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To Order the Minds of Scholars: The Discourse of the Peace of Westphalia in International Relations Literature¹

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References to the Peace of Westphalia have played an important role in the discourse of international relations. Originally referred to as a concrete historical event and associated with a variety of meanings, such as the triumph of state sovereignty, the establishment of a community of states, and even the beginnings of collective security, the Peace was later transformed into a conceptualization of the international system. Beginning in the late 1960s, phrases like “Westphalian system” came to convey a package of ideas about international politics limited to the supremacy of state sovereignty, territoriality, and nonintervention, to the exclusion of other meanings. This conceptualization serves as a popular and convenient contrast to a more globalized order, but there are problems with its use: first, because the Westphalian system is an ideal-type that might never have actually existed, the impact of globalization may be exaggerated by scholars who employ it. Second, its use implies a linear progression from some Westphalian configuration toward some “post-Westphalian” state of affairs, whereas actual system change is likely to be more complex.

Throughout the history of international relations scholarship, the Peace of Westphalia has served as a touchstone for analyses of the international system. This phenomenon has not escaped the attention of scholars; Stephen Krasner (1993:235) has noted that the Peace concluded more than 350 years ago has become an “icon” of International Relations (IR) scholarship. Since the end of the Cold War, there has been a remarkable surge in the number of publications which refer in one way or another to the Peace. Alongside direct references to the Peace as a historical event, contemporary scholars’ references to it also frequently take the form of a conceptualization of the international system in phrases like “Westphalian system” or “Westphalian order.” Indeed, a whole new vocabulary has developed around the concept of Westphalia. James Caporaso (2000) is certainly not alone when he applies this conceptualization in a number of ways by identifying not only Westphalian states, orders, and systems, but also Westphalian turns, phenomena, ideals, syndromes, and parameters.

¹ I would like to thank Mark Ashley, Constantin Fasolt, Daragh Grant, Rosemary Kelanic, Charles Lipson, Jennifer Mitzen, Jason Petrucci, Duncan Snidal, John Stevenson, Konstantinos Travlos, the participants of the Program on International Politics, Economics and Security (PIPES) workshop at the University of Chicago, the participants at the 2009 Midwest Political Science Association conference, and the anonymous reviewers for helpful comments on earlier versions of this paper.

Such references rely on a dominant, uncontroversial understanding of the significance of the Westphalian system as one of sovereign, equal, territorial states in which nonintervention into the internal affairs of another state is the rule. Indeed, this generalized understanding among contemporary IR scholars allows them to deploy references to the “Westphalia concept” (as I will refer to it from now on) with little or no elaboration.² In a passage worth quoting in full, Stephen Krasner (1995–1996:115) catalogs the roles that the Westphalia concept plays in current IR literature:

The Westphalian model, based on principles of autonomy and territory, offers a simple, arresting, and elegant image. It orders the minds of policymakers. It is an analytic assumption for neo-realism and neo-liberal institutionalism, both of which posit that states can be treated as if they were autonomous, unified, rational actors. It is an empirical reality for various sociological and constructivist theories of international politics. Moreover, it is a benchmark for observers who discern a basic erosion of sovereignty in the contemporary world.

This discourse of the Westphalia concept touches on so many aspects of contemporary IR scholarship that it might be difficult to think about the international system in today’s terms without sooner or later confronting it; indeed, it has become an integral part of how scholars perceive the object of their investigation. The centrality of the Westphalia concept in IR literature raises two important questions. First, how did the Peace become associated with a particular conceptual understanding of the international system? Second, what are the implications of this development for how scholars think about the state system?

A historical examination of the discourse of the Peace of Westphalia in IR literature reveals that the identification of the Peace with any particular characteristic of the international system was formerly more ambiguous than is the case today. The discourse of the Peace, which had earlier even included references to it as a collective security apparatus, appears to have narrowed somewhat over time to become more closely associated with the characteristics of state sovereignty and nonintervention with which we are familiar today.

A crucial development in this progression was the transformation of the Peace, which had long been traditionally referred to and discussed as a historical event, into an analytic construct in its own right through the articulation of a “Westphalian” conception of the international order. Lifted out of historical context through its articulation as an abstraction and endowed with a relatively fixed meaning compared to more historicized references to the Peace itself, the Westphalia concept provided IR scholars interested in analyzing the alleged erosion of sovereignty with a “benchmark” (as Krasner noted) to serve as a contrast. A good example of this function is the following excerpt: “Globalization is, in fact, establishing new openings for non-state actors...pressuring the state, transgressing the authority of the state over its citizens, and thereby eroding the boundaries of jurisdiction defined by the Westphalian interstate system” (Mittelman 2000:925). In such a capacity, the discourse of Westphalia has given form and conceptual coherence to IR literature concerned with globalization, broadly defined.

This use of the Westphalia concept is rife with potential pitfalls. First, positing such a “simple, arresting, and elegant image” of the state system, even if acknowledged to be merely a heuristic device, has the potential to invite the exaggeration of the purported impact of various phenomena related to globalization. Second,

² It should be emphasized that I am making an important distinction between references by authors to the “Westphalia concept” (which includes terms like Westphalian order, Westphalian system, etc.) and references by authors to the Peace of Westphalia itself as historical fact. Whereas references to the former rely on and accept a common understanding of the meaning of the concept, opinion is divided about the historical impact of the actual Peace of Westphalia (compare for instance Osiander 2001 with Philpott 2001).

this difficulty is aggravated by the tendency for the use of the Westphalia concept to imply that change occurs along a linear, one-dimensional axis defined by a "Westphalian order" on one end and a globalized/interdependent world order on the other. This would suggest an oversimplification of the changes associated with globalization. In addition, if an alternative understanding of the significance of the Peace of Westphalia in circulation before the articulation of the Westphalia concept had instead been adopted as the foundation for this concept, our reading of the novelty, significance, and breadth of the processes of globalization might have been quite different. The Westphalia concept has come to circumscribe a language and a conceptual landscape for the investigation of international politics and therefore, in a sense, to order the minds of scholars.³ Given the difficulties surrounding the use of the Westphalia concept and the now extensive collection of empirical work on globalization, I argue that it would be best, for the sake of both empirical and theoretical clarity, if the discipline abandoned the use of the Westphalia concept as an analytic construct.

The remainder of the paper proceeds as follows: after a brief discussion of method, I proceed with a chronological analysis of the pertinent IR literature. I first summarize the three broad ways in which writers understood the significance of the Peace up to the "Realist turn" in IR literature in the late 1930s and 1940s. I then discuss how the emphasis of the discourse of the Peace appeared to narrow in the next twenty to thirty years to an understanding similar to the content of the Westphalia concept as defined above. Up to this point, the literature review focuses on references to the Peace itself, since no Westphalia concept had yet been elaborated at the time. I then discuss the pivotal role that an article by Richard Falk in 1969 appeared to play in establishing the Westphalia concept and trace how it has been propagated through IR literature. This section is followed by a discussion of the Westphalia concept's function in IR literature. I then conclude with implications of the concept's development, in particular the possible distortions it introduces into the understanding of globalization.

Perspectives and Methods

In my investigation, I hold the view that various academic traditions have influenced the study of international politics both before and after modern theoretical structures were introduced. Since concepts and ideas are fluid and their sources not always cited, it is necessary to have an open perspective on what has defined (and continues to define) IR discourse. While today one could be more confident in identifying a relatively well-defined epistemic community of IR scholars who consistently reference each other's works, are cognizant of belonging to a particular academic enterprise, and tend to publish in the same set of journals, the indefinite origins of the field generally preclude this approach when looking at the early years of IR scholarship. Practically speaking, my investigation begins around the turn of the twentieth century, with a few references from the nineteenth century, and also includes the texts of historians and international legal scholars, especially before IR came to be defined as a field in its own right.⁴

³ I am not investigating the development of the system of states or the nature of any of its conceptual components, such as sovereignty. Such issues will be mentioned only as they become identified as part of the discourse of the Peace and will themselves not be problematized in this investigation. In addition, while I am not trying to identify the "true" legacy of the provisions of Westphalia, the efforts of authors who have sought to accomplish this, including Krasner (1993), Beaulac (2000), and Osiander (2001) lend support to my investigation by problematizing the current discourse of Westphalia.

⁴ I used Brian Schmidt's (1998) "critical internal discursive history" approach as a model for my investigation. (See Schmidt 1998: 37–39). Since the study of international relations is certainly not limited to discussions of the Peace, however (as Schmidt argues it is by the concept of anarchy), my inquiry is much more limited in scope and should in no way be regarded as an attempt at a disciplinary history.

Methodologically, my research relied on extensive literature searches and textual analyses to uncover the various meanings attached by scholars to the Peace of Westphalia and to trace the development of the discourse associated with it.⁵ In order to get a rough idea of how the Peace was referenced by academics, I searched electronic databases for the use of the word “Westphalia” and its derivatives.⁶ I then filled out this “first cut” analysis of the discourse by looking at works that were referenced often by scholars in connection with a particular rendering of the Peace, which led me beyond searchable periodicals to books and edited volumes that played a role in the development of the discourse. I supplemented this approach by looking at the works of major figures in IR.

I estimated the relative import of particular works that discussed the Peace by how frequently they were cited. In order to get a sense of the prevailing discourse, however, it is not necessary to cite only prominent scholars or well-referenced works. The manner in which a relatively obscure author refers to the Peace of Westphalia can be used to get a sense of the prevailing discourse of the time; after all, his or her use of Westphalia will likely reflect how the Peace was understood by the larger community of scholars. As a result, some of the scholars I cite may be little-known figures. It is only at times when the discourse changes, or when an innovation is introduced, that the stature of the scholar and the frequency of citation become critical.

The changing density of the discourse of Westphalia also determined in part which works I cited. From the early years of IR scholarship through the early 1970s, the discourse (or at least what I could find of it) is sparse enough that I included most of the references that I found. During this time, I note those authors whose works were likely to be widely read and therefore have an influence on the discourse. The great surge in the publications that reference the Peace in more recent years, however, has forced me to be much more selective about what is included from this period.

No matter how thoroughly one goes about it, discourse analysis is bound to be an inexact science. Searching the universe of texts for references to Westphalia is simply not possible unless, for instance, all available works are scanned into searchable databases. Even then, however, the relatively lax citation of sources caused by the nebulous nature of ideas, the different shades of gray in which the same idea can be presented, and the degree to which an idea has entered the public domain all present hurdles to drawing firm links between various scholars. Despite these difficulties, however, I think that analyzing the discourse of the Peace provides valuable insights into how a concept that has a taken-for-granted quality about it today is actually the product of a specific evolution and how this process has, in turn, impacted the way in which scholars think about international politics.

The Peace in Early IR Scholarship

If we examine references to the Peace in early IR literature up to and including the “Realist turn” of the late 1930s and 1940s, at least three distinct understandings of the significance of Westphalia for international politics can be discerned: (i) the Peace as a source of international order and community, (ii) the Peace as the origin of state sovereignty, and (iii) the Peace as a forerunner of the League of Nations. During this time, references are all made in a historically explicit

⁵ See Milliken (1999).

⁶ I relied primarily on JSTOR, Web of Science, CSA Worldwide Political Science Abstracts, Google Scholar, and Google Books.

manner, as a Westphalia concept had not yet been developed. That is, the Peace is referenced as a historical event that is imbued with some relevance to the larger argument being made in the work. This broader discourse, along with the lack of an articulated and widely accepted conceptualization of the international system in terms of the Peace, precluded blanket and unqualified references to the Peace in the literature of the time.

Westphalia as a Source of International Order and Community

The view that the Peace imparted a certain order on the interaction of states was perhaps the most common interpretation of the significance of the Peace in the literature during the late nineteenth and early twentieth centuries and was shared by scholars who expressed a broad range of opinions regarding the possibility for cooperation in international affairs. For example, this view of Westphalia surfaces in the work of Heinrich von Treitschke, the father of *Realpolitik*. Von Treitschke's posthumously published *Politics* is permeated with references to power politics and state-worship; with regard to the relations between states, von Treitschke claimed that there is no authority above states and that any limitation on sovereignty is voluntary. International politics resembles a Darwinian struggle for existence and war is glorified (von Treitschke [1916] 1963:13). By essentializing the state and the conflictual nature of world politics, von Treitschke's ontological claims are not too distant from contemporary Realists. This perception of international politics is in many ways reminiscent of the contemporary discourse of the Peace of Westphalia.

When it comes to actually discussing the Peace, however, von Treitschke adopted a perspective emphasizing its relationship to international law and the establishment of a society of states. According to von Treitschke ([1916] 1963:287); "This Peace of Westphalia came to be looked upon like a *ratio scripta* of international law; every one uttered thanksgiving that some sort of *status quo* had now been established. People began to feel themselves part of an organized European society, and all the sovereign States began, as it were, to form one great family."⁷ State autonomy and the norm of nonintervention, which are themes closely identified with the "Westphalian system" in contemporary discourse, are not mentioned. It is likely for von Treitschke that since the idea of the state was primordial, the Peace could not define the relationship of one state to another; they were by definition absolutely sovereign from their origins and were only becoming more completely expressed through the course of history. What the Peace could do, however, was establish some form of regularized interaction between states for the sake of order.

The idea of the Peace of Westphalia as an ordering instrument in the affairs of an international society was shared by the international law literature of the time, which was generally much more sanguine than von Treitschke regarding the possibility of cooperation among states. Indeed, von Treitschke ([1916] 1963:299) scoffed at the very idea that international law could do more than simply reflect the current balance of power. The fact that the interpretation of the meaning of the Peace as circumscribing a community of states was actually a point at which two radically different views of international politics converged illustrates the range of scholars who subscribed to this particular understanding.

Thomas J. Lawrence's *Principles of International Law*, which Brian Schmidt (1998:62) identified as a "popular text" in its time, cites the Peace as establishing an international order based on Grotius' account of natural law, which

⁷ Italics in original. The title of the chapter in which the significance of the Peace is discussed, "History of the Comity of Nations," is in itself revealing.

superseded the chaos of the religious wars following the Reformation (Lawrence 1910:31). While Lawrence (1910:120) also noted the role of the Peace in establishing the “complete independence” of states, this characteristic is merely a part of the broader international legal order established by the Peace: “States, like individuals, have the rights conferred on them by the law *under* which they live.”⁸

To the strange bedfellows of von Treitschke and Lawrence, we can add the names of legal scholar and jurist John Westlake and Professors Amos Hershey, and Frederick Sherwood Dunn. Westlake, a member of the International Court of Arbitration at The Hague, stressed the role of the Peace in establishing modern international society, which had a defined membership that was at first limited to Europe and was then gradually expanded (Westlake 1904:45). Similarly, while noting that the international legal order established by the Peace of Westphalia continued to evolve and change through history, Hershey (1912a:30) considered the Peace to mark the foundation of the international community.⁹ In an article which asserts that a kind of legislative process exists at the international level, Dunn (1927:575) argued that the tendency for customary laws to develop too slowly to address new activities “inevitably results in the conscious or unconscious development of some kind of legislative process in every community,” including the international community. The Peace of Westphalia played a crucial role in the development of this community and is indeed regarded by Dunn (1927:577) as a “first instance” of joint action and the origin of the modern international system; the Peace was “in effect, the first faint beginning of an international constitutional law.” Other writers who shared a similar viewpoint of Westphalia as establishing an ordered community of states on the foundation of law include American politician Elihu Root (1916), nineteenth-century German historian Leopold von Ranke (Dorpale 1948:714), and the American diplomat and academic David Jayne Hill (Hill 1911:93).

Writing in the aftermath of the Second World War, Hans Morgenthau, who stressed the role of power in international politics and was generally pessimistic regarding the possibility of cooperation between states, continued this emphasis on the idea of a community of states established by the Peace. According to Morgenthau (1948:210), the “rules of the game” of international politics were developed over time and definitively laid down in the Peace of Westphalia: “A core of rules of international law laying down the rights and duties of states in relation to each other developed in the fifteenth and sixteenth centuries. These rules of international law were securely established in 1648, when the treaty of Westphalia brought the religious wars to an end and made the territorial state the cornerstone of the modern state system.” Morgenthau emphasized the Peace’s role as a source of order and law in the state system, and his work was strongly imbued with the idea that international order (and even the balance of power) could only be realized within a shared cultural framework; the Peace of Westphalia formed part of this common cultural understanding of the states of Europe (Morgenthau 1948:161).¹⁰

The idea of order and community to which the authors cited above generally ascribed might be loosely understood as an English School-like understanding of international society. However, not too much should be made of this similarity,

⁸ Italics added. A closely related discourse marked the Peace of Westphalia as the origin of modern international law. Here, Henry Wheaton’s 1845 text *History of the Law of Nations in Europe and America* is prominent.

⁹ He repeated this assertion almost verbatim in two editions of a widely-cited book (Hershey 1912b, 1927).

¹⁰ Morgenthau expressed this in more detail in later editions; see Morgenthau (1978:282).

since drawing connections between more contemporary categories of thought and the work of writers from as early as the late nineteenth century is problematic.¹¹ For instance, it would be difficult to make a distinction between earlier writers who thought of order in terms of international law as opposed to those who thought of order more as the result of shared norms: even those authors who are not thought of primarily as scholars of international law made liberal reference to international law in their discussions of order. Indeed, Treitschke and Morgenthau couched their arguments at least partially in terms of international law. By the same account, legal scholars, like Westlake, might stress more the impact of the Peace in establishing a community or society of states without couching this association in explicitly legal terms.

Westphalia and State Sovereignty

Alongside writers who identified the Peace with the establishment of a community of nations were those who referred to the Peace in a manner that emphasized the importance of the sovereign power and independence of states. Here, as above, we have a case of strange bedfellows. Departing from the manner in which most of his international law colleagues referred to the Peace, Alpheus Henry Snow (1912:891) asserted that after the Peace of Westphalia, a conception of “the civilized world as composed of a body of states wholly independent and only morally bound by such agreements as they might choose to make, for such time as they might choose to keep them” became established.¹² This perspective was supported within the international law literature by Sterling Edmunds (1919:170), who argued that with the Peace “it was instinctively perceived that a community or society of states constituted the new order” but that “the conception of state sovereignty as absolute power, susceptible to no earthly restraint, excluded the idea of accountability to the society as a whole... violations of law were viewed as the concern of those states only directly suffering therefrom.” In contrast to elaborations of the idea of an international society based on law cited in the previous section, Edmunds downplayed the importance of an international community and stressed the autonomy of states. Similarly, Tor Hugo Wistrand (1921:525) asserted that Westphalia had “created a Europe composed of independent sovereignties” whose ambitions, while not Machiavellian, could not be guided by “moral ideas.”

We find a reading of the significance of the Peace complementary to these legal scholars' views in the work of Friedrich Meinecke, who followed von Treitschke as the editor of the German historical journal *Historische Zeitschrift* and was likewise steeped in the German idealist tradition. In his *Machiavellism*, Meinecke identified the Peace of Westphalia with the continued march of the doctrine of *raison d'état* through history. He located the Peace's significance in its role as the settlement that increased the powers of the German principalities vis-à-vis the Emperor: “Between the Emperor and the princes there took place as it were a race for the prize of *raison d'état*; and the Peace of Westphalia, which emphatically confirmed the sovereign power of the territorial authorities and even increased it (by not clearly defining its extent), decided this contest in

¹¹ For example, the categorical reflexes of contemporary scholars would question characterizing Morgenthau's thought as fitting in with the English School. However, I am merely looking at his understanding of the impact of the Peace, which does emphasize shared norms. More generally, however, understanding Morgenthau's work as appreciating the importance of ideas in international politics is not particularly controversial; see Barkin (2003) and Williams (2004).

¹² Snow claimed that the medieval conception of world order was displaced after the Peace of Westphalia by a conception of a system of sovereign states which tended toward disorder.

favour of the princes" (Meinecke [1924] 1984:135). Explicit mention of the Peace as a type of constitution for the modern state system is not made in the work; rather, Meinecke emphasized independence and power it afforded the principalities.

The characterization of the role of the Peace as securing the sovereign independence of states finds its echoes in the contemporary Westphalia concept, with its description of the state system as one in which state sovereignty and autonomy are the rule. In theoretical terms, the discourse of the Peace as ushering in the sovereign independence of states that faced little or no social, legal, or otherwise ideational constraints on their behavior could be seen as particularly compatible with a Realist (and by extension, Neorealist) perspective of international politics. This discourse would have also dovetailed quite well with Realist critiques of Idealist views of international cooperation during the First Debate. The relatively limited subscription to this perspective at the time, however, seems to have precluded its deployment in the First Debate: in his critique of Idealist approaches to international politics, E. H. Carr (1940) did not use this understanding of the implications of the Peace, nor any other, to make his point.

Westphalia and the League of Nations

In addition to the discourses of order, community, and state sovereignty, several authors after the First World War compared the Peace to the League of Nations Charter, an interpretation which runs counter to the Westphalia concept and the current dominant understanding of the significance of the Peace. In his discussion of the history of the protection of minorities through treaties, Helmer Rosting (1923:643) situated the Peace firmly in "the history of religious tolerance and of mankind's struggle to obtain liberty of thought," a perspective that is poles apart from how human rights activists generally view the Peace of Westphalia and the Westphalian system today. Rosting (1923:643) also likened the provisions of the Peace to the collective security mechanism of the League Covenant: "In accordance of the terms of the Treaty of Westphalia, all the signatory Powers undertook to defend each and every clause of this treaty, even by armed force... The principle of joint action and the acceptance of common responsibilities and guarantees which are contained in this treaty, in many respects evoke comparison with the Covenant of the League of Nations." Quincy Wright (1932:102) compared the Peace of Westphalia with the League of Nations in a discussion of the history of "collective instruments for the maintenance of peace" that often – as in the case of Westphalia – included provisions for collective enforcement. Echoing these sentiments from a different perspective, Edwin Borchard (1938:779) drew a similar parallel between Westphalia and the League of Nations in an essay critical of the Covenant's collective security provisions.

Ellery Stowell argued in somewhat stronger terms that the Peace was a collective security compact like the Versailles Treaty, highlighting the potentially invasive guarantee provisions, which he called "regulatory restrictions," agreed to at successive international conferences like Westphalia, Vienna, and Versailles, and enforced by the great powers in a class of actions called "international police regulation." These regulatory restrictions sanctioned intervention by states into the affairs of others when such action had the support of public opinion and was aimed at preserving international peace (Stowell 1931:379). According to Stowell, "International Congresses, such as Westphalia, Vienna or Versailles may be considered to have constituted as it were a world gathering of humanity with plenary powers for executive, judicial and legislative action" (728). Besides the identification of similarities between the

Peace and the Covenant, there was also support for the idea that the two were linked through a long historical process and were part of an ongoing project in the international system. Paraphrasing the German international legal scholar Heinrich Triepel, Charles Kruszewski (1941:1130) stated that “in every century, the temporal conciliation led to new attempts toward creating a European federation. This is evident not only from certain proposed plans, but from the sessions of the large congresses, beginning with the Westphalian peace congress, to the establishment of the League of Nations.” This perspective placed the Peace in a historical context far removed from the role ascribed to it by Meinecke in his history of *raison d'état*.

Roots of the Contemporary Westphalia Concept

The different understandings of the Peace found in the literature prior to the Second World War as outlined above are simply categorizations used to help illustrate the diversity of the discourse of the Peace and should not be thought of as completely incompatible with one another. In fact, characteristics that would later become important features of the Westphalia concept, such as sovereignty and territoriality, were not only tied to the Peace by authors who associated Westphalia with state sovereignty and autonomy but also by those who claimed that the Peace established a community of states. For example, in addition to suggesting that the Peace was central to the development of the international community and the start of “international constitutional law,” Dunn (1927:577) also noted that the Peace recognized the principle of territorial sovereignty; Hill (1906) saw the significance of the Peace in almost identical terms. Morgenthau (1948:161) likewise argued that the Peace established the territorial state as “the cornerstone of the modern state system.” Finally, while Lawrence (1910:120) emphasized the role of the Peace in establishing an international legal order “under which [states] live,” he also argued that the Peace established the “complete independence” of those states.

Indeed, territorial sovereignty was generally thought of as the foundation of modern international law. In the writings of those authors who emphasized the role of the Peace in establishing a community of states, however, the sovereign prerogative of states was thought to be conditioned to various extents by the fact that they were part of an international society of states. While the writings of authors who emphasized the role of the Peace in establishing state sovereignty and downplayed the constraints of international law and society bear a stronger resemblance to the contemporary Westphalia concept, the idea that sovereignty and territoriality originated with Westphalia was shared by a wider group of scholars.

The Narrowing of the Discourse of Westphalia

There is little to suggest that any one of the three discourses of the Peace should be more privileged than the others; reasonable cases based on historical evidence can be made for each of them, certain aspects of which – as noted above – are not mutually exclusive. Indeed, given the great complexity of the historical context surrounding the Peace, it could be plausibly mobilized for a number of different and sometimes contradictory arguments. In the decades immediately after the Second World War, however, and perhaps because of the impact of that great interstate conflict on IR thinking,¹³ the little that was

¹³ This is, and probably will have to remain, speculative.

published that directly referenced the Peace tended to emphasize state sovereignty and nonintervention at the cost of the other understandings.

Leo Gross' "Rugged Individualism"

In 1948, Leo Gross, an international legal scholar, published a landmark paper on the significance of the Peace of Westphalia that has been widely referenced by IR scholars.¹⁴ Gross was quite cognizant of the disagreement regarding the historical significance of the Peace and proceeded to develop a strikingly polarizing argument concerning its legacy. According to Gross (1948:38):

Instead of heralding the era of a genuine international community of nations subordinated to the rule of the law of nations, [the Peace of Westphalia] led to the era of absolutist states, jealous of their territorial sovereignty to a point where international law came to depend on the will of states more concerned with the preservation and expansion of their power than with the establishment of a rule of law.

Gross argued that the absence of an international court with binding authority called the significance of international law into question. As a result, his investigation into the legacy of the Peace was quickly reduced to two stark possibilities: either a world order with a centralized coercive authority above states or one populated by states which value independence of will above all else (Gross 1948:40). Lost in this Manichean analysis was the picture of international politics articulated by earlier legal scholars such as Lawrence, who saw no difficulty in reconciling the sovereign independence of states with a relatively strong conception of a society or community of nations.

Gross' prognosis for the international system was essentially a tragic one: the "national will to self-control," which emerged from the Thirty Years' War and expressed itself in the unwillingness of states to conform to an external authority, persists and confounds efforts to build a supranational order (Gross 1948:41). The focus of Gross' article on the sovereign power of states and their "rugged independence" overlaps substantially with the content of the Westphalia concept in contemporary IR scholarship. Gross' paper was reprinted in 1968 and then again after Gross' death in 1993 in a collection of his essays. The reprintings and the high frequency with which his work has been cited attest to its importance, and it is reasonable to think that his work played a decisive role in shaping the subsequent discourse of the Peace and the current common understanding of the Westphalia concept.

While honored as the pivotal work defining the international system as one of independent, sovereign states beholden to no other power and tying these characteristics to the Peace of Westphalia, Gross' essay is still far from presenting the monolithic and conceptualized understanding of the Peace that characterizes the Westphalia concept today. In fact, Gross highlighted aspects of the Peace in the course of his analysis that are decidedly "un-Westphalian" by today's standards. In a move that recalls Rosting's and Treipel's interpretations of the Peace, Gross identified Westphalia as the forebearer of the UN Charter's aim to promote human rights. In addition, Gross (1948:24), like Rosting, also noted the importance of the guarantees in the treaty by France and Sweden to protect the rights of the German principalities through force. These interventionist elements of the Peace are, however, not the main concern of his article, and subsequent

¹⁴ Gross (1948). Examples of citations in the literature: Coplin (1965), Falk (1967, 1969), Zacher (1992), Ikenberry (1998), Ruggie (1998), Osiander (2001), and Philpott (2001), among others.

references to Gross' work tend to focus exclusively on aspects related to his appraisal of the "rugged individualism" of states.¹⁵

The Emphasis on Nonintervention

The writings of Quincy Wright, John Herz, and a handful of other scholars in the years after the publication of Gross's article seem to have further reinforced the interpretation that the Peace established the norm of nonintervention. In a 1954 article that explores the role of ideologies in interstate conflict, Quincy Wright (1954:620) departed from his earlier emphasis on the collective security aspects of the Peace of Westphalia (see above), and instead emphasized that the Peace established the norm of nonintervention into the affairs of other states. Asserting that the Peace of Westphalia had upheld the idea of *cuius regio, eius religio* established at the Peace of Augsburg, Wright claimed that Westphalia sought to remove religion and ideology from international politics by allowing the sovereign to determine the faith of his subjects without reference to other powers; hence the norm of nonintervention. The contrast with Gross' account of the Peace as the origin of international human rights norms and the works of the scholars who linked the Peace to the provisions for the protection of minorities in the League Covenant could not be more striking. Regarding this particular point, it is actually Wright who is wrong: the Peace included passages which specifically protected the rights of religious minorities and disempowered the princes of the Empire from determining the faith of their subjects (Osiander 2001:272).¹⁶ Wright (1960, 1965) repeated similar formulations of the legacy of Westphalia in subsequent articles in which he emphasized that the Peace established the norm of nonintervention. Despite the historical inaccuracy of this view, comparable readings of the Peace appeared in J. A. Laponce's *The Protection of Minorities* (1960) and Robert MacIver's popular book *The Web of Government* (1965).¹⁷

John Herz was another prominent scholar working at the same time whose reflections on the Peace paralleled those of Wright. In a well-cited essay and later in a popular book, Herz (1957:477, 1959) identified the Peace of Westphalia as the "Great Divide" between the muddled state of affairs in Medieval Europe, when political units were still permeable and sovereignty was not an absolute, territorially defined quality, and "the modern era of closed units no longer brooking such interference." Although Herz referred to the "community" and "family" of European nations, he emphasized the sovereign independence of territorial states and the norm of nonintervention, which for Herz were guaranteed through military force. In a similar vein, and in part building off of Herz's work, George Stambuk (1963a:11) cited the Peace as establishing the absolute jurisdiction of the state within its territory.

¹⁵ According to Alfred P. Rubin, Gross's 1948 article "popularized the phrase and the notion of a 'Westphalian constitution' for the international order" (see Gross 1993: x). The phrase "Westphalian constitution," however, does not appear anywhere in the article. The Peace is also not used as a modifier by Gross, either of the word "constitution" or of any other word (such as "state" or "order"). Such conceptual discursive constructions are a later development. Gross, like his contemporaries, consistently referred to the Peace of Westphalia in a historical manner.

¹⁶ The Treaty of Osnabrück deals with a variety of issues related to religious toleration and equity in the Empire. One of the most telling sections in terms of the rights of individuals to practice their faith is Article V, which states in part that Catholic and Confession of Augsburg minorities "shall in consequence of the said Peace be patiently suffer'd and tolerated, without any Hindrance or Impediment to attend their Devotions in their Houses and in private, with all Liberty of Conscience, and without any Inquisition or Trouble, and even to assist in their Neighbourhood, as often as they have a mind, at the publick Exercise of their Religion, or send their Children to foreign Schools of their Religion, or have them instructed in their Families by private Masters; provided the said Vassals and Subjects do their Duty in all other things, and hold themselves in due Obedience and Subjection, without giving occasion to any Disturbance or Commotion."

¹⁷ The same statement appears in an edition from 1947; however, it appears the 1965 edition that elicited far more citations.

Doris Graber (1959:9) echoed this emphasis on nonintervention, arguing that intervention in the affairs of other states, common in the nineteenth century, had acquired an opprobrium in the twentieth because of “the slow but steady rise, after the peace of Westphalia of 1648, of the concept of the sovereign, national state as the basic unit of international political life.” Further emphasizing the role of the Peace in establishing the sovereign independence of states, David Mitrany, in his widely cited book *A Working Peace System*, argued that the conference at Westphalia “in no way implied...any sense for an international society” and confirmed “the new state individualism” (1966:106).

The themes of sovereignty, territoriality, and especially nonintervention are central to the arguments of these writers and are identified by them as the principal legacies of the Peace of Westphalia, suggesting a relative narrowing in the 1950s and 1960s of the discourse of the Peace’s impact on the international system. The most significant deviation from what appears to be a broad trend is a relatively obscure article by Edward Buehrig (1965), which, reiterating some of Gross’ conclusions, maintains that the Peace was an instrument of toleration. In addition, the Peace is briefly mentioned in Georg Schwarzenberg’s *Power Politics* (1964) as confirming the modicum of toleration achieved in the Treaty of Augsburg in 1555 and in a footnote in Manouchehr Ganji’s *International Protection of Human Rights* (1962), in which he cites an 1879 text as discussing the Peace’s protection of religious minorities.¹⁸

Richard Falk and the Development of Westphalia as Concept

The publication of Richard Falk’s 1969 essay “The Interplay of Westphalia and Charter Conceptions of the International Legal Order” marked a critical juncture in the development of the discourse of the Peace. In this essay, Falk endeavored to characterize the prevailing international legal order and to identify trends shaping its future. Addressing the internationalization of governance structures, Falk elaborated and juxtaposed what he called a “Westphalia conception” of international order, based on sovereignty, territoriality, and nonintervention, with a “Charter conception,” rooted in the UN Charter and emphasizing international governance structures and cosmopolitan trends in international politics. Falk’s definition of his “Westphalia conception” and his use of terms like “Westphalia system” and “Westphalia calculations” essentially correspond with the contemporary discourse of what I have labeled the “Westphalia concept.”¹⁹ Indeed, its primary tenets hew quite closely to the commonalities between what Wright, Herz, Stambuk, and Gross had identified as the principle legacies of the Peace, to the exclusion of the alternative interpretations discussed earlier.²⁰

While noting that the signing of the Peace in 1648 was “a dramatic event” (Falk 1969:43), Falk took the decisive step toward making it possible to de-historicize references to the Peace by developing his Westphalia conception of international order. Whereas explicit references to the historical circumstances of the Peace had

¹⁸ Lord Phillimore’s *Commentaries Upon International Law*, Volume 1, third edition (London, UK: Butterworths). The first treaty Ganji discusses in the main body of the text as safeguarding the rights of religious minorities is the Treaty of Velaw between Brandenburg and Poland in 1657.

¹⁹ Falk actually used the term “Westphalia system” in a previous publication in 1966. However, the concept was not elaborated in much detail in the paper, and the only citations the paper elicited before 1988 were from Falk and Black’s own volume in 1969 and what appears to be an obscure German publication in 1972. Interestingly, Stambuk had already made use of the phrases “Westphalian era,” “Westphalian state,” and “Westphalian model” in his book and in an article published that same year (1963a,b). Although he questioned important aspects of the state system and how sovereignty is conceived, Stambuk’s contribution was largely overlooked by IR scholars.

²⁰ Unfortunately, it is difficult to closely follow Falk’s inspiration regarding his thoughts on the meaning of the Westphalia conception, since the section of the essay that deals with it is only sparingly footnoted (one of the few works referenced is Leo Gross’ article, although it is in a part of Falk’s essay that does not directly deal with the content of the Westphalia conception).

made it relatively easy to support divergent viewpoints regarding the Peace's impact on international politics, the development of Westphalia into a concept of international order allowed it to be endowed with a stable meaning. Indeed, the characteristics of the Westphalia concept have not changed significantly in the 40 years since their articulation by Falk. However, by removing it from the complex context of history and transforming it into a concept that conveys a specific set of ideas about the dynamics of international politics, Falk introduced an analytical tool into IR scholars' repertoire that had the potential to frame subsequent discussions of the development of the international system in a manner that might obscure more than it clarified.

In a crucial passage, Falk (1969:43) further loosened the tie between his Westphalia conception and the actual Peace by noting that "it is *convenient* to identify this conception with the Peace of Westphalia of 1648,"²¹ implying that the link between the two is not essential to the meaning of the Westphalia conception. Significantly, Falk (1969:36) regarded the conceptions of international legal order that he posits in his essay – including the Westphalia conception – to be "models of authority patterns that can be posited for consideration whether or not they have actually existed." Here, we are clearly in the realm of analytic constructs where the importance of the Peace as a historical event is eclipsed by the construction of a self-avowedly ahistorical Westphalia conception. This marks a decisive turning point in the discourse of the Peace in which applying the term "Westphalian" to aspects of the state system introduces a whole package of characteristics and assumptions that no longer needs to be justified in historical terms. This separation from direct historical validity is the starting point of difficulties in applying the Westphalia concept to the analysis of change in world politics, for while it might provide a convenient baseline against which to measure change, the magnitude and direction of this change might be subsequently exaggerated and oversimplified.

The Establishment of the Westphalia Concept in IR Discourse

The volume in which Falk's essay appeared was reviewed in a number of prominent publications over the next several years, including the *Journal of Politics* (Wilson 1970), the *American Journal of International Law* (Farer 1971), the *American Political Science Review* (Franck 1971; – in the "Book notes" section), *International Organization* (Bull 1972), and *International Affairs* (Gutteridge 1972). In addition, the essay was later reprinted and its core ideas repeated in a well-cited book.²² It is thus reasonable to conclude that the essay and its ideas played a crucial role in shaping the contemporary discourse of Westphalia through its relatively wide circulation and Falk's status as a scholar.²³

A number of IR scholars soon adopted the concept of a Westphalia (or Westphalian) system in the years following the publication of Falk's essay. Citing Falk's work, Richard Cooper noted in a 1972 essay that "[g]rowing economic interdependence thus negates the sharp distinction between internal and external policies that underlies the present political organization of the world into sovereign, territorially-based nation-states—sometimes called the Westphalian System" (Cooper 1972:179).²⁴ In the same year, John G. Ruggie (1972) picked up on Falk's definition of the Westphalia system and applied it in his analysis of the impact of

²¹ Italics added.

²² Reprinted in Falk (1975, 1985).

²³ Selected works that cite his 1969 essay include: Cooper (1972), Ruggie (1972), Kim (1978), Kratochwil (1984, 1986), Held (1992, 1993), Young (1995), and Rengger (1997), some of which are discussed below.

²⁴ Essay republished in Cooper 1986;. Interestingly, his work of only a few years earlier, *The Economics of Interdependence* Cooper (1968), published shortly before Falk's essay, does not mention the Westphalia concept in any form.

developments in science and technology on the organization of the state system. These two essays are particularly well-cited in the literature, attracting the attention of a number of prominent and prolific scholars over the years.

In discussing the foreign policy orientation of China, Samuel Kim, an author who often referred to Falk and the Westphalia concept in later works,²⁵ explicitly applied Falk's 1969 Westphalia terminology in characterizing that state's relations with the international system: "China, without saying so, has embraced the sovereignty-centered system of what Richard A. Falk calls 'the Westphalia legal order'" (Kim 1978:347). In an essay that is quite critical of Falk's 1969 article, Nicholas Onuf (1979) adopted Falk's terminology of the Westphalian order *in toto*. Emphasizing the difficulty of bringing about some kind of centralization of world order, Onuf (1979:261) stated that "the [UN] Charter itself is little more than an ensemble of nineteenth-century instrumentalities cobbled together to deal with the diverse failings of the Westphalian order." With this series of essays, we have clearly arrived at a discourse that closely resembles the contemporary use of the Peace in IR literature.²⁶

Although the discourse of the Westphalia concept prior to the end of the Cold War is relatively sparse compared to the sheer volume of publications making some reference to things Westphalian today, the understanding of the Westphalia concept appears to have reached a level of general acceptance before the recent deluge of papers. One indication of this is that references to the Westphalian system assumed a uniform character. While writers may have emphasized different aspects of what characterized the Westphalian system to suit their particular argument, such aspects were usually only more derivative formulations of the core ideas of sovereign equality, territoriality, and nonintervention. For instance, while J. Martin Rochester (1986:793) spoke of the "decentralized Westphalian system of territorially based sovereign states," Benjamin Most and Harvey Starr (1984:387) noted how Realists identify the Westphalian system as a self-help environment, and Samuel Kim (1990:200) referred to the "classical Westphalian notion that how each sovereign state treated its own citizens was none of international business [sic]."

Another indication of the existence of a widespread understanding of the Westphalia concept was that references to it often became less elaborated, leaving phrases like "Westphalian system" to stand on their own. This required the reader to supply his or her own definition, implying that a particular conception of what "the Westphalian system" meant had become part of the general corpus of shared knowledge. As early as 1978, Robert Butterworth alluded simply to a "Westphalian state system" without clearly defining what he meant by this. It is only from the context of the article that it becomes clear that he meant a conflictual interstate environment (1978:213). Another example appeared some years later in an article by James McCormick (1984:117) in which he noted that "with the strength of the Westphalian system, nations are not likely to respond immediately to newly enunciated norms." Clearly, statements like these make more sense if, as was assumed, the reader already understood what a Westphalian kind of state system entailed.

Outside of this developing discourse of the Westphalia concept, it should be noted that scholars continued to discuss the Peace of Westphalia in concrete, historical terms. Indeed, a broader discourse about the implications of the Peace seems to have been preserved in historical discussions of it. Writing at around the same time that the use of the Westphalia concept was becoming established in IR literature, Martin Wight (1977) identified the Peace with the "coming of

²⁵ See Kim (1982, 1984, 1990).

²⁶ See Miller (1985) for a book-length treatment of the Westphalian system that relies heavily on Falk's ideas (although not explicitly citing the 1969 essay).

age” of the state system, which presupposed the existence of a common culture. This is a perspective more in line with the tradition of seeing the Peace as a source of international order and community as described above. In fact, Wight did not even make use of the Westphalia concept in this work.²⁷ Morgenthau (1978) also continued discussing the Peace in similar historical terms in subsequent editions of *Politics Among Nations*. “Machiavellian” examples from this time linking the Peace to the independence and sovereignty of states can also be found, for example, in Henry Nau and James Lester’s work (1985) as well as that of Cornelius Murphy Jr. (1982).

The Function of the Westphalia Concept in IR Literature

The references to the Westphalian system or order in the literature have created a relatively robust and well-defined analytical referent. Because it conveys a package of specific ideas about the nature of the international system, the Westphalia concept can be put to a number of uses. Most significantly, it has helped scholars concerned with the study of globalization and growing international interdependence to orient their analyses of the state system and to define their arguments more clearly by serving as a conceptual foil: various incarnations of the Westphalia concept are essentially what interdependence is not, what transnationalism is not, and what integration is not.

This application of the Westphalia concept was an integral part of its early use by authors in the 1970s. In the essay cited above, Ruggie (1972) employed what he called a “modified Westphalia system” as his ontological starting point for world order to address the development of policy coordination among states. In a similar manner, Cooper (1972) used the idea of the Westphalian system to draw attention to growing economic interdependence. Another relatively early example of the important role of the Westphalia concept in studies of globalization is Edward Morse’s book *Modernization and the Transformation of International Relations*. According to Morse (1976:45), the Westphalian system is challenged by a number of factors, including normative shifts and increasing interdependence. Morse (1976:42) stated remarkably clearly the point of his elaboration of the Westphalia system and its purpose in his work: “I have examined this system as a base for contrasts and as a starting point against which changes can be measured and evaluated. It is a fundamental argument of this essay that the ideal structures of international society formed with the Westphalia System have been transformed by the processes of modernization so that international society no longer conforms to those structures.” The use of the Westphalia concept in these works allowed the writers to draw attention to trends in international politics and lent a directionality and coherence to their analyses that might have otherwise been more difficult to convey without the clean package of ideas represented by the concept.

Since the end of the Cold War, there has been a veritable deluge of publications that refer in one way or another to the Westphalia concept, and it is far beyond the scope of this paper to acknowledge them all. This would in any case be redundant, as the dominant understanding of the Westphalia concept and its use as an analytic tool is essentially the same in today’s IR literature as it was 40 years ago. In any case, the vast majority of works that make use of the Westphalia concept do so in a cursory, uncritical fashion, in which it serves as a simple foil or analytical assumption. I will instead focus on a few publications that are either linked directly to the earlier discourse of the Westphalia concept or

²⁷ Perhaps surprisingly, the Peace of Westphalia plays no significant role in Hedley Bull’s account of world order in his work *The Anarchical Society*; in addition, the Westphalia concept is not mentioned at all in the work (Bull [1977] 2002).

that engage with it more substantially in order to illustrate a discursive and conceptual continuity.

It is no accident that we witness a burgeoning of references to the Westphalia concept after the end of the Cold War, when security tensions eased significantly and global political and economic institutions made their presence more keenly felt, both through the integration of the former communist bloc into the global economy and through the increased intervention of international organizations such as the UN and International Monetary Fund into the domestic affairs of various states. In this new fluid political climate, many IR scholars employed the Westphalia concept to provide a means to help orient their analyses. In fact, several scholars went to great lengths to carefully define the characteristics of the Westphalian system as Falk had done more than twenty years earlier.

In a 1992 article, Zacher (1992:59) spent a significant amount of time defining the Westphalian system, identifying it with a high degree of state autonomy, a mutual respect for sovereignty among territorial states, and the frequently violated norm of nonintervention. The article is primarily concerned with the “erosion,” since 1945, of the “pillars” that have supported the Westphalian system, and with the phenomenon of growing interdependence, for which the Westphalian system serves as a conceptual foil that helps to throw changes in the international system into sharper relief. In a similar manner, but looking at globalization from the perspective of democratic theory, David Held drew explicitly on Falk’s work in extensively outlining the characteristics of a “Westphalian Model” of international politics, contrasting it with the globalizing order he described. Held noted that the political, social, and economic processes of globalization make the democratic notions of “consent of the ruled” and “constituency” problematic. As a result, democracy must essentially be reconceptualized to fit a more interdependent and integrated world (Held 1995:21).

Another text that includes a substantial treatment of the Westphalian system is Andrew Linklater’s *The Transformation of Political Community*, which carries the significant subtitle *Ethical Foundations of the Post-Westphalian Era*.²⁸ In his work, Linklater (1998:2) sought to “reaffirm the cosmopolitan critique of the sovereign states-system and to defend the widening of the moral boundaries of political community.” In doing so, he used the Westphalian system – identified as “[a] powerful statist discourse of sovereignty, territoriality and citizenship, to which the idea of the nation was subsequently added” – to serve as a conceptual starting point that can be transcended through the development of an ethic that incorporates both universality and difference (Linklater 1998:29). It is in works such as those of Zacher, Held, and Linklater, focusing on interdependence and system change, that we find the most analytically substantial references to the Westphalian system. The works cited above could be supplemented by a long list of contributions to the field.²⁹

An example from the literature that succinctly sums up the issue-areas to which the Westphalia concept might be applied is a volume edited by Gene Lyons and Michael Mastanduno titled *Beyond Westphalia?* This collection contains articles investigating the limitation of state autonomy with regard to human rights, the environment, and weapons proliferation issues. It is essentially a volume that, like the works cited above, is concerned with change. The focus of the

²⁸ Something of a spin-off of the discourse of Westphalia has been the development and use of the concept of “post-Westphalia,” which seems to have taken on a life of its own. Initially, the phrase “post-Westphalia” seems to only have been a chronological reference to the time after the Peace of Westphalia (see, for example, Catlin 1959; Piscatori 1990; Spiezo 1990). As generally understood now, however, it is a state of affairs that corresponds to the globalized space “beyond Westphalia.” The discourse of post-Westphalia reinforces the role that Westphalia has in serving as a conceptual counterpoint to a globalized world. See also Zacher (1992) and Hettne (2000).

²⁹ To name a few of interest: March and Olsen (1998), Caporaso (2000), Hettne (2000), Cutler (2001), Leonard (2001), and Falk (2002).

book, as the title suggests, is to see whether the compromising of state sovereignty has reached the point where there has been “a qualitative shift in the authority relationship between states and the international community” (Lyons and Mastanduno 1995:15). This shift away from “Westphalian principles” would be the move “Beyond Westphalia.” In a somewhat complementary manner, the Caporaso (2000) article cited earlier serves as the introduction of an edited volume titled *Continuity and Change in the Westphalian Order*, which deals with issues of territoriality, authority, and sovereignty. While the individual chapters may concern themselves to a greater or lesser degree explicitly with the Westphalia concept, the title of the volume provides an important context for the research, anchoring it firmly within the discourse.

In terms of IR theory, the Westphalia concept plays a much more prominent role in Alexander Wendt’s formulation of a constructivist theory of international politics than it does in either Kenneth Waltz’s formulation of Neorealism or Robert Keohane’s elaboration of Neoliberalism (Waltz 1979; Keohane 1984). This would be expected of a theory that, unlike Neorealism or Neoliberalism, emphasizes the possibility of more fundamental change in the international system. Wendt used the Westphalian system interchangeably with what he calls a Lockean culture of anarchy. This constellation of international politics may, under certain conditions, transform into a more pacific Kantian culture, much as the authors concerned with growing interdependence use the Westphalian system as a contrast to processes of further integration and globalization (Wendt 1999).³⁰

Implications and Potential Problems

The Westphalia concept thus essentially helps to define change. Contrasting reduced state autonomy in matters of human rights, security, the global environment, or the economy with an idealized time when state sovereignty was supreme is a strategy that helps to illustrate the possibility for the transformation of the international system. Although there have been significant and interesting changes in patterns of authority, control, and economic relations in recent decades, I am concerned that the use of the Westphalia concept might oversimplify and obscure phenomena related to globalization: the clarity it lends by serving as a baseline for change might come at the cost of accuracy.

There are two problems associated with the use of the Westphalia concept to help define change. First, because the Westphalian system itself is often acknowledged as one that might never have actually existed in the world, its use as a starting point for investigations of change may lead scholars to exaggerate the magnitude of recent developments in international politics. Indeed, a number of studies have documented how state behavior has historically deviated from Westphalian norms of authority, with “shared” or “hybrid” sovereignty a common occurrence.³¹ In terms of economic interactions, it should similarly not be taken for granted that the lack of state control or autonomy over certain international transactions is anything new: for example, the relatively free transborder movement of capital today is not without historic precedent (Helleiner 1999). Assessing the magnitude of recent change becomes problematic when the baseline for comparison is itself problematic: past deviations from Westphalian norms imply that present ones are perhaps not particularly unique. This tendency to exaggeration is apt to hold even in studies that heavily qualify the use of the Westphalia concept and is likely to be especially pernicious in a work in which the author

³⁰ Interestingly, Wendt starts out a discussion of the Westphalian system with the telling phrase: “As we all know in the Westphalian system...” suggesting the discourse’s universality (Wendt 1999:291).

³¹ See for instance Fowler and Bunck (1995); Krasner (1999); Osiander (2001); and Cooley and Spruyt (2009).

employs the concept while keeping discussion of it, if there is any, to a minimum.

The second problem is the implied linear progression from some Westphalian configuration toward some “post-Westphalian” state of affairs: a movement from high levels of state autonomy in political, economic, and social affairs to lower levels of autonomy. In a way, Wendt’s (1999; see also 2003) work is a theoretical expression of this implied linearity.³² Actual change is likely to be multidimensional and less straightforward, modified by changes in state capacity and areas of activity. Developments in the globalization literature through the emergence of more empirically based and conceptually complex work (the so-called second and third waves) reflect the acknowledgment of the complexity of change and have called into question many of the assumptions and predictions of the initial spate of research (called the hyper-globalist position), which argued that globalization “has a singular logic that leads in a singular direction” (Holton 2005:6). Unreflective use of the Westphalia concept would tend to ignore these more recent developments of the globalization literature.

A number of works highlight this complexity. For example, in terms of political economy, research on the “varieties of capitalism” has suggested that instead of “substantial deregulation and convergence in economic institutions across nations” as predicted by the conventional view of globalization, firms in different kinds of economies will react differently to pressures associated with globalization, like the accessibility to low-wage offshore labor. In other words, there is no one logic and one outcome to globalization (Hall and Soskice 2001:56). Similarly, the dynamics of financial globalization have relatively narrow effects on economies, leaving much social and economic policy discretion in the hands of state governments (Mosley 2000). These and many other examples suggest much more complex developments in terms of international exchange than can be summed up by the use of the Westphalia concept.³³

I am not claiming that scholars have been hoodwinked en masse by the extensive use of the Westphalia concept and that substantial revisions to recent findings are required. However, I do suggest that employing such a concept as shorthand is no longer productive now that there has been extensive empirical work on globalization, and that its continued use might very well be misleading. The utility of the concept in initially making light of trends in international politics has in a sense been overtaken by more complete understandings of the changes to which it was originally used to draw attention. The danger in specifically using the term “Westphalia” to describe an imagined states of affairs, even if explicitly used by authors out of sheer convenience, is that by its very name it appears to describe an order that is somehow tied to historical reality. Some authors have noted that scholars who study globalization and who have argued that “the Westphalian era is at an end...accept its relevance for the preceding centuries” (Barkawi and Laffey 2002:12). Doubtless, their findings of change in the international system are magnified by reliance on the Westphalia concept as an empirically accurate representation of a past state of affairs.

Similar to the work questioning the extent and novelty of globalization, Krasner (1993), Beaulac (2000), Osiander (2001), and others have studied the historical context and implications of the Peace of Westphalia itself and have sought to question the dominant discourse of the Peace in IR literature by demonstrating that it did not establish anything resembling the Westphalia concept as an organizing principle of world politics. However fruitful these investigations have

³² See Abizadeh (2005) for an interesting and related point that the current understanding of sovereignty reifies the Westphalian system, making change toward a shared global identity conceptually impossible when it really is not.

³³ See also, among others, Helleiner 1999; Hirst and Thompson 1999; Rudolph 2005.

been in better defining the extent of globalization or distilling the actual implications of the Peace of Westphalia, we remain stuck with the Westphalia concept in mainstream IR literature and likely will be for some time to come. In fact, some authors, while explicitly recognizing the inadequacy of the concept, nonetheless applied it to some extent in their own work (see, for example, Albert and Kopp-Malek 2002; Brenner 2004; Goodhart 2007; Watson 2007). Krasner of course did this self-consciously in defining the term “Westphalian sovereignty” (1999).³⁴

In addition to the dangers of possibly exaggerating or distorting recent changes in the international system, the inheritance of a Westphalia concept also raises the question of how our understanding of the international system might have been different had this concept not been developed as we know it today. Although purely a counterfactual exercise, it is worth pondering the development of a Westphalia concept with characteristics in line with the alternatives in the historical discourse of the Peace as described above: one more clearly related to a “society of states” resting on a common culture, or even one sanctioning intervention on behalf of human rights. A consequence of such alternative Westphalia concepts might have been that the changes resulting from globalization would have been perceived as less revolutionary and less clearly conceptually novel. Another interesting counterfactual would be if no such monolithic concept of international order, purportedly rooted in (and legitimated by) history, had ever developed. The absence of a Westphalia concept “readymade” altogether might have left scholars to focus more on empirical and comparative studies rather than allowing their analyses to be guided by an ideal-type that is becoming something of a caricature. Indeed, with the accumulation of a large body of scholarly work on globalization, nuanced understandings have emerged that highlight the inadequacy of working with such a broad analytical construct.

Given the possible consequences of the use of analytical tools and shortcuts for shaping subsequent scholarship, it is worthwhile to take a close look at how these tools are fashioned in the first place. Earlier scholars, whose assessments of the significance of the Peace in part diverge greatly from today’s consensus, tied Westphalia into their arguments in very reasonable ways; there is no reason to think that they erred to any significant extent. In fact, it seems rather that poor historical work by Quincy Wright may have helped to narrow the formerly broad discourse of the Peace in favor of the one revolving around state autonomy and nonintervention that we are so familiar with today, and out of which the Westphalia concept was developed. Given subsequent scholarship on the nature of globalization and the actual impact of the Peace on the development of the international system, it should be acknowledged that the Westphalia concept has outlived its usefulness. It is now but a blunt tool in an area where much fine-grained work has been done. Continued references to a Westphalian system and the like are far more likely to obscure than illuminate.

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³⁴ In a later work, Krasner (2001) makes a point of opting for the term “Vattelian sovereignty” rather than “Westphalian sovereignty” to convey the same concept in order to emphasize that the development of state autonomy had little to do with the events of 1648.

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