cf Kant (n 28).

⁴⁷ LDYA 362; cf Kant (n 28); Hegel (n 37) §326.

⁴⁸ Cf *Memoirs*, 221.

⁴⁹ LDYA 126-7; also, *Memoirs*, 247.

⁵⁰ LDYA 424, and throughout the book. See also Kant (n 28).

⁵¹ Cf Bertha von Suttner, *Universal Peace: From a Woman's Standpoint*, 169 (512) *The North American Review* (1899) 50-61. Bertha wrote this article while being in The Hague for the Peace Conference.

4. *Salonnière* agency during the 1899 and 1907 Peace Conferences

The salon was an important social institution in the circles of Bertha and her alter ego Martha, and as such very present in *Die Waffen Nieder!*.⁵² Throughout her life, Martha visited and hosted salons in Berlin, Paris, and Vienna. In the seventeenth and eighteenth century, aristocratic ladies run salons in European patriarchal, monarchical societies. Gradually, first in France and later also elsewhere in Europe, other than aristocratic women came to lead cultural and intellectual salons with their art of conversation and sociability skills. As such, the salon was instrumental to female – often Jewish – emancipation and the development of a bourgeois ‘public sphere’.⁵³ By the second half of the nineteenth century, Martha ‘would gladly have drawn into [her Salon] a few persons from the world of literature and scholarship, - [...but...] that could hardly be done in the society in which [she] moved. Bourgeois elements could not be mixed with what was called “the circles” of Vienna’ (51-2). What Martha as an aristocratic lady could not do in her Viennese salon in the 1860s (later it changed also in Vienna), which led to what she considered ‘intolerably dull’ conversations,⁵⁴ Bertha could do later in The Hague. In the tradition of ‘salon diplomacy’, there she used her salon as a ‘diplomatic tool’ during the Peace Conferences.⁵⁵

Prior to the 1899 Conference, she wrote letters to all corners of the world to invite prominent peace activists to join her in The Hague.⁵⁶ She held Salon at the *Grand Central Hotel* and later at the *Kurhaus* hotel at Scheveningen beach.⁵⁷ Her salon was ‘always full of callers, and from early in the morning with interviewers’ for international newspapers.⁵⁸ With her ‘*Geselligkeit im aristokratischen Stil*’, Suttner offered an informal space for the worlds of diplomacy, journalism, international law, political economy, industry, military, civil society and the arts to meet and discuss the latest developments that were at issue in the formal sessions of the Peace Conference.⁵⁹ As the most prominent woman of the international peace movement, she could as a *salonnière* lead authoritatively the exchange of progressive (legal) pacifist ideas in a private setting, thus contributing to the creation of an *international* public sphere *avant-la-lettre*. ‘Journalists [were] not admitted to the [Conference] deliberations,’⁶⁰ but at her Salon they informed themselves, spoke with delegates and consulted international lawyers and peace activists. The latter in turn hoped to mobilise ‘public opinion’ through the press and to influence the representatives.⁶¹

With her salon, Suttner gave a great platform to people like Johann Bloch, author of *Die Zukunft des Krieges*, who rejected war from an economic perspective: ‘My guests also listen with lively interest to Bloch’s remarks and elucidations.’⁶² Among her most regular callers were her journalist friends

⁵² LDYA 357, 382,

⁵³ Jürgen Habermas, *The Structural Transformation of the Public Sphere: An Inquiry into a Category of Bourgeois Society* (Cambridge: The MIT Press, 1991) 31-51.

⁵⁴ Eg LDYA 52, 63-4, 70, 84

⁵⁵ Glenda Sluga, *On the Historical Significance of the Presence, and Absence, of Women at the Congress of Vienna, 1814–1815*, in: *L'homme : Zeitschrift für feministische Geschichtswissenschaft*, Jg. 25 (2014) Nr. 2, 49-62, at 54 and 50. DOI: <https://doi.org/10.25595/1868>. Cf also, Antoine Lilti, *The World of the Salons. Sociability and Worldliness in Eighteenth-Century Paris* (OUP 2015) which includes a chapter on politics in the salon and a space for diplomats.

⁵⁶ *Memoirs*, 235-6

⁵⁷ Annemarie van Heerikhuizen, *World Peace in the eyes of Bertha von Suttner and Bertha Waszkiewicz*, vol 2(7) *Women's History* (2017) 25-31.

⁵⁸ *Memoirs*, 255

⁵⁹ Hamann n 5, 260.

⁶⁰ *Memoirs*, 251.

⁶¹ *Memoirs*, 236-240.

⁶² *Memoirs*, 257.

William Stead and Alfred Fried and pacifists Nowikow, Frederic Passy, Hodgson Pratt. Among the many diplomats, activists and international lawyers credited in her *Memoirs* is the French delegate and former minister, Léon Bourgeois, who became influential in international law scholarship with his solidarist theory. Suttner writes, 'I hardly ever had a more interesting table companion than Bourgeois'.⁶³

For Suttner and the '*groupe du high-life pacifique*', the mission was clear: 'to talk the delegates over, to win them one by one' - in the words of Henry Dunant whose letter she copied in her memoirs - to establish an international court of arbitration. As letters by Ducommen, Pratt and Dunant show, all counted on Suttner's 'special gifts' to shape global public opinion on the issue. Dunant writes: 'You alone, madam, are capable of doing this.'⁶⁴

The Conference delegates established three Commissions. One on disarmament, one on the laws of war, and the Third Commission, presided over by Bourgeois, on the pacific settlement of international disputes.⁶⁵ Their work – the foundation of an international court - was Suttner's main target as *Salonière* of the 1899 conference. She organised numerous social events. A small dinner for the Austrian representative and the French delegation, hoping the latter would inspire the former to support the court.⁶⁶ Austria had appointed international law professor Lammasch (1853-1920) as delegate and Germany his colleague Stengel (1840-1930), both of a more conservative leaning. The latter's pamphlet, 'Perpetual Peace', summed up 'all glorification of war and of disarmament'.⁶⁷ Both delegations argued that arbitration 'is directly contrary to the principle of state sovereignty',⁶⁸ while Great Britain, Russia and the United States were among those delegations coming with plans to establish a permanent court of arbitration.

When the formal negotiations were at their most critical point, on June 15th, 1899, US Ambassador Dr Andrew White called on Suttner to use her clout and move Austria and Germany to support the court and in particular its obligatory nature:

"If you can bring pressure to bear on influential persons, Baroness, do it now. Every possible measure must be employed to clear away the difficulties that are springing up. ... The most important question before our Congress – that of a court of arbitration – has reached a turning point; [...]"⁶⁹

Two weeks later, White urged Suttner not just to apply pressure on the German and Austrian emperor but also to attend to the formation of public opinion:

"[he] urges me, in case I have the opportunity, to oppose those pessimistic prejudices which have gone abroad regarding the Conference, and which render more difficult the possibility of further work and the assembling of new conferences."⁷⁰

⁶³ *Memoirs*, 290.

⁶⁴ *Memoirs*, 240 and 243; see also Passy's letter to Queen Wilhelmine of the Netherlands in which he calls on her to conclude a treaty with Belgium or Switzerland to establish such a court to set an example, in Hamann (n 5) 254.

⁶⁵ Shabtai Rosenne (Ed), *The Hague Peace Conferences of 1899 and 1907 and International Arbitration. Reports and Documents*, T.M.C. Asser Press 2001, at xvii-xviii.

⁶⁶ *Memoirs*, 256.

⁶⁷ *Memoirs*, 239.

⁶⁸ *Memoirs*, 293.

⁶⁹ *Memoirs*, 294.

⁷⁰ *Memoirs*, 315.

Only to repeat this in a letter written a few days later from *Huis ten Bosch*, where the negotiations were taking place. Soon after, upon another ‘persuasive speech’ by *inter alia* Bourgeois,⁷¹ the much fought over article 27 was adopted: ‘The Signatory Powers consider it their *duty*, if a serious dispute threatens to break out between two or more of them, to remind these latter that the Permanent Court is open to them.’⁷²

5. Conclusion: a “*Cassandra of our time*”

By locating international law in Bertha’s novel and in her *Salon*, this chapter provides a portrait of a woman who imagined, argued, and contributed to the development of international law and institutions. *Die Waffen Nieder!* makes for a valuable source in the history of international law as it presents 19th century wars and international law (theory) as lived experience presented by Martha. It also gives another insight in the agenda of the ‘peace through law’ movement Suttner advocated parallel to the formal sessions of the Peace Conferences in and through her Hague salons.

Von Suttner built on a long European Enlightenment tradition in which salons had become strategic spaces – also for the diplomatic world - where (international) politics was critically discussed, the representatives of the world’s powers informed and lobbied, and public opinion formed. With her Hague Salon, she deliberately created such a space to influence the 1899 negotiations and shape global public opinion. The importance of that role has been recognised widely. For one, she received the Nobel Peace Prize in 1905.

Bertha von Suttner was not an international lawyer in the classical sense. Yet with her novel and other writings she did contribute to what Lassa Oppenheim in 1908 claim to be one of the main tasks of the science of international law: ‘popularization of international law’.⁷³ In the course of her life, the ambivalence about international law did not diminish. In 1912, she wrote to Fried about international lawyers what seems an echo of Kant’s complaint about natural lawyers: ‘*Das sogenannte >Völkerrecht< - trockene Juristerei – past nicht in die Friedensbewegung, ungefähr wie das Rote Kreuz.*’ And, four weeks before her death: ‘*Die Völkerrechtslehrer werden den Pazifismus erdrosseln [suffocate].*’⁷⁴ In Suttner’s view, the development of the laws of war to ‘humanis[e] war’ had gummed up the works of the peace movement and driven ‘a wedge (surely not without purpose)’ into ‘the deliberations of the Peace Conference’.⁷⁵ In her view, only a ban on war, disarmament, and the pacific settlement of international disputes by an international court of arbitration would do. She would fight for it until the end of her life.

In 1913, Stefan Zweig ran into Suttner in the streets of Vienna. She called him to action: “The war is already upon us, and once again they have hidden and kept it from us. Why don’t you do something, you young people? It is your concern most of all. Defend yourselves! Unite! Don’t always let us few old women to whom no one listens do everything. [...] Things are worse than ever, the machine is already in motion.”⁷⁶

⁷¹ *Memoirs*, 319-20.

⁷² Convention for the Pacific Settlement of International Disputes, The Hague, 29 July 1899, in Rosenne (n 70), 415, 417 italic added.

⁷³ Lassa Oppenheim *The Science of International Law: its task and method*, 2 *AJIL* 1908, 323. OR: IN INTRO??

⁷⁴ Hamann (n 5) 265.

⁷⁵ *Memoirs*, 228-9.

⁷⁶ Zweig n 22, 163.