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## The Westphalian State System

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The modern state system as we know it – defined, even in an age of globalization, by sovereign borders that often serve to separate “us” from “them” – has its origins in the Westphalian state system. The principles of the Westphalian system were established – at least in theory – in seventeenth-century Europe and spread unevenly across the globe through imperialism in the following centuries.

**The Westphalian state system** was established in the wake of the **Thirty Years’ War** in Europe (1618-1648), a conflict in which a third of central Europe’s population died. The conflict began after the newly-elected Holy Roman Emperor, a Catholic, attempted to impose religious uniformity over his dominion, prompting an outcry by Protestant states within the Empire. The initial conflict between Protestant and Catholic states expanded into a large-scale confrontation between the most powerful states in Europe, including Sweden and France. The **Peace of Westphalia of 1648** brought this conflict to an end and was an attempt to regulate violence across Europe going forward.

This “peace,” really a collection of treaties between the combatant states, laid the foundation for the modern conception of sovereignty and framed the norms of “good” and “just” war among states. For our purposes, it is important to understand that the Peace of Westphalia established:

1. The notion of autonomous territory, or the principle that states would be free to govern their territories without outside interference.
2. A new system of political order, in which states would be regarded as the only institutions that could legitimately engage in international diplomacy and war.

According to International Relations scholars Richard Mansbach and Franke Wilmer (2001), the Westphalian state system’s legal discourse established a “**moral boundary**” around the “civilized nations” of Europe that sought to regulate (monopolize) the use of violence and delegitimize the waging of war by “non-state” actors. The Westphalian state system also excluded these actors from peace processes, establishing the state as the only legitimate purveyor of treaties and other international conventions. Eighteenth-century legal theorist Emer de Vattel expressed this sentiment when he incorporated the laws of war as an element of the “law of civilized nations,” which was, he argued, “the law of sovereigns” (cited in Mansbach & Wilmer, 2001, p. 60). In establishing distinctions between “good” or “just” and “bad” or “unjust” violence, in the Westphalian system “civilized” nations became equated with Western societies.

### The Westphalian “moral community”

The architects of the Westphalian system aimed to “civilize” war through rules and norms that defined “acceptable” behavior by combatants towards one another and towards civilians. They therefore imposed limits on weaponry and logistics as well as on the behavior of armies and individual soldiers.

States were to wage war so as to minimize damage to civilian populations as well as to their own soldiers. The Westphalian state also drew a sharp boundary between government, army, and people (or civilians). As Mansbach and Wilmer point out, when civilians engaged in war, “they were viewed as criminals, or worse, as rebels, and could expect no mercy. Interstate norms limiting war and creating mutual obligations among states contrasted dramatically with the absence of limitations on violence between the surrogates of states and sub-state or non-state individuals or groups” (2001, p. 61).

In the language of international law in the seventeenth century, recognition as a European state was the basis for inclusion in the community of “civilized nations.” This assumption not only delegitimized the waging of war by non-state actors within Europe, it justified a mission to spread “civilization” around the world. According to Mansbach and Wilmer, “as imperialism spread, violence by Europeans against non-Western peoples ... generally fell beyond the scope of regulation through international norms, being reserved as a matter of domestic jurisdiction. International legal discourse reflected one kind of moral boundary including (European) ‘civilized nations’ and the regulation of violence in their relations through the laws of war (both in terms of the ‘just war’ doctrine as well as the actual conduct of warfare). The same boundary excluded non-European peoples from any such protection” (2001, p. 57).

### **Legacies of and challenges to the Westphalian state system**

While “civilization” provided the ideological foundation for an emerging world order based on assumptions of western moral superiority, over the course of the twentieth century the actual conduct of war increasingly challenged the norms of warfare and the demarcations between “just” and “unjust” violence laid out in the Peace of Westphalia. In World Wars I and II, the distinctions between the categories of combatants and civilians blurred as those on the “home front” became increasingly involved in war efforts, as well as the intended or accidental targets of new kinds of military weapons. Mansbach and Wilmer observe that “despite efforts to maintain the fictitious distinction between combatants and noncombatants, technology and ideology conspired to erase it” (2001, p. 61).

Following the world wars, international institutions like the United Nations sought to provide a framework for the protection of individuals and communities from state abuses through a recognition of “universal” human rights. In practice, however, for much of the twentieth century the ability of such organizations to intervene against human rights abuses by state actors was constrained by the notion of territorial sovereignty enshrined in the Peace of Westphalia. Despite the growing disjuncture between the norms of international warfare, conceptualized primarily with state actors in mind, and the increasing frequency of violence waged by and upon non-state as well as anti-state actors, the legacies of the seventeenth century remain with us.

### **References**

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