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A Tale of Two Westphalia: The Narrative Evolution of a Historiographical Mythos from Nationalist History to Political Theory, 1808-1948

By

Jonathan Mertz

A Major Research Paper
Submitted to the Faculty of Graduate Studies through the Department of History in Partial Fulfilment of the Requirements for the Degree of Master of Arts at the University of Windsor

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2018

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ABSTRACT

This paper examines the evolution of narratives on the Westphalian Treaties (1648) from nationalist German historiography in the nineteenth and early twentieth century to a political theory in the mid-twentieth century. Juxtaposing the narratives popularized by German Historians such as Karl Woltmann, Leopold von Ranke, and Heinrich von Treitschke to that of the Political Scientists Leo Gross and Hans Morgenthau, the Author seeks to explore how, and most importantly why, the narrative evolved. The paper demonstrates that the author’s personal experiences and political ideals, as well as contemporary realities are the primary drivers behind the evolution of a historical narrative, by focusing on shifts in the narrative tone and historical interpretation of Westphalia. The historical narrative thus resembles a kaleidoscopic image intertwining the past it seeks to depict with the authors’ realities. It also illustrates that historical narratives can transform dramatically and quickly once the ideological factors sustaining the narrative no longer resonate with an audience.
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Introduction

In the late 1990s, as the 350-year anniversary of the Westphalian treaties marking the end of the Thirty Years Wars approached, a wealth of scholarship discussing the 1648 treaties and their significance for the modern state system was published, predominantly by political scientists instead of historians. Contemporary historiography recognizes the settlements of Osnabrück and Münster’s importance to European, and specifically German history, but does not assign it the supreme significance political science has.1 The assumption within the latter discipline is that the Westphalian treaties gave birth to the modern international system by uprooting the old medieval-Christian tradition of international affairs, introducing the idea of international law and creating a society of sovereign nation states.2 Scholars have traced the genealogy of this ‘Westphalian Mythos’ within political science back to Leo Gross (1903-1990) and Hans Joachim Morgenthau (1904-1980), two Jewish émigrés from Germany and Austria who wrote seminal works on the Westphalian Treaties in the United States in the post-war period, specifically on their 300th anniversary in 1948. Gross and Morgenthau had a profound impact on the conceptualization of Westphalia for subsequent generations of scholars as their works served as the standard reference for all discussion of the treaties within the discipline until today.3

Historians such as Sebastian Schmid, Peter Wilson, Andrew Thompson, Joachim Whaley, Andreas Osiander, and Christoph Link, commenting on this questionable historical depiction of the Westphalian treaties amongst political scientists, have concluded that this narrative is the

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legacy of nineteenth-century German historiography which had presented the Westphalian treaties as the central event in early modern German history. However, this conclusion is to a large extent an oversimplification of the evolution of the Westphalia story and not without pitfalls. After all, theorists such as Dominick LaCapra, Mark Curie, and Eric Berlatsky, have argued that all narratives are the product of contemporary realities and are shaped by political, sociological, disciplinary, philosophical, and epistemological trends; they seek to make a statement about the present by invoking a past experience. The historical narrative then is a kaleidoscopic image which uniquely reflects both the past it seeks to depict while it reveals the circumstances of the author’s present. As another scholar, Willie Thompson, pointed out, these contextual forces take hold of a narrative by guiding the construction of historical perspectives. Beyond determining the depiction of the past, this process then also shapes the narrative tone and ideological argument that the narrative seeks to convey. Given the stark socio-historical contrast between the nineteenth and early twentieth century, when the historical stories on the Westphalian treaties originated in German historiography, and the immediate post-war period when Leo Gross and Hans Morgenthau introduced the story to American Political Science, it follows that the narrative evolved in order to encapsulate the new realities of its authors.


6 LaCapra, Rethinking Intellectual History, 15-20; Berlatsky, The Real, the True, and the Told, 5-10.

7 Willie Thompson, Postmodernism and History (New York: Palgrave Macmillan, 2004), 21-25.
Indeed, the Westphalian Mythos in political science scholarship is not, as was previously so casually assumed, a mere derivative of its nineteenth- and early twentieth-century predecessor. While both share in the assumption that the Westphalian Treaties marked the origin of state sovereignty, comparing nationalist interpretations with those of Gross and Morgenthau will expose differences in narrative emphasis, highlight omissions, and examine changes in the narrative tone. By taking into account the lives of Gross and Morgenthau, their socio-political setting, as well as the disciplinary context within which they constructed their own readings of these events, we are able to discern why the narrative transformed and why this new perspective was universally accepted within the field of political science. Ultimately, this study not only illuminates the multitude of forces that contributed to the evolving nature of the Westphalian Mythos, but by focusing on the dynamic nature of narratives, it provides a unique insight into the ‘life’ of historical events and how individual authors can take ownership of and recast past interpretations to fit present realities.

**Origins of the Westphalian Mythos: A Historical Scapegoat for an Apprehensive Nation**

Throughout the nineteenth and early twentieth century, scholarly understanding of the Westphalian treaties remained relatively static and was marked by nationalist undertones. The narrative stipulated that when some two hundred delegates from all over Europe gathered in 1648 in the Westphalian towns of Münster and Osnabrück to negotiate the end of the Thirty Years War, they supposedly sealed the fate of the Holy Roman Empire which lost its ability to function as a coherent unit. The Emperor’s ambition to establish himself as the universal monarch of Christendom had been thwarted by the combined efforts of Germany’s Protestant princes, most

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8 Heinrich Von Treitschke, *Deutsche Geschichte im 19ten Jahrhundert* (Leipzig: Hirzel Verlag, 1879), 2-25
notably Frederick V of the Palatinate.\(^9\) France and Sweden had joined the war at an opportune time and were able to force atrocious peace terms on the Empire, debilitating it as a political unit. As a consequence of his defeat, the Emperor lost his sovereignty over the Empire’s territories; the position was now only a nominal honour. Instead, the individual territories of the Empire, regardless of their strength, size, or position within the feudal hierarchy of the Empire, emerged from the conference as sovereign states and supreme rulers of their territories, on an equal footing with the Emperor and out of reach of the Pope’s political grasp.\(^{10}\) This development dispersed political power within the Empire, and from 1648 onwards it merely existed as a debilitated state-like entity unable to defend German interests and unite the nation.\(^{11}\)

This narrative emerged out of Germany’s national anxieties in the nineteenth century – and for Germans there certainly was much to be anxious about.\(^{12}\) On December 2\(^{nd}\), 1805 another episode in the seemingly endless French-German rivalry ended with a dramatic French victory when Napoléon smashed the Austrian forces at the battle of Austerlitz. Four weeks later Austria signed the treaty of Pressburg, and six month later Austrian King and Holy Roman Emperor Francis II hastily abdicated and dissolved the one-thousand-year-old German Empire – lest Napoléon snatch the crown.\(^{13}\) It was in this setting, at the pinnacle of French power in Germany, that Karl Ludwig Woltmann, a Hessian diplomat and historian, published his *History of the* 

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To Woltmann, the misery his fellow countrymen experienced at the hands of the ‘Little Corporal’ were the immediate result of the Westphalian treaties. He argued that what began as a German civil war in 1618 turned into a European struggle when France, under the leadership of the shrewd cardinal Richelieu, and its puppet Sweden, entered the War under the guise of preserving the liberties of German princes.\textsuperscript{14} When the warring parties concluded the treaties of Münster and Osnabrück in 1648, France destroyed the Empire by playing off its different interest groups against one another, ultimately dividing up sovereignty amongst the princes.\textsuperscript{15} To Woltmann, this quasi-confederate structure subsequently allowed France to meddle in the Empire’s affairs and most importantly prevented it from defending itself against France’s eastward incursions.\textsuperscript{16} The implicit argument, that Woltmann’s audience certainly would not have missed, was that Germany’s current geopolitical quagmire was the immediate product of France’s doing in 1648.

Woltmann’s politically-charged history of the Westphalian treaties proved to be an inspiration for subsequent generations of German historians who, like him, needed a historical scapegoat to account for the perceived shortcomings of their modern nation. Despite Napoléon’s ultimate fall, the Holy Roman Empire was not restored. In 1848, a wave of liberal-nationalist uprisings, inspired by the vision of a united-nation state, had taken hold in the many German kingdoms; however, that liberal-nationalist dream was short-lived as Prussian King Fredrick Wilhelm IV sullenly rejected the offer to become Emperor of a united ‘small-German’ state ruled as a constitutional monarchy.\textsuperscript{17} In the southern half of ‘great-Germany’, Austrian armies put down

\textsuperscript{14} Woltmann, \textit{Geschichte des Westfälischen Friedens in Zwei Theilen Erstes Buch}, 20-32.
\textsuperscript{15} Ibid., 342-348. The parallels to Napoléon’s divide-and-conquer strategy are hard to miss; Bonaparte had secured the support of the German Kingdoms of Bavaria and Württemberg in the fourth war of the coalitions.
\textsuperscript{16} Ibid., 120-130.
the remaining revolutionary groupings and the political status quo ante-bellum prevailed.\textsuperscript{18} The failure to produce a powerful nation-state to challenge the hegemony of their neighbours to the west and east had a profound impact on Germany’s self-perception which had not quite recovered from Napoléon’s ransacking.\textsuperscript{19} When Germany eventually unified under Prussian leadership in 1871, many Germans believed it had come too late. Despite its astounding victory over France, who had an Empire and colonies, Germans were still prone to imperial anxieties.\textsuperscript{20} Outpaced by its rivals, the new nation would have to fight to get a “place in the sun”, as Chancellor Bernhard von Bülow famously phrased it.\textsuperscript{21} The ensuing decades of military hubris ended in catastrophe when the Empire confidently began the march to its own demise in the late summer of 1914. Despite Reichspräsident Friedrich Ebert’s assurances that the German army had remained ‘undefeated’ in 1918, the Treaty of Versailles the following year left little doubt that Germany had, in fact, been defeated and so Germans fell back into their natural state of unease and anxiety.\textsuperscript{22}

Over the course of this ‘long century’, four generations of Germans cultivated feelings of weakness and inadequacy, and continually stockpiled feud with France, the ‘hereditary enemy’. These ideas were projected onto their reading of the past. Not surprisingly, throughout this ‘long century’ the Westphalian story remained largely static. From Karl Woltmann’s writings at the beginning of the 1800s to Friedrich Meinecke’s scholarship in the interwar years, Westphalian historiography remained highly politicised and constant in its historical perspective, tone, and ideological message. Leopold von Ranke (1795-1886), certainly the most influential German-language historian of the nineteenth century, and an observer of the failed 1848 rebellions,

\begin{itemize}
  \item \textsuperscript{18} Ibid., 216-221.
  \item \textsuperscript{20} Peter Zolling, \textit{Deutsche Geschichte von 1871 bis zur Gegenwart: Wie Deutschland Wurde, was Es Ist} (München: Deutscher Taschenbuch Verlag, 2005), 32-38.
  \item \textsuperscript{21} Ibid., 37-40, 62-64.
  \item \textsuperscript{22} Clark, \textit{Iron Kingdom}, 742.
\end{itemize}
lamented in the fourth volume of his *French History of the 16th and 17th Century* (1856) that France had gained a political and a territorial foothold in the Empire in 1648 by taking control of three bishoprics that remained nominally part of the Empire, thus gaining a vote in the Reichstag in Regensburg.\(^{23}\) Heinrich von Treitschke (1834-1896), a political activist who had clamoured for German unification in the 1850s and 1860s, a historian and a member of the National-Liberal caucus of the Reichstag, went even further. He stipulated in his books, articles, and lectures, that the settlements of Münster and Osnabrück marked the de-facto end of the Empire as a viable political institution, since it was the Empire’s princes who now exercised supreme sovereignty over their territories and since they all too often did France’s bidding in the hope of advancing their own status.\(^{24}\) Franz Holzwarth (1826-1878), a contemporary of Treitschke, argued in his *World History* (1886) that the immediate legacy of the Westphalia treaties was to usher in a period in which the German princes oriented their policy according to their own raison d’état instead of considering the greater interest of the pan-German nation.\(^{25}\) This point had a defining impact on Treitschke’s student Friedrich Meinecke (1862-1954), who reiterated that very in point in conjunction with his hypothesis that France post-1648 was able to maintain a fractured German nation that could not pose a threat to its own ambitions by appealing to the princes’ selfish interests.\(^{26}\) The ultimate legacy of the treaties was thus the oppression of the German cause and the failure of Germany to unite and take its place amongst the world’s great states.

The sullen historical perspective these scholars had of the Westphalian treaties and the ultimate legacy of these settlements was only amplified by their narrative tone. Nationalist writers,


even when attempting to speak with an objective voice, certainly did not hide their passionate discontent. The legacy of 1648 and the political status post-bellum was likened by Ranke as the “rape” [Vergewaltigung] of Germany, now unable to fend off intrusions from its southern, eastern, or western borders.\textsuperscript{27} The devolution of power, prompting an increased rivalry amongst German princes was described by Holzwarth as nothing short of an “anti-Christian conspiracy” [\textit{Antichrissitliche Verschwörung}].\textsuperscript{28} To Treitschke, 1648 marked the “doomsday of traditional German culture” [\textit{Untergang der alten deutschen Kultur}], which left the Empire, now composed of a “rotten imperial core and crude territories” [\textit{Durcheinander verrotteter Reichsformen und unfertiger Territorien}], “in shambles” [\textit{Trümmerstücke}].\textsuperscript{29} Meinecke stressed the disruptive aspect of the Westphalian treaties on the Empire’s internal structure. He bewailed the princes who “plundered the monarchical rights of the imperial power, only in order to take them for themselves,” rather than help consolidate the nation into a powerful political unit.\textsuperscript{30} The dramatic language that characterizes these nationalist writings creates a narrative in which the audience cannot but feel sympathetic towards the German nation, first wronged by the Emperor and subsequently taken advantage of by its neighbours. The combination of the emotionally-charged language and the politically-motivated historical perspective turned this nineteenth- and early twentieth-century reading of the Westphalia story into an ideological narrative aimed at stirring up sentiments demanding retribution.

While to earlier generations, like Woltmann and Ranke, the story of Westphalia functioned as a collective call to action, later generations added a redemptive dimension to the story. They argued that French villainy was not powerful enough to suppress the German nation for eternity.

\textsuperscript{27} Ranke, \textit{Französische Geschichte}, 462.
\textsuperscript{28} Holzwarth, \textit{Weltgeschichte}, 2.
\textsuperscript{29} Treitschke, \textit{Deutsche Geschichte im 19\textsuperscript{en} Jahrhundert}, 6-7.
\textsuperscript{30} Meinecke, \textit{Machiavellism}, 135.
The Kingdom of Prussia emerged as the defender of the oppressed, rallied the nation, and completed what should have been completed in the seventeenth century; it created a German nation-state that could rival and even surpass its ‘hereditary enemy’. This narrative of Westphalia is a drama with villains and heroes, oppressors and tyrants, which begins with the historic low of Germany in 1648 and ends with the redemption of the defeated and the righting of a historic wrong in 1871, with the Franco-Prussian war and the annexation of Alsace-Lorraine. It is particularly this mindset that caused the German historian Heinrich von Sybel (1817-1895) to emphasise the defining impact the Westphalian treaties had on Franco-German relations over the past centuries in his book *The Peace of 1871*, published immediately after the Franco-Prussian war that same year. In the 1920s and early 1930s, after Germans felt they had been again been cheated and humiliated by France, this time with the assistance of Great Britain and the United States, it was these stories of injustice, persecution, and excessive nationalism that helped propel national-socialism to power. Still in the 1940s Hitler furiously proclaimed that “it is not the Treaty of Versailles we must destroy, but the Treaty of Westphalia”.

**The Westphalian Myth After the Second World War**

Following the Second World War, the Westphalia story all but disappeared in German historiography, as scholars abandoned the nationalist and politically-charged narrative of the previous century. However, the German émigré scholars Leo Gross and Hans Morgenthau,

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31 The ‘phoenix from the ashes’ element is part of the narratives on Westphalia. The best example is Treitschke’s introduction to *Deutsche Geschichte*. This has also been pointed out by Whaley and Wilson.
32 Treitschke, *Deutsche Geschichte im 19ten Jahrhundert*, 2-103. The chapter begins with the immediate aftermath of 1648 and concludes with Prussia’s rise in the eighteenth century, foreshadowing the upcoming unification.
33 Heinrich von Sybel, *Der Friede von 1871* (Düsseldorf: Verlagshandlung von Julius Buddeus, 1871), 41, 78.
writing in the United States for an audience not wholly familiar with German historiography on the treaties, continued to write on 1648. The writings of both scholars reasserted the claim made by previous German historians that Westphalia yielded a system of sovereign nation-states, leading current historians to conclude that these scholars merely continued the traditional narrative. However, this similarity in the historical framework does not by itself constitute a narrative continuum. After all, a historical tale, like all stories, has a narrative arch, a tone of voice, moral lessons for its audience, and several ideological undertones. All of these literary aspects are not only detached from the historical framework an author depicts, but also contingent on their experiences and ideological stance.

Leo Gross’ article “The Peace of Westphalia, 1648-1948” was published in 1948 in the widely-read American Journal of International Law, and subsequently served as the preface to his collection of essays titled Essays on International Law and Organization (1983), thus securing maximum readership.37 The same year Gross presented his interpretation on the lasting political legacy of Westphalia, Hans Morgenthau published the first edition of his magnum opus Politics Amongst Nations. While primarily dedicated to understanding current political problems, the Westphalian treaties featured prominently in Morgenthau’s text. Both maintain the same historical framework of the previous narrative, while departing from past interpretations on historical perspective, narrative tone, and ideological undertones, thus indicating a general transformation in the conceptualization of the 1648 peace treaties.

Leo Gross’ history of the Westphalian treaties at first follows a familiar script. The treaties signed by the delegates in Münster and Osnabrück marked a watershed moment in the history of international relations; 1648 was the “majestic portal which leads from the old into the new

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Westphalia ushered in political modernity as it broke the supremacy of the Emperor by endowing the Empire’s Princes with total sovereign authority over their territory.\(^{39}\) In his subsequent analysis of the significance of these treaties, Gross marked a sharp departure from nineteenth- and early twentieth-century writings. Gone is the emphasis on the Empire. Instead, Gross explained that the settlements had far-reaching consequences for the nature of foreign affairs in all of Europe, transforming the entire international system; a point he reiterated in other essays as well.\(^{40}\) For the past three centuries, the world of foreign policy had been governed by principles articulated at Münster and Osnabrück; notions of individual state sovereignty, peace through balance of power, as well as equality and equity amongst states, all could be traced back to 1648.\(^{41}\)

Elaborating on the legacy of the treaties, Gross, a jurist by training, argued that the Westphalian agreements were primarily legal documents. Its creators, he continued, were not ill-intentioned French politicians, but intellectuals well-versed in the political philosophy of Grotius, Suarez, and Victoria, who had designed these treaties with the intent of building a framework of international relations.\(^{42}\) Placed within their historical context, Gross maintained, the treaties did not merely mark the sudden death of the Empire, but merely legitimized a political reality that had been created 150 years prior, following the Protestant Reformation. The tone with which he engaged with his subject is one of cautious benevolence and genuine optimism; his writings certainly do not bare the frustrated and embittered tone of Ranke, Holzwarth, or Treitschke.\(^{43}\) Similarly, the underlying ideological message is not a call to arms for a national uprising to undo a historic wrong, but rather a plea for peace. Gross argued that 1648 marked the beginning of the formation

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\(^{40}\) Ibid., 20-23; Gross, Essays on International Law and Organization, 184.


\(^{42}\) Ibid., 38-40.

\(^{43}\) Comparing Ranke’s *Französische Geschichte*, Holwarth’s *Weltgeschichte*, and Treitschke’s *Deutsche Geschichte* to Gross’ or Morgenthau’s writings exposes the drastic change in narrative voice.
of a rules-based international order, a status to which the world should return to and strive to maintain in the aftermath of the Second World War by acknowledging state sovereignty and adhering to the principles of international relations.\textsuperscript{44}

Hans Morgenthau, unlike Gross, did not write any major texts examining exclusively the Westphalian treaties. Rather he used the 1648 settlements as a historical starting point from which he developed his history of international relations.\textsuperscript{45} His discourse on the treaties must therefore be viewed within the broader intellectual context of his other writings and political philosophy. Morgenthau was primarily a political theorist, interested in analysing and making foreign policy. Morgenthau’s historical perspective on the treaties of Münster and Osnabrück resembles Gross’. In several of his works he asserted that, by ending the era of religious wars, the Westphalian treaties had “[laid] down the rights and duties of states in relations to each other”.\textsuperscript{46} This new relationship between nation states was one of sovereign equality, and as a result had brought peace and stability to a war-torn Europe.\textsuperscript{47} Morgenthau claimed that these new “rules of the game”, which the treaties of Osnabrück and Münster had enshrined, had governed international relations ever since.\textsuperscript{48} Consequently, all history of international relations since 1648 could and should be understood through the philosophical principles established at Westphalia. In contrast to the writings of the previous century, Morgenthau’s voice is not dramatic or filled with a sense of urgency. For example, the Empire is not described as ‘rotten’ or ‘monstrous’, neither is it likened to a raped individual who would have fallen victim to the Anti-Christ.\textsuperscript{49} Instead his tone is very matter-of-factual while his language is descriptive instead of metaphorical. Similar to Gross, the lesson

\textsuperscript{45} Schmidt, “To Order the Minds of Scholars,” 606.
\textsuperscript{47} Morgenthau, \textit{Politics Among Nations}, 150.
\textsuperscript{48} Ibid., 139.
\textsuperscript{49} These were the metaphors respectively used by Treitschke, Ranke, and Holzwarth; See above n. 32 and 33.
Morgenthau’s narrative imparts on his audience is a cautious warning against emotions and ideological fervour. In his view, understanding the implications of the Westphalian treaties allows scholars to understand contemporary international relations on a global scale and to map out a clear path going forward by applying the historical lessons learned. Morgenthau’s story promotes peace, stability, and the maintenance of the political status quo; a stark contrast to the message conveyed by nineteenth-century versions of the mythos.

The two Westphalian tales are connected to the extent that they shared a factual framework and that their authors ultimately used the past to make a statement about the present. However, the aforementioned shift in historical perspective and interpretation, the discrepancies in narrative tone indicating a changing relationship between author and subject, and the vastly different ideological motivations that drive the historical story, suggest a fundamental transformation of the Westphalian mythos from a tale propagating nationalist sentiments to a political theory. Given the rather static nature of the narrative prior to Gross and Morgenthau’s mid twentieth-century scholarship, why these two authors departed from the previous academic consensus begs further investigation. There are a range of factors that usually impact narrative developments; the production of new interpretative knowledge, a new historiographical trend, or the discovery of new documents or other primary sources. Yet, neither Gross nor Morgenthau claimed to present ground-breaking new research. However, the historical, political, ideological, and academic circumstances in which these scholars created their narratives had a profound and decisive impact on the interpretation of the past. Therefore, examining the context within which this new Westphalian mythos was written, as well as the lives of Gross and Morgenthau, allows us to make sense of what prompted this narrative shift and account for such changes in perspective, tone, and ideology.
Leo Gross, Hans Morgenthau, and the Year 1948

Leo Gross was born into a petit-bourgeois secular Jewish family in 1903, in the small Austro-Hungarian township of Krosno located in the Empire’s eastern most province of Galicia, modern day Poland.\(^{50}\) He studied politics, law, and economics in Vienna in the 1920s and finished a doctoral dissertation titled *Pacifism and Imperialism* in 1927 under the supervision of Hans Kelsen (1881-1973), Austria’s leading legal scholar.\(^{51}\) Kelsen, had achieved considerable fame in 1920 when he was tasked by the Austrian Chancellor Karl Renner to write the young republic’s Constitution. Furthermore, he was the leading figure in the Vienna School of Law, an intellectual tradition that championed legal positivism, which argued that laws were created by humankind rather than dictated by universal morality.\(^{52}\) Gross followed his mentor’s lead, embracing a similar approach and mindset which would subsequently shape his understanding of the past.\(^{53}\) In the late 1920s and early 1930s he travelled to the United States and Great Britain where he studied first at Harvard and then at the London School of Economics, before returning to the continent where he took up a professorship in ‘Public Law, Political Science, and Legal Philosophy’ [“öffentliches Recht, Allgemeine Staatslehre, und Rechtsphilosophie”] at the University of Cologne in 1932.\(^{54}\) However, Gross’ time in Germany was short-lived. Following the National-Socialist Party’s rise to power in 1933, he was dismissed from his position on account of his Jewish ancestry.\(^{55}\) He

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hoped to be able to secure a teaching position at his alma mater in London, but to no avail. He subsequently moved to Paris where he worked for the International Institute of Intellectual Cooperation, a think-tank associated with the League of Nations.\(^{56}\) Gross still lived in France when Germany invaded in the spring of 1940, forcing him again to flee. This time not to Britain, but to the United States via Vichy France, fascist Spain, and fascist Portugal.\(^{57}\)

Fortunately for Gross, his reputation as a scholar preceded him and by 1941 he had secured a position at the Fletcher School of Law and Diplomacy at Tufts University, in Massachusetts, teaching international relations and international law. He stayed at Tufts for the remainder of his academic career, though he toured several Ivy League universities as a visiting professor and gave lectures in both Japan and Europe.\(^{58}\) Throughout his career in the United States, Gross wrote on international law, its history, and its application in a Cold War context through multi-state institutions like the United Nations. Significantly, his emphasis lay on the implementation of international law in a system of sovereign states that were not themselves subject to a higher authority, a fact that dismayed Gross.\(^{59}\) As a proponent of legal positivism, Gross did not believe that states were bound by a series of moral laws. International laws aimed at governing interstate relations were only effective to the degree that they were made and enforced by men. His writings on international law were thus intimately connected to his conceptualization of the international system itself, and the factors that determined the actions of states. Although Gross occasionally advised the US State Department on policy issues, he remained primarily an academic. He passed


away in 1990 having published a wealth of articles, essays, and books that served as the foundation for US political thought for decades.\textsuperscript{60}

Hans Morgenthau was born in 1904 into a Jewish middle-class family in the small Bavarian town of Coburg. In the 1920s he studied philosophy and international law in Munich, Berlin, and Frankfurt am Main where he published his dissertation titled \textit{International Jurisdiction: Its Nature and its Limits [Die Internationale Rechtspflege, ihr Wesen und ihre Grenzen]} in 1929.\textsuperscript{61} Morgenthau’s post-doctoral period in Frankfurt was short-lived. Anticipating the Nazi rise to power, he left for Geneva in 1932 where he stayed until 1935.\textsuperscript{62} While there, he worked at the Institute of International Studies alongside Gross’ mentor Hans Kelsen, who was to have a profound impact in shaping his views on the international system.\textsuperscript{63} Following a brief stay in Madrid, where he worked at the Instituto de Estudios Internacionales y Económicos, a position that had first been offered to Leo Gross, Morgenthau left for New York City in 1937.\textsuperscript{64} In the 1930s and 1940s he taught courses on a range of topics from history to law to political science, first on an occasional basis at Brooklyn College, then permanently at the University of Missouri-Kansas City, where he lectured for the duration of the Second World War.\textsuperscript{65} 1946 marked the year of Morgenthau’s breakthrough. The University of Chicago offered him a full-time position as well as the academic platform to reach a wide and influential audience.\textsuperscript{66}

\textsuperscript{60} Vagts, “In Memoriam: Leo Gross (1903-1990)”, 149-150.
\textsuperscript{61} Cornelia Navari, \textit{Hans Joachim Morgenthau and the American Experience} (Basingstoke: Palgrave Macmillan, 2018), 1-5.
\textsuperscript{63} Navari, \textit{Hans Joachim Morgenthau and the American Experience}, 2-5; Jütersonke, \textit{Morgenthau, Law and Realism}, 75-82.
\textsuperscript{64} Jütersonke, \textit{Morgenthau, Law and Realism}, 23-24.
Morgenthau’s previous education and lecturing experience had focused on international law. At Chicago, he shifted his attention to political science more broadly and the imminent dangers of armed conflict. He embarked on a series of guest lectures at Ivy League universities where he taught and mentored the future Secretary of State Henry Kissinger and made a profound impression on the State Department’s Director of Policy Planning, George F. Kennan, who made Morgenthau a consultant for the Department. In 1950 he founded the Center for the Study of American Foreign and Military Policy in Chicago, indicating his shift from legal scholarship to international affairs. During the 1950s Morgenthau was mostly active as a scholar, but returned to policy making as an advisor to President Kennedy and President Johnson. His profound anti-Vietnam war stance ultimately lead to his dismissal from the Johnson administration in 1965 and a clash with his former student Henry Kissinger in the early 1970s. Over the course of his career, Morgenthau published several influential works, most prominently *Politics Amongst Nations* (1948), which examined the nature of states, humanity, war, and the international system. His writings were not without controversy. Morgenthau was not convinced that it was in America’s interest to promote democracy and internationalism through coercive means, an opinion that was not shared by many of his contemporaries. He passed away in 1980 having established himself as one of the most significant figures and influential writers in his discipline.

Leo Gross and Hans Morgenthau came from similar socio-economic backgrounds, were raised within the same culture, both studied international relations with an emphasis on international law and shared the same mentor, gravitated to the same circles, and ultimately shared

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a similar traumatic experience of having to flee their homelands because of their religious origins. It was these similarities that ultimately created a shared understanding of politics and shaped the way both authors engaged with and depicted the past. Once they had gained a foothold in the United States, their writings on interstate relations reflected the need to account for and make sense of the new world order that emerged out of the ashes of the Second World War. Both published their seminal essays in 1948 which laid the foundations of the Westphalia myth in political science. The year, and those leading up to it, had been politically turbulent and fairly eventful. In Central and Eastern Europe borders were redrawn, Germany had been partitioned by the Allied powers and was now the stage for US-Soviet political power plays.  

In 1948, the reluctance of Arab states to recognize the newly-founded state of Israel resulted in the first of many Arab-Israeli wars that completely destabilized the Middle East; this was particularly troubling to Gross and Morgenthau who felt connected to the Jewish state.  

Meanwhile, France and Great Britain were struggling to come to terms with their new status as second-rate powers. India, the jewel in the British Imperial crown, achieved independence in 1947, while France was struggling to re-take control of its colonial Empire, large parts of which had fallen to the Axis powers during the war; the suppression of uprisings in Madagascar, Indochina, Algeria, and Vietnam was only partially successful.  

The Cold War gradually intensified as the United States and the Soviet Union aimed to exert influence in Europe, the former through economic aid and the latter through starvation and tanks.  

Clearly, the period of the immediate post-war is most fittingly described as dynamic, not to say chaotic, and, to a large degree, volatile, fickle, and unpredictable. The newly formed United Nations sought

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to establish a new political framework just as the structure of the previous world order came crashing down. Founded only month after the end of the Second World War in the fall of 1945, it succeeded the unsuccessful League of Nations and represented the second attempt to create an international order on the basis of liberal internationalism. Gross’ and Morgenthau’s writings were thus responding to a world that had witnessed rapid, massive political change and which was now attempting to create a new international framework while teetering on the brink of a third world war. Therefore, Gross’ and Morgenthau’s thought during those crucial and tumultuous years was shaped and guided by their desire to understand how to bring peace back to the world of politics after a major conflict and how to sustain this world order in the ensuing period of instability.

Gross’ and Morgenthau’s writings constitute a response to the political developments around them, while their personal experiences influenced their perception and attitudes towards contemporary events, and ultimately shaped their interpretation of the past. However, biography and political settings are just two of the many ‘mirrors and lenses’ in the kaleidoscope of historiographical creation. To understand the narrative evolution of the Westphalia story more completely, the contextual impact of disciplinary developments must also be considered. Specifically, the emergence of the Realist school of international relations in North American academia, to which both Gross and Morgenthau adhered, as well as the theoretical turn within the political science discipline more broadly, had a profound impact on their writings and thus their understanding, interpretation, and representation of the past.

In the nineteenth and early twentieth century, political science had not stood out amongst the premiere social sciences at European universities. It was attached to the study of history,

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76 LaCapra, *Rethinking Intellectual History*, 13-16.
philosophy, or economics as an ancillary discipline.\textsuperscript{77} This was very different in the United States where political science had gradually gained prominence since the turn of the twentieth century.\textsuperscript{78} Appalled by European imperialist politics of and its “Machiavellian” tactics, American scholars constructed an alternative conceptualization of international relations based on the writings of enlightened thinkers such as Emmanuel Kant, John Locke, and Adam Smith. Liberalism, as this popular theory came to be called, borrowed from liberal economic theory which stipulated that world peace could be achieved through economic interdependence, collective security, and the spread of democracy and democratic values.\textsuperscript{79} British economist John Maynard Keynes and US President Woodrow Wilson counted amongst its biggest champions.\textsuperscript{80} Following World War I, an attempt was made to implement a Liberal framework of international relations through the creation of the League of Nations, whose shortcomings and failures were amply demonstrated by the outbreak of the Second World War.\textsuperscript{81}

In the immediate post-war period, a small group of political thinkers, which included Gross, Morgenthau, as well as other émigré scholars such as Herman Kahn (1922-1983) or the future US National Security advisor Zbigniew Brzezinski (1928-2017), developed a new theory of international relations called Realism.\textsuperscript{82} This theory drew on some of the principles articulated in the writings of seventeenth-century political philosophers Samuel von Pufendorf and Thomas Hobbes and was marked by a fundamental pessimism about the international system. Realist theory stipulated that states existed within an anarchical realm in which each one was inherently


\textsuperscript{78} Goodin and Klingemann, \textit{A New Handbook of Political Science}, 64-65.

\textsuperscript{79} Andrew Moravcsik, “Liberal international relations theory: a social scientific assessment” (Weatherhead Center for International Affairs, Harvard University, 2001), 10-15.

\textsuperscript{80} Moravcsik, “Liberal international relations theory: a social scientific assessment”, 19-22.


self-interested and inherently mistrusting of the other. Such a system was in a state of constant crisis and teetering on imminent collapse.\textsuperscript{83} Stability was maintained through a carefully-calibrated balance of power, acknowledgment of the total sovereignty of other states, a foreign policy based on empirical reasoning rather than ideological notions of what ought to be, and military proliferation. Twentieth-century Realism acknowledged the role of international institutions but remained wary of their ability to provide a permanent structure to an innately anarchical system.\textsuperscript{84} The emergence of this theory, diametrically opposed to the established Liberal school of thought, created a schism amongst political scientists. This process influenced the evolution of the Westphalian story, as Gross and Morgenthau ultimately used the past to illustrate the innate truisms articulated in modern Realist theory.

By the end of the Second World War, political science was no longer confined to the ivory tower of academia but stood in the public spotlight. Professors of political science wrote commissioned reports and studies for the United Nations and the State Department and enjoyed moments of public fame. For example, Henry Kissinger, then a Professor of Government at Harvard, was interviewed on live television by celebrity game show host Mike Wallace.\textsuperscript{85} The sudden rise of political science was largely fuelled by what the discipline claimed to offer: a scientific method that could predict the behaviour of states in the international system. However, migration patterns also contributed to the sudden prominence of the discipline. Felix Rösch has convincingly argued that it was no coincidence that a political science school dedicated to inter-state relations emerged at the same time a whole wave of scholars from Europe, particularly of

\textsuperscript{83} Lebow, “Realism in international relations,” in \textit{International Encyclopedia of Political Science}
German-Jewish descent, fled to the United States.\textsuperscript{86} While political science as a general discipline had not been of interest to European scholars, there existed a rich tradition of studying inter-state relations from a historical or legal point of view.\textsuperscript{87} ‘Realpolitik’, the traditional German school of international relations, thus had a profound impact on the development of the discipline in the United States from both an ideological and methodological standpoint, and arguably provided the framework for Realism. The writings of international relations theorists like Gross and Morgenthau thus mark an attempt to bridge this gap and to reconcile and combine the German legal and historical tradition while embracing the empirical turn prominent in the United States. They attempted to both marry their previous understanding of international relations with the new political realities of the Cold War and situate their writings within the broader general political science discipline; they had, to quote one of Morgenthau’s biographers, “to wrap [their] distinctly German theory in new clothing”.\textsuperscript{88}

The migration of international relations theory from Europe to the United States was accompanied by a shifting trend in methodological inquiry. The turn away from historical case-studies towards structuralism placed an enormous emphasis on abstraction, philosophy, and theoretical models, while the analysis of the role of individual actors was sidelined.\textsuperscript{89} The theorization of the social sciences had already begun in nineteenth-century Europe, with British historian John Seeley’s 1896 collected historic-political studies,  \textit{Introduction to Political Science}, or German sociologist Max Weber’s 1905 \textit{The Protestant Work Ethic and the Spirit of

\textsuperscript{87} Ibid., 61-63.
\textsuperscript{88} Christoph Frei, \textit{Hans J. Morgenthau: An Intellectual Biography} (Baton Rouge, Louisiana State University Press, 2001), 110.
\textsuperscript{89} Goodin and Klingemann, \textit{A New Handbook of Political Science}, 61-63.
Capitalism. However, while these works were still in-depth historical studies of the past, American theorists were less historically-minded. Throughout the early twentieth century, American political scientists adapted this approach and began to undertake an empirical turn within their discipline. By the midway point of the century, this scientific approach to studying politics and international relations dominated the discipline. The disciplinary balancing act that Gross and Morgenthau had to perform was thus accompanied by a methodological split as well.

**Tracking the Evolution of the Westphalian Myth**

Narratives evolve, much like living species in nature, very gradually and slowly. Much like a wolf did not turn into a dog overnight, so the Westphalian Myth did not immediately abandon all its forgone conclusions about ‘what happened’ in 1648. The core historical argument, that the treaties of Münster and Osnabrück created a system of sovereign states, was articulated by nineteenth-century historians and maintained by Gross and Morgenthau. Nonetheless, key portions of the narrative have changed. While some “evolutionary traits” are overt, some are more subtle and implicit. However, all make a profound impact on the ‘life’ of the historical story as they not only provide the reader with a profoundly different sense of the past, but also impart a new moral lesson. Most significantly, they shift the scope of the historical inquiry into the Westphalian treaties providing an alternative sense of the ultimate impact of 1648. Similarly, the root causes of the Thirty Years War are framed quite differently, altering the reader’s understanding of the war and the role of the treaties in shaping the post-war world. Consequently, the supposed purpose and intent of the Westphalia treaties also differs in both narratives, conveying to their respective

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90 Seeley’s work is a collection of lectures he held on how to approach political studies. Weber’s famous work of course presents a rebuttal to Marx’s economic history on the origins of capitalism, arguing instead that Protestant theology played the decisive role (Goodin and Klingemann, *A New Handbook of Political Science*, 63-65).

91 Ibid., 65-68.
audiences a varying understanding of their importance and a fundamentally different perception of the Westphalian settlements within the framework of the early modern period in general. Thematically, these changes can be categorized into three separate but interconnected transformations: a shift in the historical perspective from which the authors engage the past, a variation in the narrative voice and language used by the authors to frame the story in a certain moral and ideological light, and a change in the argument and lesson the myth imparts on its audience. Contextual realities determine how authors engage with the past, yet the stories also reflect how authors attempt to respond to and shape the world around them by invoking and drawing upon history.

When the Thirty Years War drew to an end, it had drawn almost a thousand fractions into the war, accounting for all the Empire’s principalities. It was a pan-European war fought at the heart of the continent.\(^\text{92}\) Examining the geographical scope of the peace treaties that ended the war, nineteenth-century historians confined their narrative to the Holy Roman Empire. The Westphalian settlements are depicted as changing the political make-up of the Empire and shifting the balance of power in Europe in favour of France, but not as having any systemic impact beyond its borders. While Treitschke commented that the treaties marked a ‘first’ grand international treaty, a point later on restated by Meinecke, he maintained that the prime function of the peace was to debilitate the Holy Roman Empire.\(^\text{93}\) This historiography thus cast 1648 as a German event within the greater ‘epic’ of the seemingly perpetual Franco-German rivalry, silencing the role of other European actors and neglecting the continental-wide dimension of the conflict. Gross and Morgenthau’s


\(^{93}\) Treitschke, \textit{Politik}, 525-527; Meinecke, \textit{Machiavellism}, 229.
narrative had a decidedly more cosmopolitan dimension, yet like its predecessor it paid little attention to the role of smaller actors.

For Gross and Morgenthau, the Westphalian treaties had implications beyond merely changing the constitution of the Holy Roman Empire; they fundamentally and permanently reshaped the system of relations between states. To Gross, Westphalia was “the first great European or world charter” creating “world unity on the basis of states exercising untrammelled sovereignty over certain territories and subordinated to no earthly authorities”. Westphalia thus laid the foundation “of an international society embracing, on a footing of equality, the entire human race irrespective of religion and from of government”. Westphalia, however, was not yet the finished product. “The Hague Peace Conferences, the League of Nations, and we may confidently assert, the United Nations are further stages in this development” for a stable international system, thus establishing a clear and direct link between the present and seventeenth-century Europe. Morgenthau provided a similar reading on the geographical scope of the settlements of Münster and Osnabrück. “From 1648 to the French Revolution of 1789 the Princes and their advisers took the moral and political unity of Europe for granted”. This “awareness of an intellectual and moral unity upon whose foundations the balance of power reposes and which makes its beneficial operations possible was the common possession […] of that age”. This global balance of power first created in 1648 yielded an international system of actors “each of whom accepted the reason of state, that is, the rational pursuit, with certain moral limitations, of the power objectives of the individual state, as the ultimate standard of international behaviour”.

95 Ibid., 33.
96 Ibid., 39.
97 Morgenthau, Politics Amongst Nation, 160-161.
Gross and Morgenthau’s history of Westphalia is decidedly international in scope; the concrete effects on the domestic structure of the Holy Roman Empire are entirely omitted in both of their accounts. 1648, previously a cornerstone of German history, had now evolved into a story of utmost importance to the history of international relations. By internationalizing the narrative, Gross and Morgenthau were able to effectively silence the nationalist connotations that the story had carried for over a century, while maintaining the importance of the event.

The shift in geographical scope of the Westphalia story was largely determined by the content of the narrative itself. Gross and Morgenthau, unlike their predecessors who wrote on German history, were writing on the genesis of international relations, and consequently posited the subject of their inquiry in relevant geographical terms. Similarly, as legal scholars interested in the attempts made to regulate the anarchic realm of the inter-state system, Gross and Morgenthau had a profound interest in ‘precedence cases’ of international systems. The shift in narrative focus caused by the differing interests of the authors thus explained the shift in scope. However, it is particularly intriguing that Gross and Morgenthau’s narratives omit any impact the treaties may have had on the Empire, or how the Empire’s altered structure affected the international system; after all, it was this aspect of the mythos that had dominated previous discourses on Westphalia. The decision to ignore the treaties’ impact on the Empire, and thus to de-nationalise the story of Münster and Osnabrück was likely more than merely a stylistic choice. In the wake of the Second World War, denationalizing the Westphalia narrative was not merely a question of interpretative semantics, but a conscious political statement. This was a common theme amongst émigré scholars. German-Jewish historian Fritz Stern explained in his autobiographical work *The Five Germanies I have Known* (2006) that he purposely framed his studies on Germany in a European
context in order to take away the narrative’s dangerous nationalist connotations.\footnote{Fritz Stern, *Five Germanies I have Known: A History & Memoir* (New York: Macmillan, 2006), 235-237.} In the aftermath of World War I, the power of historical revisionism had been exemplified by the revanchist ‘Dolchstosslegende’ [Stab-in-the-back-myth] of Versailles which had fuelled German nationalism and militarism in the interwar years, ultimately contributing to Hitler’s rise to power.\footnote{Lorna Waddington, *Hitler’s Crusade: Bolshevism and the Myth of the International Jewish Conspiracy.* (New York: IB Tauris, 2007), 19. The ‘Dolchstosslegende’ stipulated that ‘the Jews’ together with ‘the Bolsheviks’, were responsible for Germany’s defeat, rather than, say, the Prussian militarist aristocracy who had driven Germany into the war.} Westphalia had been the iconic wrong done to the German nation, and the story was therefore a narrative embodiment of the nationalist mindset. By ending the German ‘monopoly’ on the history of Westphalia, Gross and Morgenthau consciously undermined German nationalist thinking. The alternative interpretation they offered, that Westphalia was not a collective injustice or punishment for the Empire but marked in fact the origins of an international community based on equity and the equality of states, changed the meaning of the treaties abruptly. It challenged the notion of Germany as a uniquely mistreated nation and questioned the underlying historical assumptions upon which German nationalist doctrine had rested ever since Woltmann’s writings.

**The Road to War**

Any inquiry into the evolution of the historical perspective on the Westphalia Mythos must begin by examining representations of the origins of the Thirty Years War. Nationalist historiography asserted that the war of 1618 was the work of three culprits: the ‘Austrian’ Emperor Ferdinand II, the Catholic Church led by Pope Urban VIII, and the King of France Louis XIII, along with his chief advisors Cardinal Richelieu and Cardinal Mazarin. Blinded by their ambition and desire for total power and control over Germany, they burned an entire continent to ashes. Not
every aspect of this oversimplified interpretation was discarded by Gross and Morgenthau. However, rather than focusing on the individual culprits of the conflict, they framed the road to war in more conceptual terms, as ideological fervour in the form of religious intolerance.

Leo Gross described the Westphalian treaties as the end of the medieval world, which he defined as “a Christian commonwealth […] governed in the spiritual and temporal realms by the Pope and Emperor”. When across Europe, but predominantly the Empire, uprisings “against the universalistic claims of both Emperor and Pope was on foot”, the “combined impact of these centrifugal forces could not, in the long run, be resisted solely by the writings of the defenders of their authority”, resulting in a military crack-down by the Emperor. Assessing the cataclysmic forces responsible for this, Gross concluded that “the Thirty Years War had its origin […] in religious intolerance”. After thirty years of unimaginable destruction, Europe “threw off the external shackles of Pope and Emperor” by concluding a peace treaty that “consecrated the principle of toleration by establishing the equality between Protestants and Catholic states and by providing some safeguards for religious minorities”, and “affirmed the existence of an autonomous system of rules of law distinct from the precepts of religion”.

Hans Morgenthau mirrored Gross’ interpretation of the political situation prior to 1648. However, even more so than Gross, Morgenthau framed the origins of the War in thematic terms and shied away from individualizing blame. He argued that on the eve of the Thirty Years War, Europe was a continent that had been immensely destabilized by the Reformation and the zealous nature of its religious leaders. The desire of several rulers to “impose [their] religion as the only

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102 Ibid., 30, 28.
103 Ibid., 21.
true one upon the rest of the world” resulted in catastrophe. It took “a century of almost unprecedented bloodshed, devastation, and barbarization […] to convince the contestants that the two religions could live in peace”. The peace conferences of Münster and Osnabrück that were called to end the fighting thus faced the challenge of bringing about a fundamental shift in worldview, one in which the ‘other’ was not only accepted and tolerated, but given inviolable rights rather than be threatened with annihilation. Harmony then returned to Europe after “the Treaty of Westphalia brought the religious wars to an end and made the territorial state the cornerstone of the modern state system”. Commenting on the overarching historical trend of the seventeenth century, Morgenthau concluded that the treaties of 1648 had created a “framework of shared beliefs and common values, which imposes effective limitations upon ends and means of their struggle of power”, in opposition to the previous system which had been marked by fundamental differences in beliefs, varying sets of values, and a lack of effective control of violence. The treaty thus represented the victory of political rationalism over ideological zeal as the foundation of international relations. To both Gross and Morgenthau, Westphalia was ultimately as much a religious peace as it was a political settlement. The Thirty Years War, the culmination of religious intolerance, came to an end through a settlement enshrining religious freedom and secularizing politics as well as relations between states. However, while religion was thus effectively removed from the political realm, Gross and Morgenthau were worried that other ideologies could take its place and polarize the international system once again.

Morgenthau and Gross saw clear parallels between Christian denominations in the seventeenth century and the ‘secular religion’ of the twentieth century, nationalism. By the late

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105 Morgenthau, Politics Among Nations, 439.
106 Ibid., 439.
107 Ibid., 231.
108 Ibid., 214.
1940s the memory of the destructive nature of nationalist fervour was still fresh. Similarly, the
fault lines of the Cold War were drawn along ideological lines, capitalism and democracy versus
communism and dictatorship, instead of geopolitical reasoning. US foreign policy had been
structured to ‘contain’ the spread of communism. Meanwhile it was feared that Joseph Stalin was
eager to bring communism to all corners of the earth, and not without just cause.109 By spring 1948
the demise of the Republic of China at the hands of Mao was all but inevitable, making the spectre
of a global ideological showdown a probable event.110 It was in an attempt to make sense of this
new reality of international relations that Gross and Morgenthau turned to the seventeenth century.

To Hans Morgenthau, the political problems of the past had direct and immediate relevance
in the present. He argued that “as the religious wars of the latter sixteenth and of the first half of
the seventeenth century were followed by the dynastic wars of the latter seventeenth and eighteenth
century, and as the latter yielded to the national wars of the nineteenth century and early twentieth
centuries, so war in our time tends to revert to the religious type by becoming ideological in
character”.111 This assertion was for Morgenthau no mere figure of speech. In fact, he made this
argument in several of his other works. For example, in The Origins of the Cold War (1970) he
reiterated this point arguing that the ideological convictions of communism “transformed an
impasse between national states into a religious war”.112 He also observed that ideological zeal had
again taken hold of the international system as “Foreign policies transformed themselves into
sacred missions. Wars were fought as crusades, for the purpose of bringing the true political
religion to the rest of the world”.113 Morgenthau was clearly making an argument about the dangers

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109 Simms, Europe, 405-409.
111 Morgenthau, Politics Among Nations, 119.
112 Morgenthau, The Origins of the Cold War, 76.
113 Morgenthau, Politics Among Nations, 77.
of ideological zeal, likening “communism, fascism, and Nazism, as well as Japanese Imperialism” to the religious fervour of the seventeenth century.\textsuperscript{114}

Leo Gross, as a legal scholar more than a political theorist, made less overt claims; yet his emphasis on the ideologically intolerant attitudes of European populations in the seventeenth century suggests that his interpretation was also motivated by his contemporary fears. He had argued that the Thirty Years War had been the product of “religious intolerance” and, summarizing the course of the modern state system, had concluded that over the course of the centuries “[T]he ideological conflict has lost little of its virulence, and periods of ‘thaw’ and ‘freeze’ have altered”.\textsuperscript{115} To Gross, the international system had not given up its ideologically-charged character; religion had merely been replaced by more materialistic ideologies. He argued that the forces that had driven Europe to war in 1648 had evidently disappeared temporarily only to return, a process that could repeat itself at any moment. He feared that the world around him, so ideologically entrenched with each side viewing the other as supreme evil, was as “incapable of dealing with the ideological conflicts, the clash of different and hostile social, economic, and political systems, and the rival claims of haves and the have-nots”, as the League of Nations had previously been.\textsuperscript{116} Much like Morgenthau, Gross perceived and presented the period prior to the Thirty Years War as a parallel to his current times.

The subsequent interpretation of the treaties of Münster and Osnabrück as creating permanent peace settlements, resolving ideological issues were clearly influenced by the political advice Gross and Morgenthau wished to impart to their audience. Hans Morgenthau and Leo Gross were not rigid ideologues, rather their writings were dedicated to examining the realm of

\textsuperscript{114} Morgenthau, \textit{Politics Among Nations}, 66.
\textsuperscript{115} Gross, \textit{Essays on International Law and Organization}, 179.
\textsuperscript{116} Ibid., 368.
international relations and international law with the desire to find a way to stabilize the increasingly fragile post-Second World War order and avoid another conflict. By presenting the Thirty Years War as a creation of general ideological zeal, rather than the product of any group or a single actor, Gross and Morgenthau provided a warning to their contemporaries. Belief in the superiority of one’s principles and values, and the desire to base foreign policy on the will to universally impose these values, had brought war and terror of unimaginable magnitude in the past; therefore, it could just as easily happen again. Whatever the aspirations, ambitions, attitudes, or plans of Emperor, Pope, Princes, and Kings may have been, they were ultimately unable to prevent war from breaking out. The message Gross and Morgenthau no-to-subtly wished to convey to their American readers was that ultimately neither they nor their Soviet counterparts would be able to avoid war once the forces of ‘political religions’ were set in motion. However, more so than just issuing a warning, Gross and Morgenthau actively advocated for a solution to this dilemma; after all, “the attempt to impose one’s own religion as the only true one upon the rest of the world is as futile as it is costly”. The interpretation of the Westphalian treaties as fundamentally changing the nature of foreign politics is more than a subtle hint about what had to be done in Cold War international relations. The narrative shift on the origins of the Thirty Years War was therefore rooted in Gross’ and Morgenthau’s present realities and reflects their response to the political anxieties they faced.

From the Westphalian Imposition to a Philosopher’s Congress

German nationalist historiography was marked by a high degree of Francophobia; the narrative on the Westphalian treaties was no different. In their eyes, French diplomats at Münster coerced the Empire into accepting terms leading to its political debilitation and the transfer of some of its westernmost provinces to the house of Bourbon. And at Osnabrück it was Sweden, France’s northern pawn, that took advantage of a ravaged Empire. Within this narrative, the Empire remained passive while France took the active role of determining the post-war order. Leo Gross and Hans Morgenthau departed drastically from this plot. At no point did they suggest that the settlements of 1648 were the product of cold-blooded political opportunism by the King of France; instead, they argued that the treaties were the political manifestation of both a changing geopolitical reality and a changing worldview.

Gross’ study of the Westphalian treaties departs fundamentally from preceding narratives insofar that he paid little attention to the individual clauses of the treaty or its immediate impact on the political status of Europe. He acknowledged that the decentralization of Imperial power weakened the Emperor, but emphasised that “the Peace merely finally sealed an existing state of affairs”.119 He argued that “of even greater importance than these particular aspects of developments of the Treaties of Osnabrück and Münster were the general political ideas” that were enunciated there.120 Such ideas had already been developed by Renaissance thinkers who had foreseen the dangers of universalism and denounced it in favour of a pluralist system of states, held in equilibrium through a carefully calibrated balance of power.121 He argued that, while the intellectual and theoretical framework had “evolved prior to 1648, the peace of Westphalia first

120 Ibid., 28.
121 Ibid., 25-27.
illustrates its application on a grand scale”. The narrative about the iconic treaties thus shifted away from viewing them as a French imposition to regarding them as the manifestation of a new political understanding, the universal acceptance of political pluralism. For Gross, sixteenth-century political philosophers such as Francisco de Victoria, Alberico Gentili, Francisco Suarez, and Jean Bodin, had pioneered this theory and, ultimately, had provided the intellectual impetus for Westphalia. The settlements of Münster and Osnabrück are thus reframed as a congress of diplomats who consciously applied the doctrines of Europe’s leading political theorists to create a new world order that would yield a lasting peace.

Hans Morgenthau’s narrative closely mirrored Gross’ on the question of what the Westphalian treaties constituted. Remarkably, he paid no attention to the immediate political concerns of the warring parties. The historical context of the ongoing Bourbon-Habsburg feud is thus entirely omitted. Instead, Morgenthau emphasised the philosophical context of Westphalia pointing out that “Hugo Grotius’ On the Law of War and Peace, published in 1628, is the classic codification of that early system of international law” which was subsequently “securely established in 1648”. The treaties are thus effectively reframed as documents produced after careful discussion of a political theory and as a result of rational thought; this is an enormous departure from the nationalist interpretation that had presented emotions of vengeance and deceit as the guiding forces at Münster and Osnabrück. Discussing the legacy of Grotius more broadly, Morgenthau stipulated that he had shaped seventeenth-century discourses on war, diplomacy, state power and state relations; all aspects which would come to subsequently form part of what Morgenthau called the ‘international system’.

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123 Ibid., 34-35.
125 Ibid., 424, 210, 442.
the Westphalian treaties were a political imposition and insisted on consensus and the conscious restructuring of international affairs based on established political philosophy.

The Westphalian Treaties were signed by kings, princes, and a range of other ruling aristocrats who were mostly motivated by very mundane goals. Yet this aspect is missing from Gross’ and Morgenthau’s narrative. In fact, they ignore the individual parties involved. The narrative thus evolves from a story about personal and political rivalry into a story about the conscious reform of the international system. The absence of excessive criticism of France is no surprise either. Gross and Morgenthau, unlike German nationalists, were not preoccupied with casting France as the villain, the arch-enemy of the German nation, or a danger to international peace. Conceived in the aftermath of two world wars and shortly after the founding of the United Nations, a time in which the international system was once again facing serious challenges, Gross and Morgenthau’s representation of the past was undoubtedly guided by their present concerns and realities. The emphasis on the political ideals that were supposedly manifested at Westphalia closely paralleled the political context within which they were writing. The ‘universalist’ attitudes of Pope and Holy Roman Emperor, called to a halt by the diplomats at Westphalia, who had all apparently carefully read their Grotius, mirrored both Hitler’s and Stalin’s ambitions.126 The lessons of the 1919 Treaty of Versailles had taught Europeans that weakening a defeated power was no guarantee for a lasting peace; and neither would appeasement through territorial concessions.127 The road to peace and stability thus did not lie in territorial concessions to the defeated, but rather in the conscious reform of the international system based on a set of accepted principles that were outside the ideological forces at war with one another.

126 Simms, Europe, 362-363.
The mid twentieth-century transformation of the Westphalian narrative was therefore motivated by a desire to find a historical precedent in which a reform of the international system had yielded the desired outcome. By that point, seventeenth-century European geopolitics had become obsolete and meaningless. The preeminent danger to European stability, the enduring Franco-German rivalry that had dominated four hundred years of the continent’s political history, had finally been solved.\textsuperscript{128} However, what remained of interest to scholars was the underlying ideological change that had transformed European international relations and produced a considerable degree of political stability. The acute insistence on the fact that the ideals enshrined at Westphalia were those of the day’s leading political, philosophical, and legal theorists, was to some degree self-advertisement on the part of modern political scholars. After all, both Gross and Morgenthau, themselves among the leading legal and political thinkers of their day, were not merely writing for an academic audience but also sought to influence policy decisions. By highlighting the impact Grotius and Bodin had on the Westphalian treaties, but neglecting to mention Johan Salvius, the chief negotiator of queen Christina of Sweden, or any other diplomats for that matter, Gross and Morgenthau were making a statement on who, in their eyes, the actual architects of peace and stability were.\textsuperscript{129} This becomes even more apparent when examining the political ideals and values highlighted in their narratives, such as the supremacy of state sovereignty, ideological pluralism, and the notion of an international system based on existing power relations rather than ideology, which Gross and Morgenthau shared with the thinkers they argued provided the intellectual impetus for the Westphalian settlements.\textsuperscript{130}

\textsuperscript{128} Simms, \textit{Europe}, 392.
The Westphalian Legacy: Chaos vs Order and International Law

Early Modern Europe was constantly at war. Civil war, religious strife, imperialist ambitions, or the simple opportunism of princes ensured that on some part of the continent fighting ensued. Of the many wars that were fought, and the many treaties that were signed to end them, none have been given the level of attention that the treaties of Münster and Osnabrück have been awarded. The Westphalian treaties achieved their iconic status through narratives emphasising their legacy beyond merely ending the Thirty Years War. Within nineteenth-century German historiography the legacy of the Westphalian settlements was one of destruction. The Empire had been rendered obsolete as a political unit; unable to expand or properly defend itself, it was a mere corpse of a state that routinely fell prey to its enemies. Ranke in particular insisted that the Westphalian treaties did not have a stabilizing effect on Europe. Rather the weakness of the Empire served as the basis for subsequent wars and continued conflicts. Gross and Morgenthau’s interpretation of the legacy of the Westphalian treaties is markedly different. Both authors argue that 1648 actually marked the beginning of an international framework centred around international law that ushered in a century of peace and stability.

In the opening pages of his article examining the Westphalian settlements, Leo Gross argued that their defining legacy was that they presented a serious attempt to create some degree of “world unity on the basis of states exercising untrammelled sovereignty over certain territories and subordinated to no earthly authority”. Its framework represented “the starting point for the development of international law” and “thereby established a precedent of far reaching importance.” In fact, he contended that all significant international treaties in the subsequent

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133 Ibid., 22 and 26.
three centuries built on 1648. Gross argued that the constitution of the Germanic confederation in 1815, the treaty of Vienna in the aftermath of the Napoleonic Wars also in 1815, the Congress of Berlin in 1878, and the creation of Poland after the First World War all adhered to and echoed the principles articulated in the Westphalian settlements, merely continuing the line of political thinking established there rather than presenting any drastic innovation.\textsuperscript{134} While the treaties of Münster and Osnabrück did not bring about world peace, the legal aspects of the treaties brought a certain degree of stability and security to Europe by providing “provisions for a moratorium of war, the settlement of disputes by peaceful means, and for individual and collective sanctions against the aggressor”.\textsuperscript{135} The interpretation of the political status in post-1648 Europe thus shifted from chaos on account of political pluralism to order through international law. Although such a conclusion may seem quite natural for a legal scholar, it was a tough position to argue in 1948 given the most recent failures of international law to uphold peace.

This narrative pivot outlined in Gross’ writings can also be observed in Morgenthau’s study of the Westphalian treaties. Much like Gross, he argued that the “rules of international law laying down the rights and duties of states in relation to each other […] were securely established in 1648”.\textsuperscript{136} This feat was accomplished by binding together the states of Europe within a “framework of shared beliefs and common values”.\textsuperscript{137} The new system in which the international order was maintained by the shared principles of international law lasted “from the Treaty of Westphalia to the Napoleonic Wars and then again from the end of the latter to the First World War”.\textsuperscript{138} Assessing the impact the creation of an international system based on law had on Europe, Morgenthau

\textsuperscript{134} Gross, “The Peace of Westphalia, 1648-1948,” 22-23.
\textsuperscript{135} Ibid., 25.
\textsuperscript{137} Ibid., 193.
\textsuperscript{138} Ibid., 193.
concluded that during the “years of its existence international law has in most instances been scrupulously observed”. The period following the Thirty Years War was thus one not marked by chaos, but one in which states accepted both limitations on their power and the rights of other states to exist, regardless of ideological or religious differences. The legacy of the Westphalian settlements in Morgenthau’s interpretation is thus, much like Gross’ reading, diametrically opposed to what German historians had been arguing for previous decades.

The origins of this evolution of the Westphalian Mythos lies again in the changing context within which each narrative was created. Nineteenth-century German historians were writing from a nationalist point of view; the narrative they constructed centred on the German state and its political predecessors. The political pluralism that emerged after 1648 was thus seen as the origin point for any subsequent conflicts that befell the Empire. Gross and Morgenthau were not writing from a primarily German perspective at all, but rather from a cosmopolitan one. In fact, by 1948 both were US citizens and certainly did not wish to return to Europe. Having directly and personally suffered from the Nazi regime, neither of them felt any sense of belonging to a German state. Furthermore, the subject of their interest was not the future German state or the Holy Roman Empire, but the international system of early modern Europe with a particular emphasis on its legal aspects. The reflection that Westphalia ushered in a period of stability was thus not a commentary on the state of the Holy Roman Empire, but the framework of international affairs which guided the actions of state actors. The political context of the post-war period certainly played a role in shaping this reading of the Westphalian settlements. Implicitly, Gross and Morgenthau were directing the attention of their readership to the importance of systemic change

139 Morgenthau, Politics Amongst Nations, 212.
in order to create stability. Pressing issues such as the post-war integration of a new German state into the international system, the gradual dismantlement of the remaining European empires, and the possible confrontation of Soviet and American interests, dominated Cold War discourses.\textsuperscript{141} Avoiding the escalation of peripheral strife into total war required an established framework of international affairs. The narrative of the legacy of the Westphalian treaties thus evolved and revolved specifically around the lessons its authors wished to draw and the purpose they could serve in the present. Given the multitude of scopes from which these lessons could be drawn, the narrative was able to shift drastically and move into a diametrically opposite direction.

The emphasis on the creation of International Law at the 1648 settlements within the political science narrative raises one more question. Why did Gross and Morgenthau stress that it was ‘law’ that was created? Westphalia yielded no international court, nor did any signatories pledge themselves to adhere to a certain code of conduct; at best, it provided the Empire with a new internal framework.\textsuperscript{142} In fact, seventeenth-century scholars certainly did not perceive the 1648 treaties as having created some sort of legal system governing interstate relations. The Empire’s leading legal scholar and philosopher during the late seventeenth century, Samuel Freiherr von Pufendorf, argued in his magnum opus \textit{On the Law of Nature and Nations} (1672), that in the current system of states there was no positive, that is man-made, international law amongst nations.\textsuperscript{143} Rather, Pufendorf claimed, states interacted with one another based on the eternal moral principles of the law of nations that were dictated by reason alone and not created by an assembly or a treaty.\textsuperscript{144} Gross and Morgenthau were thus openly contradicting well-known

\textsuperscript{141} Reynolds, \textit{From World War to Cold War}, 291-302.
\textsuperscript{144} Peter Schröder, \textit{Trust in Early Modern International Political Thought} (Cambridge: Cambridge University Press, 2017), 89-92.
previous scholarship without providing any real argument why the previously held belief should be rejected and their position adopted. They were consciously making an argument that would be difficult to defend intellectually, when they could have simply argued that, following the Westphalian treaties, states acknowledged certain rules. That argument would have been more easily maintained. Again, the period within which Gross and Morgenthau were writing, as well as their disciplinary background as legal scholars, provide guidance into the possible motivation of the authors. In the wake of the Nuremburg trials (1945-1946) and the creation of the United Nations, international law experienced a renaissance. Gross and Morgenthau had some reservations about the ability of international law to serve as the sole guardian of peace and stability, but certainly were adamant advocates of law as an integral component of the international system. However, memory of the League of Nation’s inability to enforce its legal framework when confronted with hard power, and the failures of the Kellogg-Briand Pact (1928) to provide a legal solution to end armed conflict, had emboldened critics of international law and created the perception that it would be utterly ineffective. By arguing that Westphalia had stabilized Europe after the destruction of the Thirty Years War through the application of international law, Gross and Morgenthau made the case for international law as the backbone of the emerging post-war era. By rooting the origin of international law within these treaties, and showing their legacy unfold over the subsequent three hundred years, Gross and Morgenthau provided international law with a genesis story and a genealogy. The evolution of the Westphalian Mythos reveals then that narratives not only evolve depending on the changing context authors write in, but are also influenced by the points they want to make about the times they are writing in and the message

146 McQueen, *Political Realism in Apocalyptic Times*, 165.
they want to convey. In this case study, these forces of historiographical creation have transformed the historical perspective of the story of Westphalia from a nationalist tale of a historic wrong to a story on the origins of modern international relations. However, the myth of 1648 did not evolve only through a shift in historical perspective; it also saw a dramatic change in the narrative voice and a transformation in the underlying message the narrative aimed to impart on its audience.

From a ‘National Catastrophe’ to the ‘Majestic Portal’: A Change in Narrative Voice

Scholars have ignored the rapidly changing attitude of writers on Westphalia, even though this is a most significant and overt transformation. The treaties of Münster and Osnabrück stand proxy for injustice and treachery in nineteenth-century literature and are denounced as the source of all subsequent ills that befell the German nation. As previously discussed, German historians used powerful language to underline the emotional resentment they felt towards these treaties. Treitschke argued that the Empire, post-Westphalia, was “smashed into pieces” [Trümmerstücke]; Ranke opted for the “rape” [Vergewaltigung] of Germany; and Holzwarth saw in them the political embodiment of the Anti-Christ, just to recall the most vivid descriptions. This fundamentally negative attitude with which nationalist historians engaged with the topic they studied gave way to the calm admiration with which political scientists looked upon the treaties.

The positive connotations Morgenthau associated with them is hard to miss. He argued that “if there was to be at least a certain measure of peace and order in relation among such entities [states] […] there must be certain rules of conduct defined beforehand”; fortunately, “these rules of international law were securely established in 1648”.

148 Treitschke, Deutsche Geschichte im 19ten Jahrhundert, 6-7; Ranke, Französische Geschichte, 462; Holzwarth, Weltgeschichte, 2. Translations by the author.
contemporaries the ‘new’ modern and sovereign state “could not be explained by the medieval theory of the state. The doctrine of sovereignty elevated them into a legal theory and thus gave them [...] moral approbation”.\textsuperscript{150} It is evident that Morgenthau was sympathetic to the legacy of the Westphalian treaties. Gross’ writings reveal a little more about his emotional relation to the historical event. He described the treaties as “the majestic portal which leads from the old world into the new”. For him, the old “medieval world was characterized by a hierarchical conception of the relationship between the existing political entities on the one hand, and the Emperor on the other”. Meanwhile, the new one was defined by “the notion that all states form a world-wide political system” which “rests on international law and the balance of power”.\textsuperscript{151}

The shifts within the characterization of Westphalia create a shift in narrative consciousness that can be explained through Morgenthau’s and Gross’ personal experiences prior and during the Second World War. Neither reveal any particularly anti-German sentiments, a fact that has not escaped scholars such as William Scheuerman and Alison McQueen.\textsuperscript{152} However, a fractured, politically disabled Germany struck both authors, like many contemporaries, as the preferred alternative.\textsuperscript{153} They acknowledged the decentralization of the Empire’s power structure following Westphalia, yet focused on the positive development this had in the seventeenth and eighteenth century, particularly in regards to religious liberties and political pluralism.\textsuperscript{154} The enthusiastic optimism that Gross’ and Morgenthau’s accounts associate with the 1648 treaties did not merely represent changing attitudes about German nationalism. After all, nationalist stories

\textsuperscript{150} Morgenthau, \textit{Politics Among Nations}, 243.
\textsuperscript{152} Scheuerman, “Carl Schmitt and Hans Morgenthau: Realism and Beyond,” 86-88; Alison McQueen, \textit{Political Realism in Apocalyptic Times}, 163.
\textsuperscript{153} Alison McQueen, \textit{Political Realism in Apocalyptic Times}, 149; Jervis, “Hans Morgenthau, Realism, and the Scientific Study of International Politics,” 855.
had fuelled nationalist sentiments as much as they had been sustained by them. By changing the narrative consciousness, Gross and Morgenthau were taking ownership of the narrative away from nationalists. Westphalia remained iconic within collective memory after the Second World War, not for spelling Germany’s doom and demise, but rather for marking the genesis of peace and order in war-torn Europe. This process was amplified through the specific language Gross and Morgenthau used. Introducing the notion of Westphalia as marking the beginning of ‘sovereign equality’ and ‘balance of power’ turned the treaties into symbols of nation-to-nation egalitarianism, with no concrete winner and no direct loser. This underlying transformation was so powerful that by the 1970s the term ‘Westphalian’ had become synonymous with an understanding of inter-state egalitarianism.155

This example is the most obvious change in the Westphalian mythos and the root cause of this development is almost self-explanatory. However, precisely because of its self-evident nature, it illuminates the ease with which authors are able to appropriate existing narratives and reinterpret certain aspects of the story to fit contemporary needs and reflect a new political consensus. As Andrew Norman has argued, the depiction of the past within a story is always relative to the context; however, what the example of Westphalia demonstrates is that the emotional undertones that infuse a narrative with a consciousness can change and transform its meaning, even if the underlying historical assumption, in this case the decentralization of power within the Empire, remains static.156 The emotions associated with a past event that are carried, amplified, and perpetuated by a historical narrative have as decisive of an impact on shaping our perception of the past as does the story itself. The evolution of the Westphalian Mythos, that morphed from a

155 Schmidt, “To Order the Minds of Scholars,” 613.
story about national shame into a tale of stability, tolerance, and the beginning of international law and a community of states, demonstrates that interpretations about the past are not set in stone, passed on unchanged from one generation of scholars to the next, but are fluid and can be subject to rapid change.

However, not all aspects of the evolution of the Westphalia story were a direct response to previous narratives. In fact, the realities of 1948 guided the changes in the narrative as much as Gross and Morgenthau’s past had. It is common for political historians to illuminate parallels between past and present. After all, nineteenth-century German historians were seemingly exclusively motivated by current geopolitics. Likewise, Gross’ and Morgenthau’s depiction of the Westphalian Treaties and Europe following the Thirty Years War matches that of the world in 1948 exceptionally closely. Ironically then, both sets of authors were making an underlying ideological argument that directly related to their immediate present, yet as the context within which the narratives changed so did their underlying ideological foundations. The nationalist tale of Westphalia was a call to action, to right a historic wrong and to expose and expel the French from Germany’s lands once and for all. The underlying ideological message of Leo Gross and Hans Morgenthau could not be more different. Theirs is a story of continuity, calm, and acknowledgement of the positive outcomes of Westphalia. As explained previously, Gross and Morgenthau were early proponents of Realist theory in international relations. Rather than provide a history of the Peace of Westphalia or provide an in-depth study of the history of international relations throughout the previous centuries, they used the story of Westphalia to demonstrate that the principles articulated in Realist political thought had in fact already governed the course of international relations for the past three centuries. This, of course, could only be accomplished by emphasising the parallels between 1648 and 1948, as well as the role of Westphalia in shaping
everything that happened in between. For example, when Gross and Morgenthau argued that the legacy of the Westphalian treaties was maintained by a balance of power, they were providing a historical example when that principle had created peace in the past and could ultimately preserve it in the present.\textsuperscript{157} The narrative of Westphalia thus evolved from a historical study into a case study exemplifying realist political theory. Hence, the underlying message is not that Westphalia had to be undone, like the nationalists had suggested, but on the contrary that it had to be upheld and improved upon in order to bring peace and stability to the post-war world.

\textbf{The Death of a Narrative and the Survival of Another}

As Joachim Whaley has pointed out, German historians writing in the immediate aftermath of the Second World War carefully avoided the Westphalian treaties, lest they stir up the emotions of the nation like Treitschke and Woltmann had.\textsuperscript{158} It was not until the 1970s that German historians carefully reassessed the legacy 1648 with the ultimate goal to prove that it was not the watershed moment in the Empire’s history that previous generations of scholars had made it out to be. However, Gross and Morgenthau were writing in the United States; their audience was largely removed from previous discourses on Westphalia and thus a blank slate with no preconceived notion of the event. The fact that the Westphalian treaties maintained their iconic status throughout the twentieth and into the twenty-first century in Anglo-Saxon political science scholarship thus owes much to the fact that Gross and Morgenthau changed the meaning of Westphalia and were writing at an opportune time. As Sebastian Schmid has pointed out, it was in large part thanks to them that by the 1970s the term ‘Westphalian system’ had become a \textit{terminus}


\textsuperscript{158} Whaley, \textit{Germany and the Holy Roman Empire}, 5-7.
technicus within the political science discipline which, as Stephan Krasner laments, still prevails. Furthermore, Gross and Morgenthau were authorities in their fields and their works quickly became standard, classic texts, attracting a vast readership among politicians, academics, as well as laymen. Moreover, academic overspecialization and disciplinary fracturing drove a wedge between the work of political scientists and historians, allowing Gross and Morgenthau’s representations of the Westphalian treaties to virtually monopolize scholarly and public discourse on the subject. Their writings served as the foundation for any subsequent literature on Westphalia and are still widely cited until this day.

The evolution of the Westphalia Myth in political science illustrates that post-war politics not only shaped Gross’ and Morgenthau’s interpretation and depiction of the past, but also helped perpetuate their narrative and marginalize alternative readings of the past. Their narrative thus did not necessarily prevail and dominate discourses on the 1648 settlements because it offered something fundamentally new or approached the topic from a vastly novel angle, but because it corresponded to and was perfectly aligned with the post-war mindset and world view. Reflecting on the evolution of historical narratives in general terms, this case study indicates that scholars must not only consider the impact of historical context on historiographical creations, but also the role of historical context in creating a hierarchy amongst narratives. Competing interpretations of a historical event are thus maintained, or forgotten, depending on their ability to serve the present political ideals of the reader. Similarly, narratives transform and evolve in order to remain relevant or to draw a new lesson from a well-known historical story. As present realities fluctuate and create

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new needs, fears, and anxieties, new narratives about the past emerge and evolve to address these issues.

**Conclusions**

Considering the acute variation between academic narratives about the 1648 treaties, a revision of the contemporary conceptualizations of the Westphalian Mythos is in order. Rather than dealing with one single myth that originated in nineteenth-century German historiography and was adapted by and evolved within twentieth-century political science, scholars are in fact dealing with a second myth. The political science narrative of the treaties of Münster and Osnabrück began when Leo Gross and Hans Morgenthau examined the Westphalian treaties and used their interpretation as a genesis story for mid-twentieth-century foreign political realism. If the historical framework of the Westphalia story was maintained, Ranke and Woltmann like Gross and Morgenthau argued that the 1648 treaties devolved key powers from the Emperor to the Empire’s princes, but the unique historical perspective, narrative consciousness, and underlying ideological assumptions tied to the story, fundamentally shifted after the Second World War.

No author of history can ever see the past clearly, in fact they cannot have access to it. Rather, the past is perceived through a kaleidoscope, which creates a unique depiction of what it seeks to represent; like the toy, the depiction of the historical story shifts, evolves, and transforms with every turn. The ‘mirrors, lenses, and glass shards’ of this historiographic kaleidoscope that have created and transformed the Westphalian mythos in the nineteenth and twentieth century are the political context, academic and disciplinary trends, intellectual debates, as well as personal and professional experiences of scholars. No single factor creates or transforms a historical story; rather, all of these combined, shape how authors perceive and represent the past, at times
independently from and in contradistinction to previous versions of the same story. Leo Gross and Hans Morgenthau’s version of history in “The Peace of Westphalia, 1648-1948” and Politics Among Nations are thus ultimately not only a depiction of the past, but even more so a reflection of their perception of the world in their own times.

This case study ultimately reveals the power of historical context within academic creation and the need to recognize narrative discrepancies. The unique relationship of a scholar to his or her own past thus inevitably gets lost if we merely chart the evolution of an idea, side-lining those who created it and in what context they wrote their narratives. Stories about the past are in constant flux and perpetual evolution. However, these changes do not come about by rejecting or favouring one interpretation over another. Rather, our understanding of the past changes according to the emphasis scholars place on certain aspects of a complex picture. This process by which authors either consciously or subconsciously diverge and change the historical perspective of a story is determined by the context within which they are writing. Tales of the past then do not survive or die by the assessment of their historical accuracy, but by the meaning ascribed to them and the relevance they have for their readership. Contextual forces not only produce new interpretations, they also serve as a lens through which past narratives are perceived. The emerging hierarchy amongst historiographical texts ultimately determines which story prevails or holds precedence in our memory of an event or person. Intriguingly, the most pronounced shift in a narrative can occur not by what is being said, but by how and why something is being said. For Leo Gross and Hans Morgenthau, taking ownership of the Westphalian myth that had been dominated by nationalist discourses was a political statement. The relationship between historical context and historiographical creation should therefore not be viewed like the ‘invisible hand’ that acts like an inanimate force changing our understanding of the past. Rather, the historical context serves as the
setting and provides the rationale within which authors consciously construct their narratives to make a statement about their present times.

Beyond illustrating the power of historical context in historiographical creation, this case study has illuminated the danger of trying to essentialize and theorize political history. As Henry Kissinger put it, “history is not a cookbook offering pretested recipes”.

161 Scholars who are determined to distil a theory of human or state behaviour out of history will find an answer, but one that is certainly biased and flawed and which misconstrues the past. Following a wave of extended historical research into the legacy of the 1648 treaties following the 350-year anniversary of their signing in 1998, historians have rejected almost every aspect of Gross and Morgenthau’s narrative. Westphalia did not mark the beginning of international law, nor found a system of sovereign states, nor was it the work of scholastic diplomats but simply the product of seventeenth-century geopolitics. Of course, this does not mean that scholars should ignore patterns of human behaviour or even make history irrelevant for political science. If anything, political science could benefit from a return to a more historical approach. It encourages us to look at specific events and see what individual lessons can be drawn from them. After all, attempting to summarize three hundred years of European political history into a ‘scientific’ theory did not yield any greater understanding of the past. Ultimately, the resilience of the Westphalian Mythos in political science should encourage historians to write outside of their discipline as well. The list of authors who have criticised and challenged the Westphalian Mythos number the hundreds – but only within historical journals or history books. As academic disciplines continue to fracture and drift apart,

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historians should dare to share their research with other disciplines in order to challenge miss-constructed interpretations of the past and engage in the transformation and evolution of historical narratives on a wider level.
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