

Inventing Westphalia

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Introduction

The Westphalian Moment, if there ever was one, may quite well have occurred more than 100 years after the signing of the now famous Peace, and in Geneva no less. Writing around 1756, Jean-Jacques Rousseau declared in his treatise, *A Lasting Peace Through the Federation of Europe* that “the Treaty of Westphalia will perhaps forever remain the foundation of our international system.”¹ Prevailing social science lore would find no fault with Rousseau’s logic. Examples abound from the last 70 years of various political theories, international histories, university conferences, even modern military alliances, referencing Westphalia.² Invariably, there are some differences in how these thinkers frame the importance of Westphalia, but the general mold is familiar enough to any sophomore undergraduate enrolled in a course on international relations.³ It goes as follows: The Thirty Years’ War lasted from 1618-1648. This three-decade-long catastrophe was perhaps Europe’s first modern continental war. While the majority of the conflict took place in central Europe, it drew upon every “great power” resulting in an estimated five to eight million deaths. Modern estimates would suggest that such a toll resulted in a 15–20 percent decline in Europe’s population.⁴ By

¹ Jean-Jacques Rousseau, Translated by C.E. Vaughan, *A Lasting Peace Through The Federation of Europe and The State of War*, London: Constable and Company Limited, 1917, p. 55.

² Javier, Solana. “Securing Peace in Europe.” Speech presented at the Symposium on the Political Relevance of the 1648 Peace of Westphalia, Münster, Germany, November 12, 1998. See also: Patrick Milton, Michael Axworthy, and Brendan Simms, *Towards a Westphalia for the Middle East*, Oxford University Press, 2018; Charles W. Kegley, Jr. and Gregori A. Raymond, *Exorcising the Ghost of Westphalia*, Prentice Hall, 2002.

³ UC Berkeley’s curriculum for Political Science 5, Introduction to International Relations, specifically teaches Westphalia as the birthplace of modern sovereignty and international relations. See the course’s assigned textbook: Robert J. Art, and Robert Jervis, *International Politics: Enduring Concepts and Contemporary Issues*, Pearson, 2013.

⁴ Peter Wilson, *The Thirty Years’ War: Europe’s Tragedy*, Cambridge, Mass: Belknap Press of Harvard University Press, 2009, 787. For more on this see the entirety of Ch. 22: “The Human and Material Costs.”

contrast, 1914–1918 saw an estimated 5.5 percent decrease in Europe’s population, and 1930–1945 saw an estimated 6 percent decrease. Thus, the Thirty Years’ War was by proportion the most destructive conflict in European history, if not the world, and was ostensibly brought to an end only by a peace settlement in 1648. The purported saving grace was none other than the Treaty of Westphalia, a multinational agreement which created the modern sovereign state, and by extension the foundations of what would become international relations, thereby molding security out of Europe’s chaos.

Thus, on October 24, 1648 the modern system of sovereign states, each independent of the other, but locked into a mutual system of international relations, and ideally balanced against one another in order to retain their sovereignty, purportedly emerged out of the ashes of the Thirty Years War as a consequence of The Treaty of Westphalia. The perennially quotable political scientist Leo Gross characterized Westphalia in a 1948 article as “the majestic portal which leads from the old into the new world.” Fifty-six years later, Henry Kissinger echoed these ideals in his book *World Order*:

The Peace of Westphalia became a turning point in the history of nations because the elements it set in place were as uncomplicated as they were sweeping. The state, not the empire, dynasty, or religious confession was affirmed as the building block of European order. The concept of state sovereignty was established. The right of each signatory to choose its own domestic structure and religious orientation free from intervention was affirmed, while novel clauses ensured that minority sects could practice their faith in peace and be free. Beyond the immediate demands of the moment, the principles of a system of “international relations” were taking shape, motivated by the common desire to avoid a recurrence of total war on the Continent.⁵

Both Gross and Kissinger’s views of Westphalia as a remarkable turning point in international relations are commonplace beliefs today. There were two distinct worlds, a before and an after. Westphalia was not just a mere treaty, but instead resulted in a complete structural upheaval in international relations, catapulting individual states and the world they inhabited into modernity.

⁵ Henry Kissinger, *World Order*, New York: Penguin Press, 2014., pp. 26-27.

Kissinger neatly sums up what might even now be considered “pop culture” in academia: today’s international relations, a system of sovereign secular states, is descendent from the Peace of Westphalia. While Gross, Kissinger, and many others, might emphasize different aspect of Westphalia, the point remains that the Peace is enshrined as a single, monumental, and sudden turning point history.

Here, is usually where the early modern historians begin their finger-wagging, demonstrating with considerable historical evidence that the pillar on which Westphalia stands is at the very least undeserved, if not entirely ahistorical. Thorough dissections of the “Westphalian myth” abound. Andreas Osiander provides a blow-by-blow debunking of this “cherished interpretive tradition” in his article “Sovereignty, International Relations, and the Westphalian Myth.”⁶ He points out a number of historical fallacies, perhaps most glaringly, that the treaty itself does not even exist. Instead, the “The Peace of Westphalia” acts as a shorthand for two separate treaties signed between different warring parties in two separate locations on October 24, 1648: *Instrumentum Pacis Monasteriense* or the Treaty of Münster, signed between the Holy Roman Empire and the King of France, and *Instrumentum Pacis Osnabrugense* or the Treaty of Osnabrück, signed between the Holy Roman Empire and Queen of Sweden.⁷ It should also be noted that Dutch Autonomy from Spanish Hapsburg Rule was not part of the Münster-Osnabrück settlements, having been established in January of 1648 in a separate Treaty of Münster.⁸

To add to the confusion, scholars frequently invoke the “Treaty of Westphalia,” but fail to distinguish exactly which settlement they are referencing. Yet perhaps the most egregious error, is

⁶ Andreas Osiander., “Sovereignty, International Relations, and the Westphalian Myth.” *International Organization* 55, no. 2 (2001).

⁷ Ibid, p. 266.

⁸ Ibid, p. 268.

the notion that Westphalia bestowed lasting peace on Europe. The settlement in fact did not end the war between France and Spain, which would continue until 1659, nor did it address continued fighting amongst the Baltic powers. In the entire 17th century, there were only seven years of continental wide peace: 1610, 1669–71, and 1680–2.⁹ With such evidence in mind, it seems difficult to convincingly argue that Westphalia ushered in any sort of new international system, Kissingerian equilibrium of power, or interstate order. Europe was, and remained “a military civilization, whose normal state was war.”¹⁰

Beyond the fact that Westphalia, quite literally as a historical moment does not exist in the sense its myth implies, there are a number of other pressing historical questions which cast doubts on Westphalia’s status as the birthplace of the sovereign state and modern international relations. By what logic could a peace signed in central Europe between only three singular European powers come to birth and define the entirety of modern international relations? Moreover, many of the combatants in the ‘Thirty Years’ War were themselves empires, and would go on to plunder colonies in the new world and dominate smaller European city states in various forms for the next 300 years. The idea of the treaty signed by and enshrining the supremacy of a system of nation-states therefore does not withstand a structural scrutiny of the implicated parties.

Citing a compendium of historiographic sources, in his book *The Power of Language in the Making of International Law*, Stephane Beaulac concludes that if 1648 had a Westphalian moment, it was in fact one of imperial consolidation, breathing new life into an aging empire and allowing it live on into the nineteenth century. It was not one of liberation and subsequent propagation of

⁹ J. H. Elliott, *Spain, Europe & the Wider World, 1500-1800*. New Haven [Conn.] ; London: Yale University Press, 2009., p. 94.

¹⁰ Ibid.

sovereign states.¹¹ Westphalia purportedly established religious sovereignty within the Holy Roman Empire, but even this claim deserves greater historical attention than originally committed. The Peace of Augsburg settled nearly a century prior in 1555 between the Catholic Holy Roman Emperor and Protestant Princes, had already established the rule of *cuius regio eius religio*.¹² Moreover, the decades following 1648 would see Louis XIV revoke the Edict of Nantes in 1685, resulting in the exile of tens of thousands of Protestants from France. Finally, the treatment of Jews across Europe in Protestant and Catholic territories alike, defies the notion that religious persecution, even on a large scale, ended in 1648.¹³ Far from being an ecumenical society of religious tolerance and independence, in the decades following Westphalia, the religious divisions which had plagued Europe for the past century and a half hardened more than ever before.¹⁴ As this paper demonstrates, the notion of state sovereignty only began to slowly emerge from the rubble of the Thirty Years' War over subsequent decades. No new international system leapt into being in 1648; instead, the myth of Westphalia itself would play a small part in an effort by certain Europeans to consciously define a new international system to meet their own needs and satisfy their own anxieties.

¹¹ Beaulac Stéphane, *The Power of Language in the Making of International Law: The Word Sovereignty in Bodin and Vattel and the Myth of Westphalia*. *Developments in International Law*, v. 46. Leiden; Boston: Martinus Nijhoff Publishers, 2004., p. 97.

¹² *Ibid.*, p. 341.

¹³ Warren Candler Scoville, *The Persecution of Huguenots and French Economic Development, 1680–1720* Berkeley, Calif., 1960, p. 5 note 11.

¹⁴ What makes Westphalia such an intellectual quagmire is the propensity for modern scholars to ascribe almost anything deemed virtuous to the “Westphalian Moment.” One could argue The Revocation of Nantes is perfectly in line with the idea of a ruler using their power to create a sovereign state with a single religion. Yet simultaneously, such a claim directly contradicts the notion that Westphalia resulted in proliferation or religious toleration.

As a frame for this paper, I might suggest J.H. Elliot's alternative characterization of Westphalia: "the effect of the Westphalian settlement was to sanction the territorialisation of creeds ...religious exclusiveness continued to characterize the confessional life of the majority of the cities of the Empire."¹⁵ Far from transforming into a society of coequal confessional traditions, sovereignty in the early modern context was a desperate recourse. The historical evidence betrays a post-Westphalia Europe much different from the peaceful world of sovereign states recreated in Leo Gross's myth. It is a world of hardened religious divisions, where the threat of military conflict bubbled perpetually. Hapsburg power may have waned, but a newly ascendant King of France appeared intent on establishing himself as the new universal monarch of Europe, capable of doing what the Holy Roman Empire was not—chiefly, of establishing an absolutist state characterized by a single religion. Osiander provides one of the only explanations for the genesis and development of this myth. He concludes that the Westphalian myth in international relations is the result of nineteenth and twentieth century historians adopting a certain standard account of 1648, influenced by ideas that can be traced to anti-Habsburg propaganda of the 'Thirty Years' War originating in German printing houses.¹⁶

Something called "sovereignty" indeed emerged in the decades after 1648, yet what that sovereignty meant, where that idea circulated, and why it unfolded when it did, is a vastly more dynamic story than Leo Gross's "majestic portal," or Kissinger's general equilibrium of power. As to whether or not this sovereignty materialized as a direct result of the compendium of treaties known as the Peace of Westphalia—so called "Westphalian Sovereignty"—is again another question, and outside the scope of this paper. What is important however, is that by 1756, one of the

¹⁵ Elliot, *Spain Europe and Wider World*, p. 95

¹⁶ Osiander, "Sovereignty, International Relations, and the Westphalian Myth.", p. 266.

Enlightenment's greatest prophets was laying out an almost textbook-worthy description of the Westphalian Myth, which specialists in contemporary international relations writing 200 years later would come to regurgitate, and some of their early modern colleagues revile. How then, did Rousseau arrive at this?

The origins of the Westphalian Myth can be traced to the vast diaspora of primarily Protestant thinkers writing, teaching, and traveling across Europe throughout the late seventeenth and early eighteenth centuries. These men of letters found refuge in Protestant states such as Switzerland, the Dutch Republic, Sweden, or Protestant German City States like Brandenburg. In the wake of the 'Thirty Years' War, the idea that constituent European states might be held together by a common commitment to Christendom was left in tatters. Seizing upon newfound territorial and political independence from the great Catholic powers of Europe, these writers and thinkers worked to refashion a new political narrative capable of filling the void left by a failed Christendom. From this angle of analysis, the Westphalian Myth not only finds greater context, but appears almost comically self-serving. Taking advantage of Europe's crisis, these emboldened Protestant thinkers sought to redefine Europe's international system on their own terms: imagining a system freed from the ancient power of the Catholic Church as the great continental intermediary, where newly independent cities in Switzerland and the Dutch Republic could stand toe with their former sovereigns, the Most Catholic King and the Holy Roman Emperor.

Pufendorf and Westphalia's Origins

If ever there might have been a likely candidate to rewrite the history of Europe in a post-Westphalian frame, it was Samuel von Pufendorf. Born 1632 the son of a Lutheran pastor in the Saxon village of Dorfchemnitz before moving to the neighboring town of Flöha, a young Pufendorf came of age witness to the horrors of the 'Thirty Years' War. At the age of seven, he fled his home in

order to escape invading armies.¹⁷ Almost 17 years old at the time of Westphalia, Pufendorf's childhood experience of civil war and chaotic religious violence contrasted with a precarious peace, would influence the focus of his later works.¹⁸ Enrolling first at the Prince's School in Grimma (1645–50), Pufendorf acquired a strong classical backing, while simultaneously exposing himself to contemporary civic philosophy. Instead of immediately entering ministerial training, he continued onwards to the universities of Leipzig and Jena (1650–58), where he became acquainted with the teachings of the so called “moderns”: René Descartes, Hugo Grotius, and Thomas Hobbes.¹⁹ Grotius and Hobbes in particular would prove exceedingly influential in Pufendorf's writings, as he sought to synthesize the absolute anarchy described by Hobbes (and witnessed by a young Pufendorf) with the well-ordered legalism of Hugo Grotius.

Pufendorf began his career as a house-tutor to the Swedish ambassador to Denmark (1658–1659) before receiving an appointment to the newly created professorship of natural and international law at the University of Heidelberg (1661–68), and then moving to a similar position at the University of Lund, where he remained until 1676.²⁰ It was in Lund that Pufendorf wrote his monumental treatise, *De jure naturae et gentium* (*Law of Nature and Nations, Published in Eight Separate*

¹⁷ Samuel Pufendorf, Ian Hunter, David Saunders, and Jean Barbeyrac. *The Whole Duty of Man According to the Law of Nature*. Natural Law and Enlightenment Classics. Indianapolis, IN: Liberty Fund, 2003., p. x. It is important to note that this is an English translation of a famous French translation originally done by Jean Barbeyrac in 1706, an exiled French Huguenot who at the time was living in Germany but who would eventually make his way to the Dutch Republic. He will prove an essential character later in this paper in explaining how the works of Pufendorf—and with it the Westphalian Myth—proliferated around Europe in the later seventeenth and early eighteenth centuries. Barbeyrac's notes were often included within subsequent translations, acting as essential evidence for how Pufendorf's theories were interpreted and reflected upon by his readers in the immediate decades.

¹⁸ Ibid., p. xi.

¹⁹ Ibid.

²⁰ Ibid.

Books, 1672), followed by an abridged version which English readers in 1691 would come to know as *The Whole Duty of Man, According to the Law of Nature*. Pufendorf's upbringing within a staunch Lutheran tradition and work for Protestant rulers contextualized his work. When *On the Law of Nature and of Nations* was published, Pufendorf was serving as personal councilor to the King of Sweden before finally moving back to Germany to serve as personal advisor to Frederick I (1657–1713), the powerful Duke of Prussia and Elector of Brandenburg.

Pufendorf's influence on the history of international thought, particularly surrounding ideas of sovereignty, cannot be overstated. Indeed, the very idea of a sovereign state system was an idea first clearly articulated by Pufendorf.²¹ Equally important was Pufendorf's immediate popularity in Europe. His synthesis of the political theories of Hugo Grotius and Thomas Hobbes within a context of natural law, once translated, would become remarkably influential in the development of late-seventeenth and early-eighteenth-century legal thought, particularly in Britain.²² The ascendancy of William of Orange as the King of England, Ireland, Scotland and Wales in 1689, coupled with a plethora of imported Dutch Protestant thought, among them volumes of Pufendorf, cemented Pufendorf's influence on the whole of Protestant Europe. Moreover, it created a rich substrate for Pufendorf's contemporaries such as John Locke, and laid the groundwork for the next generation of thinkers, most notably David Hume.²³ This vast, loosely connected, Protestant web of intellectuals would become a conversational breeding ground for ideas of sovereignty taken up during the Enlightenment proper, and crucial in explaining how the idea of Westphalia itself evolved.

²¹ Martin Wight, *Systems of States*. Leicester University Press, 1977., pp. 21-26.

²² Marco Barducci, *Hugo Grotius and the Century of Revolution, 1613-1718: Transnational Reception in English Political Thought*. First edition. Oxford ; New York: Oxford University Press, 2017., pp. 190-197.

²³ See for example: Stephen Buckle, *Natural Law and the Theory of Property: Grotius to Hume*, Oxford: Clarendon Press, 1991.

Yet despite Pufendorf's status as one of the titans of modern international relations, he has comparatively little to say about Westphalia. One might presume that one of the so called "fathers" of international law would be more interested in the Peace which we believe today ostensibly birthed the sovereign state. In fact, what Pufendorf does say about Westphalia appears to be so thoroughly a construction of Protestant ideology that it verges on propaganda. In its entirety, Pufendorf's large body of work does discuss sovereignty, natural law, and secular civil authority. Yet these topics, which form the general thesis of his writings writ large, are subsequently reduced to the single date of 1648 by later scholars. What is believed to be Westphalia today, echoes Pufendorf's broader works on international relations. Yet strangely, what Pufendorf *actually* says specifically about Westphalia itself, is nothing of the sort.

For Pufendorf writing not two decades after Westphalia, the Peace had but a narrow significance. Westphalia, for him, marked no more than the successful Protestant dispossession of Catholic lands, and the end of the Papacy as the supreme international power. 1648 was important, not because it created a new international system, but solely as a Protestant victory resulting in a very real material gain in Church property. That Pufendorf's broad theory of international relations developed over many decades has today become synonymous in content with 1648 is a case of the latter being in service of the former. The Westphalian state system did not come into being because it was any more "rational" than competing systems, but rather because it was intimately bound up with a Protestant ideological project of self-promotion. International relations scholars today associate 1648 closely with Pufendorf's understanding of international law. That Pufendorf has nothing to say which links natural law and Westphalia suggests that "natural law" owes its development to that very same self-serving Protestant ideological project.

In 1667, a young Pufendorf would pen *De stati imperii Germanici* (*The Present State of Germany*) a blistering critique of the Holy Roman Empire so audacious for its time, that the young author

published it under the pseudonym Severinus de Monzambano. Pufendorf's unpopularity further demonstrated that in the seventeenth century, Westphalia was not widely understood to constitute a remarkable birth of a ubiquitous international system. Writing on a taboo subject under his adopted name, Pufendorf unloaded a tidal wave of criticism concerning the internal organization of the Holy Roman Empire, giving a less than satisfactory review of the Hapsburgs' performance as sovereigns before arriving at a discussion of Westphalia within the broader significance of both German and European history. Crucially, though, Westphalia is explained not as a revolution in state sovereignty in and of itself, but as a cornerstone in the establishment of explicitly Protestant power:

Now [though] the Authority and Revenues of the Churchmen is very great [quite respectable] [in all those Countries that ever were under the Papacy] ... and [the Churchmen] are much fitter to involve their Country in Wars, and their Neighbours in Troubles, than to propagat true Piety...But then, whereas of old their Estates equalled, if not exceeded, that [the domains] of the Secular Princes, the Reformation of Religion, which was embraced by the greatest part of Germany, and whose seizure of ecclesiastical goods was confirmed by the Treaty of Passau, the Peace of Augsburg, and later by the Peace of Westphalia [in the year 1648], have strangely [considerably] diminished them; for in the Circles of the Upper and Lower Saxony the Churchmen have very little left.²⁴

Westphalia was remembered in 1667 not for the establishment of the sovereign state, but rather as a moment of Protestant propaganda, trumpeting the success "secular" princes enjoyed in finally achieving international legitimation after seizing (both physically and metaphysically) the Papal territory within their borders. Moreover, Pufendorf delegitimizes the Catholic Church as an institution of political and social organization. Instead arguing the "Churchmen" often do the opposite by creating conflict, and brining nothing but "Wars" and "Troubles." Pufendorf situates this within the broader context of the reformation, and the historical legacy of Augsburg, in essence bolstering the claims of legitimacy Protestant princes were making in the aftermath of the Thirty

²⁴ Samuel Pufendorf, Michael J. Seidler, and Samuel Pufendorf. *The Present State of Germany*. Natural Law and Enlightenment Classics. Indianapolis: Liberty Fund, 2007., p. 70.

Years' War. His attacks on priests, and their false "piety," also sought to effectively strip them of any moral authority they might claim as members of the clergy. While Westphalia's reaffirmation of Augsburg and the principle of *cuius regio, eius religio* are certainly part of what defines the broader definition of "sovereignty," the exact sovereignty Pufendorf is concerned with in 1667 is a much more specific form of religious sovereignty, one where "secular princes" are well within their right to not only worship as Protestants, but to use this newfound authority quite literally at the expense of the Catholic Church.

Of equal importance is Pufendorf's description of Protestant princes as "Secular Princes."²⁵ While not uncommon nomenclature for the age, Pufendorf's intertwining of "secular rule" as a synonym for Protestant power collapsed into an account of Westphalia is the cornerstone upon which the subsequent elaborate theories of "Westphalian sovereignty" would use as their foundation. But Pufendorf's analysis of the Thirty Years' War and its aftermath is far less theoretical. He writes in reaction to concrete fears, not abstract theories, reflecting an entrenched Protestant trepidation of Catholic universal monarchy combined with common anxieties over the extent of Hapsburg power in both Germany and Spain. 1648 was not originally imagined as an epic moment establishing a new international order, either by intent or accident. Instead, its significance was much more specific. It is defended by Pufendorf as a logical escalation by Protestant princes in Brandenburg-Prussia in response to a Hapsburg attempt to seize Protestant territory gained since the treaties of Passau in 1552 and Augsburg in 1555:

²⁵ Indeed this was reflective of Pufendorf's original wording which is: "Ac multos eorum à Principibus secularibus haut ..." For more see the original Latin edition: Samuel, Pufendorf, Freiherr von, 1632-1694, and Philipp Andreas Oldenburger. *Dominus De Monzambano Illustratus & Restrictus, Sive, Severini De Monzambano Veronensis De Statu Imperii Germanici: Liber Unus, Discursibus Iuridico-politicis Explicatus & Restrictus : In Quibus Elegantissimae Iuris Publici Romano-Germanici Materiae V. G. De Finibus Ac Limitibus Germaniae Antiquis & Hodiernis : De Germanorum Imperio Romano ... Deducuntur*. Utopiæ [i.e. Geneva]: Apud Vdonem Neminem ..., 1668.

That [all the Clergy should be put in possession of all the Church-Revenues, which had been taken from them by the [Laity], since the Treaty of Passaw]... How this Project came to fail, is too well known to be represented here: And at last, in the Treaty of Osnaburg (or Osnabruck) in Westphalia, in the year 1648...there was a large Provision made for the Security and Peace of Religion...it extended equally to the Lutherans, and to the [Calvin-ists], as they call them now.²⁶

Pufendorf's analysis of Westphalia reflects the immediately evident fact that little in the treaty was revolutionary, only reaffirming agreements hashed out between Protestant German princes and their Catholic emperor's nearly 100 years earlier. The few times Pufendorf mentions Westphalia is not within any broader context of natural law, or state sovereignty. Rather, in Pufendorf's mind, it is inextricably tied to a Protestant victory in a religious conflict whose origins he traces to the overreach of the Catholic Holy Roman Emperor. Pufendorf, brilliant as he was, is stuck in history just like any other scholar. The "Westphalian state system" does not exist in his writings as a timeless principle, but as the product of a normative conception, linking the anxieties and motives of Protestant historians and philosophers with their efforts to write a new history capable of excusing, explaining, and even exalting, their seizure of Church lands.

Ironically, Westphalia's one remarkable achievement was not necessarily what it brought to European affairs, but rather who was absent from its creation. It was the first major peace to be signed in which Papal diplomats played little to no role in the negotiations.²⁷ In reaction to the news of the Peace, Pope Innocent X famously lambasted the it as "null, void, invalid, unjust, damnable, reprobate, inane, empty of meaning and effect for all time."²⁸ For Protestants, it was perceived as a rare moment in which the diplomatic playing field was leveled. Pufendorf wrote:

²⁶ Pufendorf, *The Present State of Germany*, p. 133.

²⁷ Wilson, *The Thirty Years' War: Europe's Tragedy*, pp. 758-768.

²⁸ Kalevi Jaakko Holsti, *Peace and War: Armed Conflicts and International Order, 1648-1989*, Cambridge: Cambridge University Press 1991, p. 25.

It is also to be noted here, that this Liberty of Religion was settled by way of Compact or Agreement made between Equals, and [that] the Emperor himself is [joined with] one of the Parties ...It is plain, [at least, that] the Authority of the Churchmen will thereby be [was thereby] reduced into a very narrow compass.²⁹

Meeting “between equals” however, would prove a dramatic departure from the international organization of Christendom. Papal authority was formerly perceived as the glue that bound the sovereigns of Europe, mediating their competing interests. As Father of Kings, Governor of the World, and Vicar of Christ, the Pope theoretically held supreme authority in international affairs. After all it was Pope Leo III who crowned Charlemagne, not the reverse. To meet as equals meant for a moment, the redefined international system of Protestants became a reality. The Catholic Church, the only institution capable of organizing constituent states into hierarchies formed along an authority which claimed to be greater than that of any one secular ruler, and reserved the right to nullify treaties, and intervene in both the foreign and domestic politics of any state in Christendom, was absent. Thus, one cannot decouple the importance of Protestant identity in understanding the treaty’s significance. When Pufendorf discusses the “Authority of the Churchmen,” it is first and foremost within the greater context of Church authority in Protestant lands. Pufendorf’s description also hints at a proto-nationalism, were states like the Dutch Republic, newly freed from their vassal like status, could negotiate face to face with their former imperial masters.

Pufendorf’s description of Westphalia as a Protestant victory was not uncommon at the time. Pamphlets published by sympathetic Protestant writers across Europe echo such a characterization of the Peace. One such pamphlet printed in London in 1658 recounted:

The Justice of the last civil warrs in Germany, which were composed at the Peace concluded in Munster and Osnabrugge in the year 1648: was grounded upon this. That the Protestants were necessitated to enter into a league or mutual union together... they formed [a] union among themselvs, to stand upon the defence of their rights, and to oppose the power of

²⁹ Pufendorf, *The Present State of Germany*, p. 134.

the house of Austria, by whose means, both in Germany and in Bohemia, the Jesuites did drive the design of rooting out Protestants.³⁰

Indeed Pufendorf's almost exclusive focus on the religious dimensions of Westphalia was somewhat ubiquitous, and reflected a broader preoccupation by Protestants around Europe to cement what were perceived as religious victories. Both in pamphlets and Pufendorf's writings, Westphalia is framed as something that arose from bloody religious controversy. In summarizing the origins of the Peace, they make it clear that it was Papal incursion and imperial overreach which precipitated the conflict in the first place. In framing the argument as such, the subsequent Protestant dispossession of Church lands is wholly justified. Moreover, it is this dispossession of land, cemented in an "agreement made between equals," which Protestants argue proves the Church is no longer the preeminent international power in Europe.

The international order destined to become synonymous with Westphalia was born from a Protestant theological revolution, where the ritual based institutionally administered Catholicism of early modern Europe was replaced by a religion organized by belief, not practice. The shift of where religion itself was located according to Protestants: from communal ceremony and public sacrifice to a private faith whose benchmark was not visible participation but private belief, transferred an immense amount of authority to organize the day to day lives from church to state.³¹ Pufendorf's Westphalia is a celebrated victory for Protestants, but its immediate significance to those thinking and writing in Germany in the seventeenth century did not extend far beyond the boundaries of religious conflict.

³⁰ *A Brief Representation of the Protestant Cause in Germany in what Case it Hath been, since the Peace of Munster, and how it Now Stands*, London, s.n.], 1658., p.1. Yes, that is the original spelling of the text.

³¹ Wolfgang Reinhard, "Reformation, Counter-Reformation, and the Early Modern State a Reassessment.", *The Catholic Historical Review* 75, no. 3 (1989): pp. 383-388.

The greater body of Pufendorf's work deals with natural law and its implications for civil authority. However, just as Pufendorf's analysis of Westphalia was firmly rooted in the seventeenth-century Protestant experience, so too were his greater theoretical works, which sought to create a theory of natural law capable of defending Protestant civil states against Catholic efforts to delegitimize.³² According to Pufendorf, acting alone, humans are incapable of transforming their communities in accordance with natural law. Natural law thus supplants the supernatural and superstitious in favor of rationalism, imbuing the state alone with the sufficient authority to rule man in accordance with what Paul Hazard described as "an immanent order of Nature."³³ For Protestants, superstition was to become synonymous with Catholic 'belief,' thus leaving rationalism an exclusively Protestant characteristic.

Pufendorf was one of the first serious European intellectuals to become obsessed with analyzing the state of Europe in the aftermath of the 'Thirty Years' War. It is Pufendorf's preoccupation with the violence of the 'Thirty Years' War combined with his study of Hobbes which lead him to unsurprisingly postulate that man existed in a state of nature.³⁴ For Pufendorf, drawing on Hobbes, the question of man's tendency towards violence was related to the problem of anarchy.

³² For example, sixteenth-century scholastics like Francisco Suárez (1548–1627) worked to repurpose the works of Thomas Aquinas whose "transcendent moral order" only accessible via the Church, could easily be used to subordinate Protestant civil sovereigns and so brand them as heretics.

³³ Paul Hazard, *The Crisis of the European Mind, 1680–1715*, New York Review of Books, 2013, p. 271

³⁴ Pufendorf, *The Whole Duty of Man According to the Law of Nature*, pp. x-xii. Furthermore, this small excerpt is an exemplary case of Pufendorf's writings forming bedrock principles of what would be later characterized as early enlightenment thought. His discussion of law and lawlessness coupled with rational man and irrational creatures would offer an important synthesis of Hobbes to writers later like Rousseau and subsequently the likes of David Hume, and eventually Alexander Hamilton, and Thomas Jefferson. See for example: Peter Stein, "From Pufendorf to Adam Smith: the Natural Law Tradition in Scotland", in *Europäisches Rechtsdenken in Geschichte und Gegenwart*, Munich: C. H. Beck, 1982.

Pufendorf recognizes the presence of anarchy, describing in his writings a characteristically Hobbesian description:

This Man has in common with all the Animals, who have a Sense of their own Beings; that he accounts nothing dearer than Himself; that he studies all manner of ways his own Preservation; and that he endeavors to procure to himself such things as seem good for him, and to avoid and keep of those that are mischievous.³⁵

However, Pufendorf's understanding of the state of nature is a far cry from Hobbes' "extreme individualism, nor is his state of nature characterized by a war of all against all."³⁶ Where Pufendorf distances himself from his contemporaries as well as Hobbes is the emphasis he places on human society to not just act as a Hobbesian restraint on man's worst impulses, but rather as a rare opportunity to generate good: "that is a fundamental Law of Nature, that every Man ought as much as in Him lies, to preserve and promote Society: That is, the Welfare of Mankind."³⁷ Pufendorf's examination of the state of nature, far from casting the state as heavy handed mitigator of man's worst impulses, impresses upon the reader the value of human society and civil law. Contrary to Hobbes' utterly anarchical state of nature, Pufendorf differs, arguing that even in the state of nature there exists natural moral law, and an innate proclivity on behalf of humans to form peaceful civil communities. It is these civil governments then, which Pufendorf concludes should retain ultimate power, as they were the only legitimate actors capable of preserving moral law in an overwhelmingly anarchical environment.

³⁵ Ibid., p. 53.

³⁶ David Boucher, "Resurrecting Pufendorf and Capturing the Westphalian Moment." *Review of International Studies* 27, no. 4 (October 2001), p. 564.

³⁷ Pufendorf, *The Whole Duty of Man According to the Law of Nature*, p. 56. This is not to say that Pufendorf detracts entirely from Hobbes' work writ large. For a more robust comparison of the two, and for an excellent contextualization of Pufendorf within the larger seventeenth and eighteenth century schools of international thought see: Theodore, Christov., *Before Anarchy: Hobbes and His Critics in Modern International Thought*. New York: Cambridge University Press, 2015.

What modern international relations theorists consider to be “Westphalian sovereignty” is in fact a tangential intellectual project taken on by Pufendorf. Westphalia retains a very limited significance in the majority of the celebrated scholar’s work. Conversely, it is his greater corpus that deals with more abstract theories of natural laws and their relationship to sovereign civil authority, which would only become synonymous with 1648 in the writings of Rousseau. Thus, not only is Pufendorf’s Westphalia derived from an intensely biased ideological project, but perhaps the vast majority of his work on natural law as well. While by the late seventeenth century this idea was not necessarily new to scholars of law and government, within the broader context of the history of Christendom it was no less revolutionary and controversial. Such ideals in theory removed the privileged status of the Catholic Church as an arbiter of international affairs. For almost a millennium the Church acted as a separate legal authority, existing within the boundaries of states, an exclusive entity capable with its own courts and laws. Examples abound of the Church’s remarkable legal power: the excommunication of Emperor Henry IV in 1073, the general interdict on England and Wales in 1201 in response to the assassination of the Archbishop of Canterbury Thomas Becket, and the Venetian Interdict of 1606.³⁸

Pufendorf’s broader theoretical issues are indeed tied to Westphalia, but only as distinct features of an overarching Protestant ideological program. Both Pufendorf’s self-serving description of 1648 as a Protestant victory, and his broader concern with rationality and natural law writ large are part and parcel of the same ideological program, which at times verges on pure Protestant propaganda. Later scholars, whether in the enlightenment or in international relations today, often trace the origins of natural law, rationality, and civil sovereignty to Pufendorf, but neglect to recognize that these subjects have deep roots in Protestant theology. What are considered “objective

³⁸ Carlos Eire, *Reformations: The Early Modern World 1450 to 1650*, Yale University Press, pp. 19-63.

rational facts” of international systems today by some scholars (often self-proclaimed “realists) are instead the product of a deeply polarized conflict in seventeenth century religious thought.

In *The Whole Duty of Man According to the Law of Nature*, Pufendorf devotes a considerable number of pages to describing the necessary characteristics of moral and rational humans. What he says is remarkably important, because it is these human characteristics he argues which must be cultivated in order to form a robust society capable of creating within itself a civil authority which can rule in accordance with the “law of nature.” Considering Pufendorf’s larger intellectual project, it is no surprise that these characteristics are inherently Protestant, often being defined only in direct opposition to Catholicism.

Most pernicious likewise is that Conceit, which makes GOD allow a kind of Market of Sins, so as to suffer them to be bought off with Money, to be commuted for with Offerings, with the Observance of some vain Ceremonies, or the Utterance of some set Forms of Speech, without Amendment of Life, and an honest Endeavour to become Good Men. To this may be joyned, the sottish Imagination of such, who fancy that Almighty GOD is delighted with such Inventions of Men, such Institutions and Ways of Living, as are disagreeable to Human and Civil Society, as it is regulated by the Dictates of Reason and the Laws of Nature. All superstitious Notions, such as debase and dishonour the Divine Nature and Worship, are carefully to be avoided, as contrary to true Religion.³⁹

Pufendorf’s critique of the “market of sins” or “vain ceremonies” is a thinly veiled attack on the Catholic Church. The “market of sins” refers to the Catholic economy of salvation and the widespread practice of granting indulgences. Frequently, Protestants would also decry many of the more obviously ritualistic aspects of the Catholic Church, structured pilgrimages, ornate centers of worship, and even the belief in saints, as mere superstitions which debased the true word of God. That these are “disagreeable to Human and Civil Society” demonstrates the intensely ideological underpinning of Pufendorf’s work.

³⁹ Pufendorf, *The Whole Duty of Man According to the Law of Nature*, p.72.

Not only does Pufendorf neglect to explicitly connect Westphalia to a broader framework of natural law and civil sovereignty, but this framework itself originates as an implicitly anti-Catholic project. Where contemporary views on Westphalia link the questions of the Peace itself with an overarching agenda to form a civil society based around natural law and secular authority, Pufendorf in fact makes no direct link. The only commonality between these two subjects is their shared anti-Catholic bias. Indeed, some chapters later, Pufendorf warns of the Papacy's influence as a foreign political actor, arguing that a prince's duty implores him to prevent the growth of "private associations of particular persons", whether "sacred or civil."⁴⁰ This concern with regulating the private affairs of one's subjects is not simply pure paranoia that the influence of the Catholic Church might covertly undermine these new states. Instead, it alludes to a much broader important part of Protestant theology which aimed regulate the private belief of its citizens.

The internalized Christianity of Protestants naturally set up a conflict over the nature of international relations, and in doing so imbued early Protestant states with a vast authority not only over legal territory formerly ruled exclusively by the Church but over access to planes of moral philosophy previously touched on only by ecclesiastic authority.⁴¹ On the surface, this effort to cultivate an internal reverence and understanding of God might seem unimportant within broader international relations. How did Luther's emphasis on *sola fide*, *sola gratia*, *sola scriptura*, play into international affairs? In fact, such a focus on "internal" worship was intimately linked to Pufendorf's definition of what constituted natural religion.

The Propositions of Practical Natural Religion are partly such as concern the Internal, and partly the External Worship of God. The Internal Worship of God consists in honouring Him. Now Honour is a high Opinion of another's Power conjoyn'd with Goodness: And

⁴⁰ Ibid, p. 220.

⁴¹ See: Diarmaid MacCulloch. *The Reformation*. New York: Penguin Books, 2005. and John, Bossy. *Christianity in the West, 1400-1700.*, Oxford University Press, 1985.

the Mind of Man is obliged, from a Consideration of this his Power and Goodness, to fill it self with all that Reverence towards him, of which its Nature is susceptible.⁴²

This is a direct refutation of what was the contemporaneous Catholic doctrine know as implied faith or implied belief. Pufendorf argues that an intimate understanding of God, cultivated personally, is essential to creating natural religion. This natural religion was in turn essential for the cultivation of a moral civil authority capable of governing by reason and exercising itself in accordance with “natural law” in a society. Religion is thus the crucial glue of political order, “It is in truth the utmost and firmest Bond of Human Society ... lay aside Religion, and the Internal Bonds of Communities will be always slack and feeble” argued Pufendorf.⁴³ That Pufendorf’s natural religion was essentially doctrinally synonymous with Protestantism thus assumed an international order organized around the Papacy was doomed to exist in a perpetual state of chaos, conveniently proving Protestantism the only solution. It also demonstrates that religion itself was central to Pufendorf’s broader international system, and was in fact inseparable from international order and stability, even among supposedly “secular” princes. Secular then, does not mean a world without religion, but instead is itself an intimately religious concept. It originates as a term created by Protestants to describe a world of interstate relations founded upon innately Protestant theological concepts, and more broadly dominated by Protestants, not the Catholic Church or related Catholic powers.

Couched within this larger narrative, Pufendorf’s Westphalia appears fully justified, as an instance of Protestant victory, as well as a triumph of reason and order. It was civil authority and civil authority alone which was capable of legislating a state both internally and externally in accordance with the laws of nature. The physical realm of politics was by definition desacralized, and

⁴² Pufendorf, *The Whole Duty of Man According to the Law of Nature*, p. 64.

⁴³ *Ibid*, p. 67.

as such ruled by secular political authorities.⁴⁴ And it were these secular authorities alone who were capable of orienting their states towards the lofty metaphysical criteria outlined by the laws of nature.⁴⁵ Grounding the interaction of states upon this new theoretical basis finally gave Protestants a thorough framework upon which to pushback against a Papal led international system. Protestants would make this known as part of their own self-serving narrative, used to encourage the development of an international system in their favor. This victory, they argue, is laudable because it represents the triumph of secular rule over Papal power. Ultimately, this “secular power” would supersede the Papal organized hierarchy of states and would be the essential operative unit in Pufendorf’s world of international anarchy which was capable of transcending the state of nature towards a moral society in accordance with the “laws of nature.”

Fertile Ground for New Ideas

To understand why Pufendorf’s writings gained in popularity, one must examine them within the broader historical context of burgeoning power amongst Protestant states, and their role in spreading information through printed books. Specifically, this would take hold in the Dutch Republic, whose intellectuals and printers not only spread Pufendorf’s writings, but in doing so added their own editorial influences, which promoted their own self-serving ideas of Westphalia’s primacy within European history. This further complicates the idea that a single interpretive tradition of the Peace existed in its immediate aftermath.

⁴⁴ Reinhard, “Reformation, Counter-Reformation”, pp. 383-384. Moreover, in the broader ensuing Catholic counter-reformation, especially in the early 18th century, this issue surrounding internal belief would be effectively coopted by the Church. But for now, it remained exclusive to Protestants’ critique of Catholicism.

⁴⁵ Oona A. Hathaway, Scott J. Shapiro, *The Internationalists*, 2017, p. 29.

The second half of the seventeenth century was a perfect storm for Protestant intellectuals. The rapid proliferation of empowered Protestant states like the Dutch Republic found itself on common ground with Sweden, England (soon to be the United Kingdom of Great Britain), and powerful Protestant princes in the Holy Roman Empire. Just as Protestant states emerged from their respective civil wars or wars of independence, Spain, and the Hapsburg alliance writ large, entered a slow decline. Severely strained from successive wars against France, the Dutch Republic, and Portugal, combined with King Philip IV's inability to institute dramatic economic reforms or reign in military and colonial expenditures, set the once indomitable empire on a path of degeneration in continental Europe.⁴⁶ The inept Charles II would prove incapable at ruling his empire, relying instead on a vast array of self-interested advisors. Writing in the 1680s, the French diplomat the Marquis de Villars would remark: "it would be difficult to describe to the fullest extent the disorder in the government of Spain," ruled not by a king but "an assembly of twenty-four people with no spirit or experience."⁴⁷

Yet only with 300 years of historical hindsight does Spain's decline seem as evident and predetermined as it was (in the later seventeenth century, Spain does see some dynamism and reform). For Spain's adversaries in the 1680s, the empire remained both on paper and in historical memory a truly formidable force. Its overseas colonies dwarfed the imperial projects of all other European nations combined. Despite its successive military setbacks, the Spanish Empire had accomplished astounding feats of military mobilization. As the historian Geoffrey Parker notes during the first half of the seventeenth century "Philip IV could proudly proclaim that the armed

⁴⁶ J.H. Elliott, *Imperial Spain: 1469–1716*, 1963, p. 366.

⁴⁷ Villars, P., Stirling Maxwell, *Mémoires de la cour d'Espagne: sous la [sic] regne de Charles II, 1678-1682*. Londres: Imprimerie de Whittingham et Wilkins, 1861.

forces at his command in 1625 amounted to no less than 300,000 men” when only one hundred years earlier there was no evidence “that any one state fielded more than 30,000 effectives.”⁴⁸

Perhaps more concerning for the newly minted Protestant states was an ascendant France, which under the leadership of Louis XIV took the place of Spain as the preeminent land power in Europe. Drawing upon a vast tax base knitted together by the image of an absolute monarch, France seemed poised to take the place of Spain as the new continental military power, especially after their small but strategically important territorial gains in the aftermath of the Franco-Spanish war.⁴⁹ That two Catholic powers remained locked in conflict for nearly a decade after the conclusion of the Thirty Years’ War, if anything only fueled Pufendorf’s criticisms of Papal irrelevance in international affairs and proved the existence of a “secular” international system.

But to seventeenth century Protestants, Louis XIV’s Revocation of the Edict of Nantes in 1685 reignited an ingrained fear over the imminent danger of Catholic alliances in the pursuit of organizing a state under a single confession.⁵⁰ The Revocation of the Edict of Nantes explicitly attacked France’s 850,000 strong Huguenot minority, one quarter of which promptly emigrated from France, with hundreds of thousands of more following in the coming decades.⁵¹ Yet

⁴⁸ Geoffrey Parker, *The Army of Flanders and the Spanish Road 1567-1659: The Logistics of Spanish Victory and Defeat in the Low Countries War*, Cambridge, 1972., p. 6.

⁴⁹ Kennedy, Paul M. *The Rise and Fall of the Great Powers: Economic Change and Military Conflict from 1500 to 2000*. 1st Vintage Books ed. New York: Vintage Books, 1989., pp.55-60.

⁵⁰ Pufendorf, Samuel, Jodocus Crull, Simone Zurbuchen, and Samuel Pufendorf. *Of the Nature and Qualification of Religion in Reference to Civil Society*. Natural Law and Enlightenment Classics. Indianapolis, Ind: Liberty Fund, 2002. p, xiv.

⁵¹ Prestwich, Menna. “The Revocation of the Edict of Nantes.” *History* 73, no. 237 (February 1988): p. 63–73.

paradoxically, Louis XIV's efforts to create a religiously homogenous France would prove an essential substrate in which Pufendorf's theories of secular rule and tales of Protestant victories in Westphalia took hold. This vast diaspora of well-educated and politically motivated Protestants would take up residence wherever they could across Europe, many settling in England, the Dutch Republic, Switzerland, or finding employment under some of Pufendorf's "secular princes." Working their way into areas of influence, these Huguenots proved highly influential in the coming years, lobbying their adopted countries to rally against the French monarchy in support of a vision of united Protestant interests in order to motivate their adopted states to intervene in a variety of international conflicts in favor of their fellow Huguenots.⁵²

To understand how Pufendorf's Westphalia evolved over the decades, it is essential to investigate the process which took his writings from Germany and spread them across Europe. This necessitates a brief investigation of the rapidly expanding printing industry in Northern Europe. The epicenter of this "textual revolution" was the newly independent Dutch Republic. Dutch Printing was enormously significant in creating thousands of copies of Pufendorf, spreading his interpretation of Westphalia (and by extension his theory of natural law) across Europe. Even by modern standards, it is difficult to comprehend the scale of the Dutch printing industry. By the 1650s, the Dutch had produced over 300 million printed books, leading Voltaire to remark some decades later that Amsterdam alone was the "warehouse of the world."⁵³ It would be an

⁵² Catherine S. Arnold, "Affairs of Humanity: Arguments for Humanitarian Intervention in England and Europe, 1698–1715*." *The English Historical Review* 133, no. 563 (August 4, 2018), pp. 835-840. The irony of this being that during the Thirty Years' War a number of Protestants had allied against their supposed religious brethren. For decades after their exile, Huguenots worked in vain to organize from the outside a change in France's political and religious systems which would allow them to return.

⁵³ Andrew Pettegree and Arthur der Weduwen, *The Bookshop of the World: Making and Trading Books in the Dutch Golden Age*, Yale 2019, p. 1. It is also important to note the important developing of new and newspapers which themselves contributed to the internationalization of Protestant natural law theory. By the 1650s, presses across Europe but especially those in the Anglophone world, were

embarrassing understatement to say that buying, selling, manufacturing, and reading were ingrained in Dutch culture. Throughout the seventeenth century, books were the single greatest export of the low countries. It was found in 1680 the collection of a single brewer numbered more than 1000 books and the estate of the soldier Joachim Elias Otto, contained more than 1,500 books. A single well to do family may have purchased anywhere from 10–15 books a year.⁵⁴ For the Dutch, books were at the very fabric of economic, political and social life. Almost like tulips, they were markers of social status, things to be invested in, sold, collected, traded, and auctioned, the odd worker might even be paid in books. This was the perfect storm which greeted Samuel von Pufendorf: a vast network of politically engaged Protestants living across Europe in constant contact with one another, and at their disposal the greatest printing industry to be found anywhere in the world, ready to export its products from Scotland to Brandenburg.

The arrival of Huguenots in the Dutch Republic during the late 1680s provided a substantial infusion of capital and business expertise. These learned exiles, both published and purchased existing Dutch texts. So much so, that between 1680 and 1725, half of all the books imported into England were printed from the Dutch Republic.⁵⁵ What the Dutch and Huguenots lacked in immediate cultural bonds, they made up for with a shared interest in an ostensibly common history.

producing a vast array of daily gazettes, travel diaries, monthly serials, and scholarly journals. For more on this see: Siv Gøril Brandtzæg, Paul Goring, and Christine Watson, eds. *Travelling Chronicles: News and Newspapers from the Early Modern Period to the Eighteenth Century*. BRILL, 2018.

⁵⁴ Pettegree and der Weduwen, *The Bookshop of the World*, p.3.

⁵⁵ *Ibid.*, p. 394. Many books which reported to be “printed in London” were in fact printed in Amsterdam and subsequently shipped in. A major contributing factor to the prevalence of Dutch books in England was due to William of Orange’s coronation as the King of England, Ireland and Scotland in 1689, resulting in a vast importation of Dutch texts. By the 1690s there existed a large politically and immensely active community of Huguenot’s in England who dutifully imported and translated the works of their co-religionists living in the Dutch Republic. For more on the Huguenot’s living in England see the previously cited: Arnold, Catherine S., *Affairs of humanity: Arguments for humanitarian intervention in England and Europe, 1698–1715*, 2018.

Finally independent of Hapsburg Spain, or any other feudal ruler for that matter, the Dutch were painfully aware that their legitimacy as a republican nation of bankers and traders, in a Europe ruled by dukes, counts, earls, and kings was “dubious at best.”⁵⁶ This wasn’t purely an internal issue of national self-confidence, visitors and diplomats also viewed the feisty republicans with equal disdain, and often as nothing more than pretentious traders. In 1586, a retinue of the Earl of Leicester described the Dutch as “sovereign lords shitpepper, street vendor, cheeseman and miller.”⁵⁷ The obvious solution concocted by the Dutch elite was to fund a massive national effort to rewrite, and reprint Dutch history.⁵⁸

Even on a local level, many of the themes concerning Pufendorf, especially the Peace of Westphalia, amounted to topics of lively conversation. The natural autonomy of the Dutch city states combined with the prevalence of printers, meant each locality often sought to write history not only on a national level, but on a local one as well. What proliferated were thousands of local

⁵⁶ Pettegree and der Weduwen, *The Bookshop of the World*, p. 357 For more on this see: Martin van Gelderen, *The Political Thought of the Dutch Revolt, 1555–1590* (Cambridge: Cambridge University Press, 1992).

⁵⁷ Ibid. Cited in Anton van der Lem, *De Opstand in de Nederlanden, 1568–1648: De Tachtigjarige Oorlog in woord en beeld* (Nijmegen: Vantilt, 2014), p. 134.

⁵⁸ One of the first writers to initially undertake such a project was the young Hugo Grotius. Like many European writers in the late sixteenth century, Grotius kept with the renaissance tradition of looking towards ancient Rome for both inspiration and legitimation. Writing even before Dutch independence in 1610 and publishing *Liber de Antiquitate Republicae Batavae* (*A Book Concerning the Antiquity of the Batavian Republic*) which drew numerous comparisons between the ancient constitutions of the Germanic tribes known as the Batavians described by Tacitus and the modern constitution of the Dutch Republic in an effort to legitimate the modern Dutch state as merely the latest iteration of a more ancient Dutch people. Grotius was perhaps most famous for his 1625 magnum opus, *De iure belli ac pacis libri tres* (*The Rights of War and Peace*) one of the first works of international law which among other things sought to define just causes for initiating war between states. He would prove foundational to the writings of Pufendorf, who would often cite Grotius dozens, if not hundreds of times in his various works, oftentimes deferring whole sections of analysis to Grotius’s original work. In *De jure naturae et gentium*, Pufendorf cites Grotius over 100 times.

newspapers, journals, gazettes, and diaries published with an astounding frequency, each in constant conversation with one another, seeking to define the identities of various cities and regions. In the late 1640s pamphlets were published urging local citizens to “not forget the terrible tyranny, of the duke of Alba, the unceasing persecutions, Inquisition in Spain, in the Netherlands, up until this day.”⁵⁹ From 1651 onwards the printer Pieter Castelelyn a resident of Haarlem, began printing the *Hollandse Mercurius*, a 100 plus page summary of all the most notable political events to have taken place throughout Europe. While the *Hollandse Mercurius* generally focused on reproducing foreign news with little context to its implications for domestic Dutch politics, it proved a valuable inspiration and resource for contemporary Dutch historians such as Lieuwe van Aitzema.⁶⁰ As a historian, Aitzema might be best remembered for his twelve volume political history of the Dutch Republic composed between 1657 and 1668 fittingly titled *Saken van Staet en Oorlogh* (*Affairs of State and War*), but in both this and his early works, the Dutch historian remained fixated on Westphalia as an important point in national history. In 1653 Aitzema published a history of the Westphalian negotiations (or as they were called by some authors the Treaty of Münster). In his analysis of the Peace, Aitzema makes no mention of the greater Protestant-Catholic struggle which so preoccupies Pufendorf. Instead, his he is focused almost purely on the national implications the treaty had for the Dutch Republic:

And whereas the Wars, through God's blessing are brought to an end now, and the King of Spain, doth by the Treatie of Peace concluded at Münster, declare and acknowledge, That the States General of the United Netherlands and respective Countries, Cities and appertaining Lands, are free and Sovereign Cities Provinces and Countries, whom, and their Associated Countries, Cities and Lands, the foresaid King,

⁵⁹ Jasper Andreas van der Steen, *Memory wars in the Low Countries, 1566-1700*, Doctoral Thesis, Leiden University, 2014, p. 195. Citing: Anonymous, *Nederlants beroerde ingewanden, over de laetste tijdinge, van de Münstersche vrede handelinge*, 1647.

⁶⁰ Pettegree and der Weduwen, *The Bookshop of the World: Making and Trading Books in the Dutch Golden Age*, p. 361.

shall neither now nor ever pretend the least unto, neither for himself, nor his Successors and Posteritie.⁶¹

In this Dutch history, the antagonist is not so much the clergy, but rather the overlord of the Dutch Republic, the King of Spain. This is not to say the Dutch revolt and the 80 Years' War was not influenced or at least in part motivated on numerous levels by religion, but simply that for Aitzema, consciously constructing a historical narrative which could appeal across the frustratingly diverse Republic, The Peace of Westphalia should be remembered chiefly for the most basic and universally applicable right it granted all Dutchmen: not religious sovereignty, but state sovereignty. Pufendorf's concern with "the Security and Peace of Religion" is sidelined by Aitzema's celebration of the low countries' new status as "free and Sovereign Cities Provinces and Countries." Whereas Pufendorf is preoccupied with legitimating Protestant rule over seized papal territory, Aitzema is concerned not with a conflict over religious authority, the Pope, but with a conflict over civil authority, manifested in the King of Spain. 1648 was the year that birthed the, "United Provinces, *Confederates, Sworn Allies, Associates and Free States,*" not to be confused with their former identity as the Spanish Netherlands, "conquered, invaded and subdued ones, in worst condition ..."⁶²

What could explain such vastly different explanations of the significance of Westphalia? While Pufendorf and Aitzema were contemporaries of one another, their respective predicaments, upbringings, and intellectual focuses understandably meant the two were bound to arrive at different conclusions. The more obvious answer, is that they were both writing by and large about different treaties. Aitzema was not referencing the *Instrumentum Pacis Monasteriense* signed between the Holy

⁶¹ Aitzema, L. v., 1600-1669, *Notable revolutions beeing a true relation of what hap'ned in the united provinces of the netherlands in the years MDCL and MDCLI somewhat before and after the death of the late prince of orange : According to the dutch copie / collected and published at the Haghe 1652 by lion aitzema*, London, Printed by William Du-gard, 1653, p. 352.

⁶² *Ibid.*, p. 352.

Roman Empire and the king of France, nor its sister and *Instrumentum Pacis Osnabrugense* signed between the Holy Roman Empire and queen of Sweden, but rather the earlier Treaty of Münster signed some nine months prior which was almost exclusively concerned with Dutch independence from Spain.⁶³ It would become a common misconception of scholars writing 100 or 200 years later to collapse the three distinct treaties into the single colloquial “Peace of Westphalia.” For both Pufendorf and Aitzema, it was quite evident that the Peace of Westphalia was not a single moment, but rather a reference to a much more expansive period of international upheaval in Europe.

Contrary to modern scholarship on Westphalia, which cites it as the birthplace of the sovereign state, no such simple explanation of the Peace’s significance existed in the seventeenth century. On a whole, Westphalia remained a complex and rather unagreed upon subject. Its stable definition as the birthplace of the modern international system would not arrive until some 100 years later thanks to Rousseau. Moreover, neither Aitzema nor Pufendorf appear particularly interested in sovereignty in the broad context. While Aitzema certainly sees Westphalia as significant for Dutch sovereignty, he makes no argument that the Peace had much significance—much less represented some sort of grand revolution in international affairs—beyond its immediate concerns within the low countries and Central Europe. These two Westphalias are not mutually exclusive. Both German and Dutch historians were keenly aware that the Europe they inhabited in the aftermath of the Thirty Years’ War was dramatically different from the one they were born into, but this difference manifested itself in distinct ways. For Pufendorf, 1648 represented Protestant religious sovereignty and the opportunity to define a new international relations, one beyond direct Papal control. For Aitzema, 1648 was the birthplace of Dutch political sovereignty, giving the low country a rare

⁶³ For a more in-depth history on the Dutch Treaty of Münster, including an in-depth analysis of the political cultures in both Spain and the United Provinces see: Laura Manzano Baena, *Conflicting Words: The Peace Treaty of Münster (1648) and the Political Culture of the Dutch Republic and the Spanish Monarchy*, Leuven University Press, 2011.

opportunity to craft a fitting new national identity for a young republican state in a continent of feudal lords.

For a people such as the Huguenots, both stateless *and* persecuted on account of their religion, the writing of men like Aitzema and Pufendorf seemed to perfectly reflect their dual concerns. Pufendorf was a natural fit for the exiled Huguenots who sought refuge in Switzerland and Germany. Pufendorf's intellectual preoccupations with man-centered natural law "that took human sociability as its first principle seemed to offer a plausible political theory" to explain the predicament of exiled Protestants.⁶⁴ Huguenots had a vested interest to capitalize on their predicament to prove that society was upheld not by religious organization, but by innate human sociability (secular communities), and therefore the existence of more than one Christian church did not undermine the secular integrity of the state.

The French Protestant diaspora found itself suddenly stripped of whatever institutional power their religious organizations had given them at home in France. Consequently, the foundational Protestant fixation with the individual and personal belief took on greater importance. The appeal of a truly 'secular society' was understandably of interest to an exiled people which found themselves by the beginning of the eighteenth century stripped of whatever political power their religious institutions may have once offered them. Theologically, this would lead the Huguenots to develop a Protestant theology that placed an even greater emphasis on the inner mind of individuals as the real seat of religious faith.⁶⁵ In time, this preoccupation with personal belief, sovereignty, and civil authority, would lay the foundations for what would become the enlightenment's preoccupation with rationality and the individual.

⁶⁴ Tim, Hochstrasser., "Conscience and Reason: The Natural Law Theory of Jean Barbeyrac." *The Historical Journal* 36, no. 2 (1993): 289-308. Accessed March 27, 2020., p. 289.

⁶⁵ *Ibid*, p. 292.

It is chiefly thanks to Huguenot influence that Pufendorf's writings were translated and printed in the low countries. Moreover, it was the editorial work of these Huguenots which began to link Pufendorf's description of Westphalia with his previously unconnected broader focus on natural law and secular civil sovereignty, thus laying the groundwork for a synthesis of these two ideas into the modern understanding of Westphalia as the birthplace of the secular state. These French translations would popularize Pufendorf and his theories across Europe. Inevitably, these exact translations would fall into the hands of Rousseau, who would complete the synthesis, and fully combine the singular moment of Westphalia with Pufendorf's broader revolution towards a secular international order.

One of the most notable Huguenot writers and translators in the early years of the eighteenth century was a man named Jean Barbeyrac, whose translations of Pufendorf began to appear across Europe by the 1720s. Barbeyrac, was a Huguenot born in 1674 in Béziers, France but like many was forced to flee with his parents to Lausanne, Switzerland before moving to Frankfurt for further schooling. Barbeyrac would receive international acclaim for his popular translations of Pufendorf, most notably French versions of *De Iure Naturae et Gentium* and *De Officio Hominis et Civis* in 1706 and 1707 respectively. Almost in perfect symmetry with the career trajectory of Pufendorf, from 1710 to 1717 Barbeyrac served as the first professor of natural law and history at the College of Lausanne. Unsurprisingly, in 1717 Barbeyrac moved to the Dutch university of Groningen where he would remain until his death in 1744.⁶⁶

⁶⁶ Ibid, p.291 For more on Barbeyrac see: Barbeyrac in P. Meylan, *Jean Barbeyrac (1674-1744) et les débuts de l'enseignement du droit dans l'ancienne Académie de Lausanne* (Lausanne, 1937) which contains many of Barbeyrac's original memoirs and journals originally published in German.

Barbeyrac would prove enormously influential in popularizing Pufendorf. Acting somewhat as his post-mortem publicist, Barbeyrac undertook a number of extravagant campaigns to defend Pufendorf from his critics and ensure him a place in the emerging canon of seventeenth-century thinkers alongside the likes of Grotius and Hobbes. In one of his most notable independent works, Barbeyrac sought to defend Pufendorf from the criticism Leibniz, who had published a lengthy critique of Pufendorf in 1706. Writing in 1718, Barbeyrac's penned a robust defense of Pufendorf titled *Judgement of an Anonymous Writer*.⁶⁷

Very much part of the flourishing Dutch book industry, Barbeyrac's quality translations would soon make their way across Europe.⁶⁸ By the end of the seventeenth century, scholars in England had likewise set about translating Pufendorf. Among them, the two most prominent translators were Edmund Bohun, an ardent Tory concerned with defending the divine right of kings who translated Pufendorf's *De stati imperii Germanici* in 1696, and Andrew Tooke, a Professor at Gresham College, whose translation of *De officio hominis et civis* in 1691 is still in print today under the alternate title *The Whole Duty of Man, According to the Law of Nature*.⁶⁹

Like in the young Dutch Republic, Pufendorf's intellectual framework outlining the sovereign territorial state and the separation of civil and religious authority could not have come at a better time in England. After the English Civil War, the expulsion of the remaining Stuarts, and the ascension of William III, the United Kingdom of Great Britain was in the midst of settling unfinished disputes between the Crown and Parliament over the rights and power of sovereignty.

⁶⁷ Pufendorf, *The Whole Duty of Man According to the Law of Nature*, pp. 267-305. This contains Barbeyrac's original letter printed as: *The Judgement of an Anonymous Writer*.

⁶⁸ Samuel Pufendorf, Basil Kennett, Jean Barbeyrac, George Carew, and John Adams., *Of the law of nature and nations: eight books*. London: Printed for J. Walthoe, R. Wilkin, J. and J. Bonwicke, S. Birt, T. Ward, and T. Osborne., 1729.

⁶⁹ For instance, the edition used in this paper utilizes Tooke's translation.

Discrepancies in the various translations abound and betray the political motivations of each scholar. They became ever apparent in the translation. Tooke for instance, very much publishing contrary to Bohun, took pains in translating the political lexicon of Pufendorf. For instance *civitas* and *civitates* usually translated as *state*, appear more often than not in Tooke's editions as *commonwealth* or community.⁷⁰ Barbeyrac, on the other hand, chooses to translate *civitates* as *sociétéz civile*. This is not to disparage the respective translations, but to treat their various wordings as symptomatic of the religious, political, and cultural circumstances in which they found themselves grounded. It is small wonder that a parliamentarian such as Tooke would defer to the *commonwealth*, shying away from the totalizing *state* or why an exiled Huguenot with no state at all might conversely be focused on *civil society*, something capable of existing whether or not its members have political or religious institutions at their immediate disposal.

Despite their many differences in translation, both Barbeyrac and Tooke were connected by career. Both intellectuals were deeply embedded in the educational institutions of the Dutch Republic and England. Their translations of Pufendorf came at a time when the newfound field of “natural law” was establishing itself as a legitimate academic subject complete with a cannon of its own. As one of the best-known authors on this new civil form of moral and political philosophy, Pufendorf was uniquely poised to be adopted as a central thinker by Protestant universities across Europe. As a professor, Pufendorf had originally composed his works, particularly *De officio* and *De stati Imperii Germanici*, as historiographies which aimed to act essentially as textbooks in this burgeoning new field.⁷¹ As the eighteenth century progressed and the rumblings of what would

⁷⁰ David Saunders and Ian Hunter. “Bringing the State to England, Andrew Tooke’s Translation of Samuel Pufendorf’s *De Officio Hominis*.” *History of Political Thought* 24, no. 2 (2003), p. 225.

⁷¹ Saunders, David. “The Natural Jurisprudence of Jean Barbeyrac: Translation as an Art of Political Adjustment.” *Eighteenth-Century Studies* 36, no. 4 (2003), p. 480.

become the enlightenment began to echo across Europe, the works of Pufendorf would prove stable foundations from which the next generation of thinkers could launch themselves.

The Westphalian Myth was just one small branch in a fast-growing intellectual tree which over the course of the eighteenth century would flourish into the era now called the Enlightenment. Sovereignty, the rights of civil authority over religious authority, independence from empire, would cultivate the now familiar eighteenth century preoccupations with reason, republicanism, and individual rights. For Pufendorf, Aitzema, Barbeyrac and their contemporaries, the Westphalian Myth was hardly the static, well-defined thing it is thought to be. Rather, ideas now synonymous with the “Westphalian state system,” that is to say a system of sovereign secular states, were flourishing in conversation alongside a shared Protestant historical project that sought to build a new history for a new age. Parsing through Pufendorf’s works looking for a verbatim reiteration of the modern Westphalian Myth may prove futile, because for writers of his generation, parallel subjects of state sovereignty, secularism, and the history of the Thirty Years’ War, had yet to collapse into the single digestible moment now known today as the Peace of Westphalia. Westphalian ideals, in content, but not always in name, were legitimate veins of intellectual exploration. How the boundaries between the distinct historical moment known as Westphalia, broke down to encompass the philosophical revolutions of natural law and secular sovereignty, and so became the “Westphalian Myth” we know today is the subject of the next section.

A Catholic Westphalia?

While Westphalia was held in great significance by the collective Protestant thinkers in Europe, they were not the only intellectuals who took an interest in redefining the political theory that undergirded Christendom in the wake of the Thirty Years’ War. Indeed Catholics too took an interest in the implications of 1648, but unsurprisingly interpreted the events in a much different

light than their Protestant counterparts.⁷² Unlike Protestant intellectuals who leaped on Westphalia as a significant moment for state sovereignty and civil authority to exert themselves over church authority, Catholics were left in a difficult position, negotiating an enduring loyalty to the power of the Church, while also preserving imperial autonomy. For Hapsburg Spain and the Holy Roman Empire, the Thirty Years' War was hardly a stunning victory or display of imperial power. Instead France, which had sided with Protestants in an effort to check Hapsburg hegemony, won territorial gains, but likewise found itself bogged down in the Franco–Spanish War until 1659.⁷³

As previously mentioned, there is ample evidence proving that far from dooming the Holy Roman Empire, the Münster- Osnabrück settlements extended its life into the nineteenth century by making a series of tactical concessions to Protestant princes. The Holy Roman Emperor and the King of Spain by and large had a vested interest in preserving the status quo. As such, Pufendorf's analysis of Westphalia, narrating the birth of secular state sovereignty and the triumph of civil authority and natural law over papal religious authority and ecclesiastic rite, found a frosty welcoming in Catholic states. In Spain and Italy in particular, ongoing inquisitions and the historical legacy of the counter-reformation had birthed a number of church apparatuses designed to censure any and all works deemed threatening by papal authorities. Where Protestants located liberation and true belief in correct understanding of religious texts (*sola scriptura*), in the seventeenth century the

⁷² In writing this thesis, I spent many weeks pouring over various Spanish, Italian, and French documents from the seventeenth century trying in vain to uncover some sort of Westphalian paper trail. Only after many weeks of futile archival research did it dawn on me to shift my initial inquiry from Catholic to Protestant states. My initial logic was that the empires of Spain and France *had* to been obsessed with Westphalia, yet the reality was the inverse, with Protestant states finding significance in the series of treaties and using them in an attempt to redefine a European system sans papacy. The inspiration to research the Westphalian Myth as a uniquely religious phenomenon was inspired by the seeming absence of any good Catholic sources in the seventeenth century (of course absence of evidence is not evidence of absence). As soon as I switched my initial mode of inquiry to thinkers like Pufendorf I was rewarded with a rich inroad into the topic.

⁷³ For more on causes see: Peter Wilson, *The Thirty Years' War*, pp. 371–381.

official doctrine of the Catholic Church still stressed implied faith. As early as 1559, the Church had created a formal apparatus to censor publication and ban dangerous texts—the *Index of Prohibited Books*.⁷⁴ Books were tightly controlled and reading was forcefully discouraged, with Latin masses stressing *ricezione passiva* (passive reception), figurative rather than literal exposure to the word of God.

The works of many seventeenth-century scholars did not escape unscathed. Bacon's *De dignitate ed augmentis scientiarum* (1623) was added to the index, as was Galileo's *Dialogo sopra I massimi sistemi* (1632) in 1634. The entire works of Decartes were censored from 1663 until 1720, and Grotius's *De iure belli ac pacis* (1625) was proscribed in 1627. Pufendorf did not escape either, among his censored works was *De iure naturae et gentium*, added to the Index in 1711.⁷⁵ The papacy's regime of censorship was given an immense amount of political power. Take the case of Charles of Bourbon, King of Naples, who in the 1750s lobbied the Pope to remove *Lettera apologetica de' Queipu* from the Index. The Pope tersely replied that it was impossible for "an absolutely forbidden book [to] be allowed ..."⁷⁶

That many of the leading Protestant scholars of the seventeenth century were banned from publication in many regions of Italy and Spain might explain why the Westphalian Myth took root primarily in Protestant states. Moreover, it suggests just how tightly bound religion was to not only Westphalia as an idea, but the Early Enlightenment writ large. The immense and invasive censorship regime demonstrated just how serious a threat the church took the ideas of men like Pufendorf to be. Their message was frighteningly clear: the War had fundamentally changed Christendom;

⁷⁴ Patrizia, Delpiano, *Church and Censorship in Eighteenth-Century Italy: Governing Reading in the Age of Enlightenment.*, Routledge Research in Early Modern History. New York: Routledge, 2018., p. 9.

⁷⁵ Ibid, p. 59.

⁷⁶ Ibid.

political unity under a single absolute monarch was intolerable, chiefly because religious unity under a single mother church impossible. Standing on the shoulders of men like Grotius, Pufendorf was advancing a model that guaranteed the independence of Protestant states by removing the Church from its ancient position as the foundational structure of interstate relations. Ironically, the significance of 1648 was a uniquely religious question, because only in a Protestant confessional system, where belief was a matter of one's own private effort, and not a regimented public duty, could the lowest common denominator in international affairs be the state, not the church.⁷⁷

However strong the influence of the Church might have been, it did not prevent Catholic scholars from creating their own understanding of Westphalia. Indeed, the goal of the Papal *Index* (at least in theory) was never to suppress for the sake of outright suppression, but rather to correct what was deemed flawed scholarship that might prove dangerous to the populace writ large if allowed to spread. By this logic, it was to be expected that somewhere within Catholic Europe, an entirely different understanding of Westphalia would emerge.

The man responsible for this was Charles-Irénée Castel de Saint-Pierre, more commonly known as Abbé de Saint-Pierre, or simply Saint-Pierre. Born 1658 in Normandy, France, Saint-Pierre became an influential publicist and reformist. After gaining footing within the court of the Duchess d'Orléans, he found himself catapulted into the center of French international politics. From 1712 to 1714, he served as the as secretary to Melchior de Polignac, the French plenipotentiary at the

⁷⁷ This is not to say that Protestant states were any less “religious” than Catholic states. Rather, the internalization of belief meant that for Protestants, the Church was spiritually bankrupt. Only by a direct connection to God without any institutional intercession could the individual be saved. Just as Protestant states were no less religious than their Catholic parts, they were no less obsessive about maintaining orthodoxy. The chief difference, was that punishment and repression were carried out by a civil authority, which dished out punishment (often in extreme violence) in accordance with what natural laws and natural rights allowed, rather than the disciplining authority being the church acting as the direct intercessor between God and the earth. In this model, the church cannot act as an international authority because the claims on which that authority rests are baseless.

Congress of Utrecht, which ended the Wars of Spanish Succession.⁷⁸ Saint-Pierre's most notable work remains *Le Projet de paix perpétuelle* (*The Project for Perpetual Peace*). Written in 1713, it is perhaps one of the earliest well-articulated plans urging for a united European system of sovereign states, ruled over by a single congress, and code of laws, upheld by a common continent wide sovereign. *Le Projet de paix perpétuelle* would prove to be inordinately influential over the coming decades, serving as basis for the subsequent writings of Rousseau and Kant.⁷⁹

The Treaty of Utrecht, which was signed only months after Saint-Pierre published his book, has become imbued with a mythical air similar to that of Westphalia. Although its devotees are perhaps not as grandiose to claim it birthed the modern sovereign state system, some remain fixated by the idea that Utrecht enshrined a balance of power system as the norm within European affairs. Unfortunately, the scope of this paper must remain limited to the likes of Westphalia. Still, a similar narrative flaw and historical fallacy is at hand, and for that reason alone worth touching upon. The logic is similar to that of Westphalia, that a single moment becomes enshrined to such a magnitude that it obscures the many history machinations that both preceded and succeeded it. Balance of Power had been kicked around as a theory decades before Utrecht, and would remain prevalent in European scholarship for more or less the next hundred years until the Congress of Vienna in

⁷⁸ Mark Goldie and Robert Wokler, eds. *The Cambridge History of Eighteenth-Century Political Thought*. The Cambridge History of Political Thought. Cambridge ; New York: Cambridge University Press, 2006, p. 772. Also note that many secondary sources incorrectly report that Saint-Pierre was a diplomat at Utrecht.

⁷⁹ Ibid.

1815.⁸⁰ While “balance of power” indeed existed as an idea in the early eighteenth century, similar to the Westphalian Myth at hand, it was hardly enshrined as the result of a single moment in 1714.⁸¹

Saint-Pierre did not embody some sort of distinct and separate philosophical tradition concerned with “balance of power,” and was indeed working and writing parallel to men like Pufendorf, Barbeyrac, and Aitzema. What allowed Saint Pierre better access to the writings of his would-be Protestant colleagues was the existence of Gallic Catholicism. In 1516 the Concordat of Bologna was signed, giving French monarchs the ability to appoint their own religious authorities, including bishops. This authority only enhanced under the reign of Louis XIV, who adeptly utilized the extended conflict of the Thirty Years’ War and Franco-Spanish War to extend his authority at the extent of the Church, culminating in the Declaration of the Clergy of France in 1682, which more or less solidified Louis XIV and his developing absolutist monarchy as an independent authority capable of interceding between the French Church and the rule of the Papacy writ large. Specifically, the Concordat of Bologna and the Declaration of the Clergy codified Louis XIV’s authority to appoint his own bishops and even directly challenge the Pope, essentially an implied refutation of the doctrine of Papal infallibility. Although Catholic in name, the French Church and its members, experienced a very different Catholicism than their coreligionists in Spain and much of Italy.

Just as Aitzema, Pufendorf, and Barbeyrac, Saint-Pierre also remained rooted in his historical predicaments. His interpretation of Westphalia reflects France’s burgeoning new power, led by a

⁸⁰ For one of the earliest mentions of “Balance of Power” see: Davenant, Charles. *Essays upon the Balance of Power*. London: The Crown in St. Paul’s Courtyard, 1701.

⁸¹ Indeed many scholars preoccupied with “Balance of Power” and Utrecht were writing either in the 1920s or 1940s, in no small part looking to the past to explain what were the current predicaments of Europe. See for example: G.M. Trevelyan, *A shortened history of England*, Penguin, 1987. (Original edition published 1944).

king bent on projecting his absolutist image. While he was not so bold as to suggest a French absolutist monarchy, his writings reflected a more tactful approach to enshrining French power after the Thirty Years' War. *Le Projet de paix perpétuelle* advocated for something novel, a continent wide congress to represent the issues of all sovereign European states. But in doing so, Saint-Pierre's plan enshrines France as the hegemon of Europe. He argues that only through French leadership, intermediation, and military power could such a congress be compelled to form in the first place, and subsequently sustained from within—through force if necessary.

Saint-Pierre examines the past hundred years of European bloodshed, paying particular attention to the treaties that brought such conflict to an end. Most notably the series of negotiations that took place in Westphalia in 1648. Saint-Pierre paints a picture many modern historians would agree with, a Europe ripe with conflict, where: "Wars are easily kindled that cause an infinite number of misfortunes, and that it is very hard to extinguish them ... [and] the Means hitherto us'd to prevent them, are in themselves very ineffectual."⁸² Pierre blames Europe's susceptibility to violence and conflict on the lack of an agreement ensuring collective security. Hence, "The sovereigns of Europe have no sufficient Security for the preservation of their dominions."⁸³ Indeed, Pierre argues that Europe's wars will remain essentially continuous because there is no "general and perpetual Congress of their deputies, no permanent Society form'd, no convention for the Establishment of Laws."⁸⁴ For Saint-Pierre, the lack of a "perpetual Congress" all but ensured further violence across Europe. As the wars of the past century made clear to Saint-Pierre, there existed no common forum

⁸² Saint-Pierre, Charles Irénée Castel de. *A Project for Settling an Everlasting Peace in Europe. First Proposed by Henry IV. of France, and Approved of by Queen Elizabeth, and Most of the Then Princes of Europe, and Now Discussed at Large, and Made Practicable by the Abbot St. Pierre, of the French Academy.* London, 1714., p. 1.

⁸³ Ibid, p. 6.

⁸⁴ Ibid, p. 8.

from which sovereigns could air their grievances, no common laws, and perhaps most importantly, no universally recognized authority to uphold these laws. Hobbesian anarchy was the default status of European affairs, and the ununified civil authority of nation-states only doomed Europe to repetitive wars.

Saint-Pierre reflected upon the Holy Roman Empire as a potential model of interstate organization capable of resolving this lack of international stability. He was particularly interested in how the Holy Roman Empire seemed capable of instituting a set of commonly respected laws across a large territory comprised of semi-autonomous states:

Since the Union of the *Germans*, there have been no Wars among Them or at least none that have lasted long, or that have had any consequences ... the most turbulent among them have been kept in by the fear of the Ban of the Empire.⁸⁵

Saint-Pierre identifies the Holy Roman Empire as a sort of microcosm for greater European organization. Saint-Pierre hypothesizes that the Holy Roman Empire is able to more or less maintain a common rule of law between a number of powerful free cities and dukedoms, whilst preserving the individual sovereignties of the respective states. Quite ironically, he seems to avoid dwelling on the Thirty Years' War, instead putting the entirety of its blame on Hapsburg overreach. Explaining the War through this lens not only preserves Saint-Pierre's original argument that a Holy Roman Empire style congress works in the long run, but allows him to engage in a revisionist description of France's role in the war. France was not involved as an invading force (he claimed) but rather a high-minded neutral power, whose only interest was the greater security and prosperity of all Europe, acting bravely in the face of Hapsburg selfishness.

For Saint-Pierre's decidedly French Catholic interpretation of the Thirty Years' War and the Peace of Westphalia, the issue at stake is less Protestant victory, than it is a concern with the

⁸⁵ Ibid, p. 16.

maintenance of empire. The Thirty Years' War is interpreted as an issue of imperial failure. Had the imperial system of the Holy Roman Empire worked as it should, a certain balance of power between its respective constituents would have remained and ensured the peaceful existence of smaller sovereign principalities within a much larger empire. Yet according to Saint-Pierre, because of Hapsburg overreach and mismanagement, the German imperial system nearly destroyed itself:

In the Reign of Charles V. the Germanick Body had almost been reduced to nothing, if Frances I. had not come in to the Assistance of its expiring Liberty; and have we not seen that same Liberty (very much weakened before the Treaty of Münster,) re-established in that Treaty by the help of our King? And what would again have become of that same Treaty, if the King, as Guarantee, had not continually maintained the Execution of it? The Jealousies and Divisions of the Members would soon have given the Emperor an easie Opportunity of subduing them all one after another.⁸⁶

Crucial to Saint-Pierre's explanation of Westphalia is France, which takes center stage as the arbiter of international affairs between sovereign states.⁸⁷ In Saint-Pierre's brief historical account, Germany is all but saved by France from its own incompetent sovereigns. While Westphalia indeed reestablished a sort of equilibrium within Europe, it was only brought about and maintained by French military force and government oversight. Saint-Pierre argues that France is uniquely suited to this role because it has historically intervened in the affairs of the Holy Roman Empire in the past, purportedly to protect the empire from the incompetency and greed of its Hapsburg sovereigns.

Where Pufendorf's post-Westphalian system may have stressed the sovereignty of individual secular rulers, Saint-Pierre's is quite the opposite. Indeed, this Gallican Westphalia can be read as a soft endorsement of a kind of new universal monarchy, where the King of France acts as the leader of a European congress, capable of enforcing treaties and solving interstate disputes, and even

⁸⁶ Ibid., p. 30.

⁸⁷ That France seemingly supersedes the Papacy as this arbiter does not necessarily demonstrate that Europe was moving towards a system of secular sovereign states. This new system proposed by Saint-Pierre is an imperial one, where Gallicanism was sure to be the foundational confession despite allowing nominal Protestant independence.

ostensibly protecting the religious freedoms of each independent polity. Saint-Pierre stops short of endorsing a Europe ruled outright by France, but takes pains to stress the importance France holds as a major power in Europe. While his “European Union” acts as a continent-wide meeting house to resolve international disputes, it is only held together in large part by the power of France. Saint-Pierre predicts that France’s military and economic might is so great, that forming such a congress might be the only way other European states might preserve themselves in the face of such power:

I suppose that in Two hundred Years, in 1912, by the Success of Battles, in the System if War, the House of France, for Example, [will] become Mistress of all Europe, that Spain, Italy, Greece, Hungary, Poland, Muscovy, Germany, Sweden, Denmark, Holland, England, are no longer look’d upon but as Provinces of its Empire.⁸⁸

A thinly veiled threat, Pierre argues that left to its current system of perpetual conflict, European states will see themselves picked off and one by one be brought under control of France. Even though Saint-Pierre’s European Union might be made up of sovereign states, it is held together in large part by the threat of hegemonic French power in a sort of proto-imperial coalition.

This European wide congress is in large part inspired by Germany. Saint-Pierre constructs his analysis to suggest the Holy Roman Empire’s history parallels that of Europe writ large. A complex set of sovereign, yet interdependent lords and free cities locked in seemingly eternal struggle, leading Saint-Pierre to conclude:

There is no other way but the permanent Union of Germany, perpetually represented by deputies of each sovereign, in a free City of Germany ... that to avoid so great an Evil in Europe there is but one only Way ... the permanent Union of all Europe, perpetually represented by Deputies from each Prince in a Free City of Europe.⁸⁹

Saint-Pierre’s European Union looks to both Westphalia and Utrecht for inspiration. Both treaties were remarkable in their ability to bring together hundreds of deputies from the many sovereigns of

⁸⁸ Ibid., p. 62.

⁸⁹ Ibid, pg. 22.

Europe to hash out peace negotiations. What Saint-Pierre imagines is expanding the style of the Westphalian conference, combined with the organization the Holy Roman Empire to Europe in its entirety, and placing the King of France whose sheer power in the wake of the 'Thirty Years' War, ensures him status as the de-facto ruler of such a congress.

Within the broader context of French Gallicanism, Saint-Pierre's proposed system demonstrates the beginnings of a noticeable trend towards early enlightenment notions of secular sovereignty in France.⁹⁰ Saint-Pierre is not content to leave the sovereign states of Europe to their own devices. Declaring that, "neither Treaties, nor the Equilibrium, were sufficient Preservatives to guard Europe against the Mischiefs of War ..."⁹¹ Compared to Pufendorf, Saint-Pierre can be seen as refuting the argument that civil authorities are capable of preserving peace in Europe. No amount of treaty signing between Europe's "secular princes" could prevent war, and for this reason Pufendorf's theory that civil laws alone could bring human society into equilibrium and in line with the "laws of nature" would prove ineffective at preventing conflict. The subliminal influence of Catholicism is palpable. While unwilling to abandon dreams of a hierarchical and ordered international sphere bounded by universal laws, Saint-Pierre also recognizes he cannot revive sixteenth century style plans of universal monarchy uniting Europe under a single confession. Saint-Pierre creates a decidedly Gallican solution to mesh these two seemingly contradictory demands. He is adamant that, "Peace might be preserved in a Society of Sovereigns, notwithstanding Difference and Contrariety of Religion ... to do it there was only need to make use of the same Means the Germanic Society does ..."⁹² But doing so would necessitate a continent wide authority capable of

⁹⁰ G. R. R. Treasure, *The Making of Modern Europe, 1648-1780*. New York: Methuen, 1985., pp. 99-100.

⁹¹ Saint-Pierre, *A Project for Settling an Everlasting Peace in Europe*, 1714, p. 56.

⁹² *Ibid.*, p. 47.

keeping international peace. This is not so much a revival of the Papacy's uncontested role as the central international authority in Europe. Rather Saint-Pierre seeks to emulate its structure but instead place France at its center.

By and large, Pufendorf and Saint-Pierre are motivated by the same question: how does one solve international anarchy? Compared to Saint-Pierre, Pufendorf approaches this question from the bottom up, arguing that in the vast chaos of international affairs, it remains the state, its sovereign, and their ability to exercise laws to bring about a moral community which hold the keys to peace. Saint-Pierre is comparatively more top-down. The Church, while still relevant as a political actor, is replaced by another universalist authority "the Union of Europe," the very concept of which was modeled after the Holy Roman Empire (whose emperor was indeed Catholic). To keep the sovereignty of European states intact, this Union alone can violate sovereignty, compelling by force, if necessary, the various states of Europe to honor treaties and obey common laws. Central to both these systems is Westphalia. How these respective authors interpreted the treaties that ended the Thirty Years' War, and what particular point of the treaties they emphasized, determined in what direction their new vision of international relations unfolded. For a Frenchman steeped in Gallican Catholicism, a subject of the Sun King, and the witness of yet another bloody war brought to an end in Utrecht, Westphalia was a model to be emulated and improved by France. It alone could fill the authoritative void left by a diminished Church. Conversely, for the son of a Lutheran minister and a war refugee himself, Westphalia was proof of a triumphant Protestant vision, where peace was fashioned through the rule of secular communities acting under an enshrined rule of law that made the world safe for a religion of private belief.

Rousseau as Synthesis

The issue of Westphalia finally arrives at Jean-Jacques Rousseau, whose works and personal history quite literally embody a synthesis of Protestant and Catholic ideals. Although remembered as a Frenchman, Rousseau was actually born in the Calvinist city-state of Geneva in 1712. The son of Isaac Rousseau, one of the few residents in the city-state with the hereditary rank of citizen of Geneva, Rousseau received a haphazard education in the classics and contemporary writings on Genevan history and patriotism. Growing up the member of a small Calvinist state surrounded by larger empires, Rousseau was sensitive to the prospect of imperial conflict and religious warfare. Upon his father's exile from Geneva, Rousseau was put into the care of a pastor in nearby Bossey. At sixteen, Rousseau came to the attention Francoise-Louise de la Tour, Baronne de Warens. Mme de Warens was a Roman Catholic convert, who taking interest in the bright boy, arranged for him to travel to Turin in 1728 where he converted to Catholicism. In Turin, Rousseau trained for a brief time as a Catholic priest. He would eventually move with Mme de Warens to Lyon, before moving to Paris where he began writing.

Rousseau was an avid reader, particularly of seventeenth-century philosophy. He read both Grotius and Pufendorf, and from both his book *On Social Contract*, and his personal diaries, historians know he specifically read Jean Barbeyrac's Dutch printed translations of Pufendorf.⁹³ Whilst in Paris, he was also exposed to Saint-Pierre, who had an especially profound impact on the young author. In many ways, Rousseau admired Saint-Pierre's intellectual project. In the preface to his essay *A Lasting Peace Through the Federation of Europe* declaring, "never did the mind of a man conceive a scheme nobler, more beautiful, or more useful than that of a lasting peace between all the

⁹³ Rousseau, Jean-Jacques, Alan Ritter, and Julia Conaway Bondanella. *Rousseau's Political Writings: New Translations, Interpretive Notes, Backgrounds, Commentaries*. 1st ed. A Norton Critical Edition. New York: W.W. Norton, 1988., p. 100.

peoples of Europe.”⁹⁴ The very title of Rousseau’s essay, *A Lasting Peace Through the Federation of Europe*, pays homage to Saint-Pierre’s treatise similarly named, *A Plan for Perpetual Peace*.

For a Geneva-Paris transplant, with one foot rooted firmly in Gallicanism and the other in Calvinism, Rousseau’s work echoes both Pufendorf and Saint-Pierre. One of the giants of the Enlightenment, his writings in many ways reflect concerns of Pufendorf. Rousseau focuses intimately on natural rights, closely examining the relationship between the individual and the state. At the same time, his works concerned with international politics are quite noticeably influenced by Saint-Pierre, and his desire to build an international institution capable of mitigating European conflict. Yet when reflecting on Saint-Pierre’s writings some thirty years later, Rousseau criticizes them for their perceived naivete. Declaring that, “it appears improbable that, under any supposition, either a king of a league of kings is in a position to bring about any serious or permanent changes in the established order of Europe.”⁹⁵ Rousseau is wary to vest “a league of kings” with such power. As such a vocal proponent of individualism, stances such as these would elevate Rousseau to near mythical stature in the French Revolution and beyond.

While Rousseau is indeed influenced by the works of Pufendorf and Saint-Pierre in many ways, his analysis of international relations, especially his description of Westphalia as the “foundation of our international system,” is wholly unique.⁹⁶ Rousseau is the first author to elevate Westphalia to such a significant status. Pufendorf’s description of Westphalia, and perhaps much of his natural law writings, are intimately tied to a project of Protestant promotion. Aitzema’s work focuses solely upon Westphalia’s significance to the Dutch Republic. And as noble as Saint-Pierre’s

⁹⁴ Rousseau, *A Lasting Peace*, p. 36.

⁹⁵ Ibid, p. 54.

⁹⁶ Ibid, p.55.

project was, Westphalia served as a model for a potential European league capable of preventing war. Rousseau is the first author to specifically elevate the singular moment of Westphalia to the mythical status as the “foundation of our international system.” Not until 1756, more than 100 years after the treaties of Münster and Osnabrück, is Westphalia defined in such a significant manner. Here, for the first time, is Westphalia described in terms lofty enough to satisfying the somewhat verbose claims modern international relations theorists foist upon it. Yet even though Rousseau recognizes Westphalia as the “foundation” of an international system, exactly what this system might be is thoroughly unique to the works of Rousseau and the broader historical context in which he was writing.

Rousseau’s Westphalia is limited in its significance to Europe. Contrary to the contemporary interpretation of Westphalian sovereignty as a world spanning phenomenon, Rousseau was clear that the conditions which made Westphalia possible were specific to Europe:

Europe not, like Asia and Africa, a purely imaginary assemblage of peoples with nothing in common save the name, but a real community with a religion and a moral code, with customs and even laws of its own, which none of component nations can renounce without causing a shock to the whole frame.⁹⁷

Europe alone was integrated enough through interdependent systems of law, economics, politics, and religion so as to make possible an international order. The states of Europe existed in this system precisely because they shared enough in common with one another. Equally important, is Rousseau’s specification that his “international system” in fact only refers to Europe. While Rousseau might be discussing Westphalia in language familiar to modern theorists, his project is hardly as universalist as is thought. By limiting his discussion to Europe, Rousseau is in essence arguing that what makes a system of sovereign states possible in Europe is the existence of a common religion, moral code, and customs. Rousseau reasons that Asia and Africa do not have

⁹⁷ Ibid, p. 45.

these. Thus, whatever subsequent significance Westphalia might have is limited to Europe, and to that end the sovereign state is an exclusively European phenomenon as well.

Rousseau traces the origins of this to Europe's shared historical legacy as part of the Roman Empire, under which all constituent states were once "united in one body politic."⁹⁸ Saint-Pierre too remarked on the mutual entwinements of European states, but limited his discussion primarily to questions of economic interdependence. But because he sought to create a common league of sovereigns, his analysis of Europe was limited to an intense focus on France, which meant his understanding of Europe's interdependence came from an inherently monarchical view, and one that viewed state power as the primary motive for action in international affairs. Instead, Rousseau's discussion of the "international system" spoke to something he believed was more fundamental. Europeans' united set of deeply shared characteristics.

The interests of her princes are united by ties of blood, by commerce, art and colonies ... An inbred love of change impels her inhabitants to constant travel ... the invention of printing and the general love of letters has given them a basis of common knowledge and common intellectual pursuits.⁹⁹

Much more so than either Pufendorf or Saint-Pierre, Rousseau is interested in uniting Europe by strengthening already present bonds. Unlike theorists writing just one hundred years earlier, Rousseau looks out upon the continent and sees Europe, not Christendom. Pufendorf sees a system of independent sovereigns as the crucial actors capable of preserving lasting continental peace, and Saint-Pierre sees a formalized and hierarchical league of kings, yet Rousseau in contrast relies on what he argues is the already existing natural codependence of Europeans as a unique group of people within the world.

⁹⁸ Ibid, p. 42.

⁹⁹ Ibid, p. 45.

In many ways, Rousseau's focus on this 'natural' connection between Europeans is descendent from Pufendorf's focus on natural law. Perhaps not consciously, Rousseau's insistence that all Europeans are connected by some sort of greater fundamental commonalities is a victory for the protestant theological project which men like Pufendorf were so involved in promoting. Specifically, he argues that Europe is characterized by a common commitment to Christianity.

It cannot be denied that Europe, even now, is indebted more to Christianity than to any other influence for the union, however imperfect, which survives among her members.¹⁰⁰

Pufendorf's focus on "natural religion" was in many ways an implicit attack on many aspects of Roman Catholicism. While Rousseau makes no effort to exclude or belittle Catholicism, his focus on Christianity as a whole, as opposed to singling out Protestantism or Catholicism, in essence strips the Papacy of its power as the arbiter of Christian politics in international affairs. Whereas during the seventeenth century the Catholic Church was still vying to reestablish Christendom, united under the singular authority of the Pope and protected by a universal monarch, Rousseau's common Christianity would dash such dreams. In arguing that something called Christianity broadly as opposed to Catholicism specifically, organizes international affairs, Rousseau reaffirms Pufendorf's original project of replacing the authority of the Papacy by that of the state.

Yet even though Rousseau elevated Westphalia to its familiar position as the foundation of international relations, the precise role Westphalia served within his broader theory is more nuanced than this initial description. Like Saint-Pierre, and to some extent Pufendorf, Rousseau was focused almost entirely upon Westphalia's significance within Germany. He then connects this to the broader international system by arguing that Germany's power is in essence what holds Europe together. Westphalia itself is responsible for holding Germany together, and thus by extension serves as the foundation for Europe's international system.

¹⁰⁰ Ibid, p. 42.

This is the Germanic Body, which lies almost in the centre of Europe and holds all the other parts in their place, serving still more perhaps for the protection of its neighbors than for that of its own members ... in spite of all its defects, it is certain that, so long as that constitution endures, the balance of Europe will never be broken; that no potentate need fear to be cast from his throne by any of his rivals; and that the Treaty of Westphalia will perhaps for ever remain the foundation of our international system.¹⁰¹

A modern interpretation of Westphalia might suggest that the treaty itself resulted in a dramatic philosophical rupture in Europe, that the Peace brought about shared definitions of sovereignty. Historically, it is known that this did not happen. But more interestingly, Rousseau uses familiar language and even still holds a different interpretation of Westphalia. Rousseau's logic is that the Holy Roman Empire as a political and military power is one of the chief guarantors of stability within Europe, and Westphalia is perhaps the single most important guarantor of stability within the Holy Roman Empire. Thus, Westphalia is the foundation of Europe's international system solely because it is the foundation of Germany.

Rousseau draws upon both Pufendorf and Saint-Pierre in describing the fabric of Europe's interstate relations. He is inspired by Pufendorf's focus on natural law, and implicitly reaffirms his position that the Papacy should not exercise supreme authority over international affairs. Like Saint-Pierre, Rousseau desires to somehow translate this into an institution capable of preventing conflict, and for France, diminishing the power of the Papacy would in turn bolster the power of Gallicanism. Pufendorf and by extension Barbeyrac were both focused on Westphalia as a Protestant victory. Writers like Aitzema saw it as a moment of Dutch Independence, and Saint-Pierre proposed using it as a model for a new "league of kings." While Rousseau is also concerned with forming some sort of international system, his Westphalia plays an important but subtly different role. Far from being a founding moment, Westphalia is quite literally the foundation of the

¹⁰¹ Ibid, p. 55.

international system. It is the lynchpin that keeps Germany united and stable, and Germany itself is the lynchpin which keeps Europe stable.

Taking a page out of Saint-Pierre's book, Rousseau uses the loose federation which constituted the Holy Roman Empire as historical evidence for his proposed system. Even using similar diction, he writes:

In support of this, I appeal to the example of the Germanic Body. It is quite sure that their position is consequently less favourable than it would be in the Federation of Europe. But, in spite of those drawbacks, there is not one of them, however jealous he may be of his dignity, who would choose, even if he had the power, to win absolute independence at the cost of severance from the Empire.¹⁰²

Such a comparison quite directly parodies the logic of Saint-Pierre, who used the historical legacy of the Holy Roman Empire not only as a model for a newly proposed international system, but as historical evidence that such a system could indeed survive. Yet Rousseau's argument is more firmly rooted in the burgeoning enlightenment than that of Saint-Pierre's. Treading both confessional and national boundaries, he is less concerned with installing France as the hegemonic centerpiece of a new European system than is Saint-Pierre. And whilst born a Calvinist, he is not quite so obviously motivated as Pufendorf to create an international system uniquely beneficial to Protestants. Indeed, he draws heavily on Pufendorf in his concern for natural rights which he argued connected all Europeans, even all Christians. As such, his characterization of the Germanic Body as a model for international affairs is focused less on reaffirming a hierarchical Gallican system, nor is it concerned with creating international conditions uniquely beneficial to Protestants (although Rousseau's system would also remove the Papacy as the dominant international actor). Instead, it seeks to bind European's together, not through force but through supposed natural commonalities.

¹⁰² Ibid, p.81.

Finally, Rousseau connects the importance of Westphalia to the broader issue of sovereignty in Europe. Yet while linking the idea of political sovereignty to the specific event of Westphalia is in some ways derived from Saint-Pierre's similar project, the type of sovereignty characterized by Rousseau is completely novel. Rousseau's plan aims to utilize what he sees as already existing deep commonalities between European states in order to knit together the greater European community into such a degree of interdependence and reliance that the mere act of violating another state's sovereignty through war would risk untold damage on all other constituent member states, thereby ensuring a sort of lasting peace held up through mutual self-interest and deterrence.

We must have put all the members of it in a state of such mutual dependence that no one of them is singly in a position to overbear all the others, and that separate leagues, capable of thwarting the general League, shall meet with obstacles formidable enough to hinder their formation.¹⁰³

What Rousseau describes is a far cry from the sovereign state system which modern theorists connect to Westphalia. Such a system presumes an array of individual states independent states locked in a system of mutual competition. Rousseau's vision is quite the opposite, seeking to lock states into a system of such dependence, that the aggressive impulses of Europe's constituent rulers might be moderated, who would fear that any effort to dominate the whole might result in a total collapse. Only by integrating and intertwining Europe to such a degree might the fundamental sovereignty of each state be protected. Perhaps paradoxically, sovereignty is found through interrelation, not independence. The perpetual continental conflict which befell Christendom was rooted in aspirations which sought to either divide or dominate states. Rousseau's answer seems almost incongruous with the contemporary logic of Westphalia. Rather than hardening divisions along religious lines. And instead of separating economies, and fracturing political authority, he sees stability through interrelation. The conflicts which plagued Christendom would be remedied under a

¹⁰³ Ibid, p. 57.

newly enlightened international order. One where Europeans, not competing Christian sects, understood and believed in a transcendent and natural connection amongst one another.

Conclusion

It took well over 100 years for Westphalia as we know it to precipitate from the turbidity of the preceding century before finally crystalizing in the works of Rousseau. But even, Rousseau's state system, focused on dependence and intertwining, remains elusively distinct from the modern interpretation of Westphalia which characterizes it as the birth of totally sovereign and independent states. Even then, Rousseau is hardly the last scholastic titan to become preoccupied with 1648. Vattel and Metternich were just some of the prominent thinkers who would follow, referring back to Westphalia as a model for continental peace in Europe. Even Kant's *Perpetual Peace*, quite knowingly paid homage to his scholastic progenitors, Saint-Pierre and Rousseau. Throughout the nineteenth century, Westphalia would be spread across the globe by Western colonial powers. What it represented varied place to place. It proliferated across European empires, whose colonies were anything but sovereign. Nonetheless, Westphalia evolved and contorted to fit the needs and fill the cracks which emerged in the 'modern' world's search for definition, stability, and agreed upon objectivity. Even Robert Schuman, the architect the European Coal and Steel Community, in the 1950s looked to the likes of Rousseau and Saint-Pierre for inspiration in creating what would become eventually evolve into not the "Union of Europe" but the European Union proper. Arguably Europe today represents something of a "neo-medieval empire" modeled along continental lines not too dissimilar in form from that of the Holy Roman Empire.¹⁰⁴

¹⁰⁴ Wilson, *The Thirty Years' War: Europe's Tragedy*, p. 754

Westphalia has become a sort of catch all phrase capable of representing powerful and controversial beliefs. It cloaks revolutionary ideas, and biased political maneuverings with an aura of historic infallibility. But Westphalia's place on the historic pedestal was never destined to happen. Instead, it was quite consciously put there by different people, at different times, and for different reasons. Precisely because its significance changes so often, the story of Westphalia's invention might prove the most useful lesson the Peace has to offer. It began as a stop gap effort to end a cataclysmic conflict, but soon propagated across Europe. In many ways, Protestants succeeded in canonizing their new international system as the accepted objective state of international affairs. That the Catholic Church, or religious authority in general, is accepted as subordinate to the state in modern international relations is proof of that. But this was not the case of a "majestic portal." Its unfolding took hundreds of years, and even then while the Church was soon excised in favor of the sovereign state in international affairs, the original sovereignty described by Rousseau is utterly distinct from the sovereignty attached to Westphalia today. This would suggest that the origins of the international order today, are secular only in name. And however devoid from faith discussions of rationality, natural law, and civil sovereignty might appear, they, and the broad foundations of international relations which follow, owe their development to distinctly religious histories. Perhaps then, the Westphalian moment didn't occur in 1648, nor did it occur in 1756, but remains one continual process of historical evolution, alive and well for as long as Westphalia remains relevant to the collective historical conversation.

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