Beyond the Twilight of the Westphalian Myth

Many criticisms have been formulated against considering the Peace of Westphalia 1648 as the origin of the modern international state system, according to the claims of the dominant narrative in International Relations (IR). It is worth noting that, although interesting, those criticisms did not generate an alternative. Westphalia represented a kind of a cognitive obstacle, in the form of an ideological construct, hindering an objective account of the modern state system born after World War II (WWII). The aim of this article is to propose some milestones that may pave the way towards a new vision of the modern state system. Therefore, I will first explain why the main features of the modern state system, namely sovereignty and territoriality principles, saw their socio-historical "condition of possibilities" concretized only in the twentieth century. Following this, I will emphasize the originality and the high degree of "systematicity" of the post–WWII state system, and analyse its main pillars. Third, and finally, I argue that the modern state system may be less liberal and less anarchic than widely claimed.

It is striking to observe that neither the text of the Peace of Westphalia agreements of 1648, nor the context of that era, may allow considering them as the origin of the modern state system. The supposed paternity is not based on sound proof. The Treaties of Westphalia were rather a constitutional document of the Holy Roman Empire, which did not mention the word sovereignty (De Carvalo, Leira, Hobson, 2011) – but talked, instead, about "possessions" and what may be inferred as a communal aspiration for regional peace (Christian Europe). The two treaties of Westphalia of October 24, 1648, spoke indeed "In the name of the most holy and individual Trinity", regretted the "effusion of Christian Blood", while seeking "the Glory of God, and the Benefit of the Christian World". Thus, they were considered as "The Last Christian Peace" (Croxton, 2013). The genealogy issue of the modern international state system has probably been overestimated and given more attention than necessary.

In any case, it remains quite anachronistic to look after territorial sovereignty's affiliation, as a universal norm, in Westphalia 1648. The "right of states to freedom from outside intervention was established by international law only for the first time in the twentieth century" (Glanville, 2013). Even beyond the agreements of Westphalia, one can see that the legal philosophy in the seventeenth century was conceptualizing "the right of superiority", the "right of conquest", and still talking about "slaves" as a legal notion (Grotius, 2001). In sum, the Westphalia concept was a kind of "ideal-type that is becoming something of a caricature" (Schmidt, 2011). In reality, territorial sovereignty, and non-intervention in other states affairs, as universal normative principles, were only possible after WWII, subsequent to a gestation period of almost thirty years prior, marked by a fierce ringing for "international peace". This may be the only plausible, although formal, similarity with Westphalia, as Churchill once said (Ragnolini, 2018).

After the First World War, we witnessed the start of a process allowing the emergence of the two prerequisites for the birth of territorial sovereignty as a universally dominating norm, which are self-determination, on the one hand, and racial equality on the other. In fact, from a historical point of view, before the First World War, the history of the world was a history of empires. Even when "the peace settlement allowed the victorious empires to expand their domains as never before, it also marked the beginning of the end for the imperial world order". 1919 marks clearly a breakup than a continuation of 1648. With the end of the War, the principle of self-determination defended by the United States as well as by the newly emerging Soviet Union, had prevailed and inspired liberation movements throughout the World. This would later be confirmed by the Charter of the United Nations in 1945, as well as by the Universal Declaration of Human Rights in 1948.

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Until the French and American Revolutions, in the second half of the 18th century, sovereignty was mainly an attribute of Kings, with "possessions" having no real territorial limits but what swords and firepower may permit. With the focus on peoples, as the only sovereign power, and thanks to the universal dimension of their foundational declarations, namely the American Independence Declaration, and the French Déclaration universelle des Droits de l'Homme et du Citoyen (Paine, 1776: 1, 5; Oppenheim, 1905: 108), both revolutions might have paved the way towards a universal principle of territorial sovereignty, considered as a basic right for every "nation". But a legitimate criticism could be made, in this regard, against the American and French Revolutions, given the contradiction between the announced universality of their principles and the engagement of France and the US in colonial adventures, slavery and racial segregation, although in different ways.

It is worth noting that the principle of racial equality was not accepted by the League of Nations (Shimazu, 1995:311) and it was not until the end of WWII that it became a dominant norm, both morally and legally. Furthermore, before WWII, international law was still making a distinction between "civilised" and "savage" or "non-civilised", "Christian and Non-Christian" nations (Twiss, 1875:15-16, Westlake, 1904:120, Oppenheim, 1905:31, Bonfils, 1914:21, Fauchille, 1923:67-68). Since sovereignty, as a norm, cannot be established without the right to self-determination, and the principle of racial equality, it would be safe to say that sovereignty, as a universal norm, was a post WWII phenomenon.

The modern state system, which emerged after WWII, was born from an unprecedented historical experience, where the international community reached almost the absolute limits of war (nuclear weapons), of suffering (mass murder) and of losses (a historically high level of deaths). The originality of the system has probably more to do with that experience than with the will or the values of a single nation, or a group of nations. The kind of "Holy Alliance" declared, at that time, between liberal western, communist states and national liberation movements throughout the world, was a clear sign in this regard. The result was the birth of the first genuine state system with a higher degree of "systematicity" in an unparalleled scale in history. Thus, calling any former phenomenon an "international state system" would be almost an abuse of words. Here, I refer to a "system" rather than an "order" because I understand the latter as "the minimum conditions of coexistence" according to Aron's definition (McKeil, 2023).

By "system", I mean a set of elements (states in this case) as parts of a whole, representing a mechanism or an interconnecting network, functioning and organized according to certain principles (norms). The post-WWII international system was not only open for all states, on the basis of equal sovereignty as a norm, but also laid out coherent principles. The UN Charter, adopted and ratified by a large majority of states, has founded the first universal cross-cultural and common international political institution. A kind of a global club charter of an open society for all states. The experience of the international community since WWII was the fruit of the meeting of different cultures and systems of thought, and represent the beginning of a kind of global governance – in spite of all possible imperfections, both within the structure and in the functioning. Nevertheless, all current criticisms of that system, especially of the UN, are seeking rather reform than dissolution or a radical alternative. No state has decided to leave the club so far.

The modern state system, born after WWII, I would suggest, is based essentially on five normative pillars, distinguishing it from its "prehistory". The first pillar is universality and multilateralism: in the sense of moving beyond all political, geographical and cultural boundaries, including all state entities in the world, according to the principle of equal sovereignty, as a universally accepted norm. This was possible through transcending the racial, cultural or religious segregations that prevailed before that time. All former international gathering systems were either regional or had only universalist intentions – like the League of Nations. In fact, even at the beginning of the twentieth century, the mainstream vision in International law was based on assumptions indicating, for example, that "the actual state system of the civilised world" or "the international society … is composed of all the states of European blood, that is of all the European and American states except Turkey, and of Japan" (Westlake, 1904: 40, 44).

The second pillar is global and comprehensive governance: this included a political dimension, through a serious attempt to go beyond the balance of power paradigm, with the adoption of collective security. The system was not a mere arrangement but a kind of global governance, intended (in the beginning at least) even as a world government (Weiss, 2009). It entails also judicial as well as social and economic dimensions, seeking global justice and

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development. Either seen from international institution's perspective, like the World Bank, or, from a more ambitious vision, like that of UN Economic and Social Council and other technical UN organizations, there was a radically new perception of economic development with a globalist claim.

The third pillar is the centrality of human rights**:** individual as well as collective, even with diverse if not conflictual interpretations. It may be necessary here to emphasize the polyphony and ambivalence of Human Rights since they may be considered, at least according to a simplistic vision, "as either an unambiguous tool for postcolonial emancipation or the Trojan Horse of western domination" (Berger, 2023). The Universal Declaration of Human Rights of December 10, 1948 was indeed the beginning of a process of enlargement of international human rights Agreements covering different aspects, and enforcement mechanisms. In addition, the Universal Declaration of Human Rights announced via article 28 that "everyone is entitled to a social and international order in which the rights and freedoms set forth in this declaration can be fully realized".

The fourth pillar is secularity: probably rather de facto, based on a tacit universal acceptance of the underlying cross-cultural principles of Human Rights and self-determination. This feature may have been underestimated, although an issue like religious identity was still sensitive and difficult to accept only few decades before. Even in the beginning of the twentieth century we find in International law assertions like: "Doubtful is the position of non-Christian states…Their civilisation is essentially different from that of the Christian States that international intercourse with them of the same kind as between Christian States has been hitherto impossible" (Oppenheim, 1905: 148). Not to mention the nineteenth century, for example, with the Vienna Congress of 1815 marked by a Christian coalition, openly preaching a Christian vision of the world, seeking to found International Law on Christian principles (Bonfils, 1914: 7-8).

The fifth, and final, pillar is the normative predominance of peace: through the legal abolition of aggressive wars and the promotion of peaceful settlement of conflicts (Chapter I, article 1, of the UN Charter). This principle is based on a quite strong assertion in the Preamble of the UN Charter, which invokes saving "the succeeding generations from the scourge of war". This could be considered as a secularized version of "salvation" preached by many religions. World peace became both a legal and a political notion (UN Charter, Articles 1&2) with a recognized international body assigned with a special mission, namely the preservation and maintenance of peace (UN Security Council). It is worth noting, in this regard, that in spite of all armed conflicts, no state in the world is claiming a right to declare war. Wars, even when aggressive, are conducted under the right of self-defence. Beyond polemics, the UN plays an important role in the modern international system in general (Westra, 2010) at least as a point of reference.

The five pillars above illustrate what I call the *systematicity* of the international state system. One can draw them within a pyramid on which basis we find universality and peace on the top. It could be read as follows: the universal state's "club", seeking peace as ultimate goal, through global and comprehensive governance, with Human Rights and secularity as a framework. This systematicity constitutes the frame, even when loose and soft, nevertheless more pronounced than the Kantian perception of the "civil" condition; intended to overcome the so-called state of nature between states (Burles, 2023).

The International state system born after WWII received a baptism by fire, resembling a human sacrifice to a nameless divinity. This sacrifice included Europeans, Americans, but also millions of Africans and Asians coming from the colonies, with different cultural and religious backgrounds. Among the millions of the dead were also many from nations under non-liberal governments which played a major role in shaping the emerging international system. This is what I would call the "eloquence of blood" as a decisive factor. This does not receive the attention it deserves, even by defenders of Global South perspectives in IR (Benabdallah, Murillo-Zamora, Adetula, 2017). Furthermore, decolonization was a major phenomenon both in challenging "claims about the pacific nature of western liberal democracies" (Acharya, 2014) and in giving a new dimension of International Relation's studies (Jouve, 1992: 19).

It is important to note that one of the main norms of the modern international system, the self-determination principle, was heard before Woodrow Wilson's famous fourteen points in debates over war aims by the Russian Bolsheviks in mid-1917. In addition, some analysts emphasize the fact "that the US is considered a liberal democracy since its inception, despite a long history of slavery and racial segregation. Such attributes would disqualify any country that

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claims to be a democracy nowadays" (Reinert, 2020). In recent years, the US is still opposing one of the major advancements in the international order – the International Criminal Court (Zvobgo, 2019). This reflects the reality that the US, as a superpower, does not always respect the "liberal order" – especially considering its invasion of Iraq in 2003.

Far from controversies, we know every country, culture or regional group is tempted to exaggerate its role out of self-esteem, as pointed out by Herder, from an anthropological perspective (Hahn, 2005: 13). It may be easy to assess the financial contribution of states in international organizations, but it remains complicated to determine the "percentage" of the share of any state to Human Rights or to the international state system in general. Nevertheless, is that international system compatible with anarchy as claimed by the dominant doctrine of IR? A simple answer to this question could be found in the meaning given to the "International liberal order", by some scholars who express the dominant view (Ikenberry, 2018). "Liberal", according to this perception, sounds like a polite, sophisticated formulation of *Pax Americana* – with a discreet empire component. However, the International order would be hierarchical in this case, even when the opposite is claimed. Against those theories, one may emphasize the role of the dynamics of dialogue, negotiation and socialization (Johnston, 2001) resulting in substantial contributions of different states and regions. In addition, the relational approach has shown the dynamics of interaction and recognition in IR (Duque, 2018; Weber, 2020). For example, China, (paradoxically) with other Global South partners, is positioning itself as a defender of free trade and globalization (Guillén, 2017) – this constitutes a challenge to one of the dogmas of western liberal thought via China's embracing of capitalism while simultaneously retaining the centralised rule of its Communist party.

It is time to go beyond such "paranoid schizophrenia". The dominant perception in IR claims that governments are, at the same time, civic internally while selfish and paranoid when facing other governments. This would be one of the consequences of considering anarchy as "one of the foundational assumptions of the discipline of international relations" (Lake, 2010). It means that "in a self-help world, self-interested states either act to assure their survival or perish" (Weber, 1997). Even from a state of nature perspective, there is no reason to accept anarchy as fate. If anarchy is based on the idea that every state has to look after its own security or survival because of the threat from other states, it seems that such a vision of the world is not sufficient to give an account of the international state system since 1945. The history of international relations since 1945 is one of an accumulation of global existential threats menacing to destroy life on earth, including the so-called anarchical system. From nuclear weapons, to climate change, to pandemics and Artificial Intelligence. Incorporating such issues, IR is consequently more than the study of states within a state of nature, where every entity is looking for its interests and security within a system understandable only through abstract statist models.

The excesses of speculative reasoning, exaggerated self-esteem (not to talk about Eurocentrism) or neglected historical facts, has led to overlooking the originality of the modern international state system born after 1945. The twentieth century represented a breakup, or a juncture. It was not a continuation or an appendix of western history and was not a mere enlargement of the "European Club". Beyond the criticism of Westphalia, documented nowadays in many scholarly works, this article tried to illustrate the originality of the modern international state system and its uniqueness in some regards. The birth of the modern state system represents the beginning of the first universal state socialization (if not a shared "civilizational") process, within a global club seeking a kind of unavoidable interactive governance. As this process unfolds, the challenges and opportunities ahead, mainly global existential threats, may push towards a new universal perception of IR.

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