

# Chapter 1

## War, the State and International Law in Seventeenth-Century Europe<sup>1</sup>

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### From the Seventeenth to the Twenty-First Century – and Back

The seventeenth century is of particular importance for the study of the theory and practice of the modern state, of the system of international relations and of the question of war and peace. The pivotal significance of the developments of this time may be seen, for example, from the large number of studies and debates in political and cultural science, international law, philosophy, and social, economic and cultural history that have taken it as their subject.<sup>2</sup> It is striking that they often draw an open or implicit relation between developments and problems then and now. This became especially clear a few years ago in the commemoration of the 350th anniversary of the Treaties of Münster and Osnabrück, which brought the Thirty Years War to an end in 1648.<sup>3</sup> The peace settlement signalled the end of an era of state-building and confessional wars in that the following period saw the establishment of new structures and institutions that re-ordered social and international relations by means of modern state power.<sup>4</sup> Of the research and debates occasioned by this anniversary the same may be said as of those brought forth by the anniversary a few years before, celebrating the publication of Immanuel Kant's *Zum ewigen Frieden* in 1795. Both observances initiated a wave of writings, conferences and projects on

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<sup>1</sup> Translated from the German by Jonathan Uhlener.

<sup>2</sup> This pivotal significance may also be seen in the fact that most comprehensive historical interpretations take 1648 as a caesura and thus both reflect and reproduce the prevalent “mental map”. In distinctive contrast to this is Heinz Schilling's treatment of the period between 1250 and 1750 in *Die neue Zeit. Vom Christenheitseuropa zum Europa der Staaten* (Berlin, 1999).

<sup>3</sup> Cf. Heinz Duchhardt (ed.), *Der Westfälische Friede. Diplomatie – politische Zäsur – kulturelles Umfeld – Rezeptionsgeschichte* (Munich, 1998); Meinhard Schröder (ed.), *350 Jahre Westfälischer Friede. Verfassungsgeschichte, Staatskirchenrecht, Völkerrechtsgeschichte* (Berlin, 1999); Olav Moorman van Kappen, Dieter Wyduckel (eds), *Der Westfälische Frieden in rechts- und staatsrechtlicher Perspektive* (Berlin, 1999); Heinz Duchhardt (ed.), *La Paix de Westphalie: de l'événement européen au lieu européen de mémoire?* (Sigmaringen, 1999); James A. Caporaso (ed.), *Continuity and Change in the Westphalian Order* (Oxford, 2000).

<sup>4</sup> Heinz Schilling, “Der Westfälische Friede und das neuzeitliche Profil Europas”, in Heinz Duchhardt (ed.), *Der Westfälische Friede. Diplomatie – politische Zäsur – kulturelles Umfeld – Rezeptionsgeschichte* (München, 1998), pp. 3–32.

questions of the institutional and normative re-thinking of international law and peace that continues to have an effect today in interdisciplinary efforts and at the international level.<sup>5</sup> In spite of their often historico-political content and frequent instrumentalisation of their subjects, or precisely because of this, both these focal points of political, historical and philosophical debate are extraordinarily instructive. For after all, they are applicable and capable of being updated in a historico-political and ideological respect only because we can discuss through them fundamental problems of the present, whether in order to conceive these problems rationally or to transform them ideologically.

The forms and configurations of political, social, cultural and legal institutions and structures, especially as they developed and were consolidated in the Europe of the seventeenth century and were globalised in the second half of the eighteenth century, make up the common factual reference point of these scholarly and political debates.<sup>6</sup> Anglophone research in particular sums up these developments and transformations under the term “Westphalian order”. Here the Peace of Westphalia is a symbol for a specific set of new social and political actors, institutions and dynamics, and for the political, legal and philosophical forms in which they are to be conceived and framed. And it is precisely these structural and functional connections that have come to stand increasingly at the centre of current debates. It is this constellation, so the general tenor of articles on this debate show, that has been fundamental to modern and global relations into the second half of the twentieth century, but that in recent decades has fallen into a crisis of truly epochal character. For when basically new actors, structures and dynamics shape political, socio-economic and cultural action, all the forms, institutions and criteria used to organise, analyse and evaluate them must also be completely reconceived.

These connections among the structures and dynamics of the state, international relations and war in the seventeenth century, which are constitutive

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<sup>5</sup> On the debates over Kant, cf. Reinhard Merkel, Roland Wittmann (eds), *“Zum ewigen Frieden” – Grundlagen, Aktualität und Aussichten einer Idee von Immanuel Kant* (Frankfurt am Main, 1996); Matthias Lutz-Bachmann, James Bohman (eds), *Perpetual Peace. Essays on Kant’s Cosmopolitan Ideal* (Cambridge, Mass., 1997); Klaus Dicke, Klaus-Michael Kodalle (eds), *Republik und Weltbürgerrecht. Kantische Anregungen zur Theorie politischer Ordnung nach dem Ende des Ost-West-Konflikts* (Weimar; Köln, Wien, 1998); Gerd Wehner (ed.), *Von der ewigen Suche nach dem Frieden. Neue und alte Bedingungen für die Friedenssicherung* (München, 2000); Eric S. Easley, *The War over Perpetual Peace: An Exploration into the History of a Foundational International Relations Text* (Houndmills, Basingstoke, 2004).

<sup>6</sup> Cf. Heinz Duchhardt, “‘Westphalian System’. Zur Problematik einer Denkfigur”, *Historische Zeitschrift* 269 (1999): 305–15; Olaf Asbach, “Die Globalisierung Europas und die Konflikte der Moderne. Dynamiken und Widersprüche in der Theorie und Praxis der internationalen Beziehungen in der frühen Neuzeit”, in Sven Externbrink (ed.), *Der Siebenjährige Krieg (1756–1763): Ein europäischer Weltkrieg im Zeitalter der Aufklärung* (Berlin, 2008).

for an understanding of the relations and developments of the future as well as the present, may be exemplified by three, frequently interwoven strands of contemporary debate and research. Focused on these strands, the seventeenth century, and the turn of the twentieth century, appear to be both the beginning and the end of a specific historical epoch.

*From the Birth of the “Leviathan” to the End of the Nation-State*

Many current debates revolve round the question of the change or decline of the state and state sovereignty brought about by the process of globalisation. From the perspective of these studies and diagnoses (sometimes in combination with a more or less clear practical-political orientation), the seventeenth century in general and the symbolic year “1648” in particular stand for the establishment of the “modern state”. The crisis that followed upon the dissolution of the feudal-corporative order, overarched by imperial rule and *christianitas*, and the numerous resultant political, economic, socio-cultural and religious conflicts and wars, led to implementing the state as a new, centralised institution. The state now lay claim to an exclusive monopoly on legislation and the use of force, and justified its internal and external sovereignty with the competence to guarantee general conditions of law, freedom, peace and order; this was the foundation upon which social stability and the secure pursuit of individual and collective interests was to be made possible.<sup>7</sup>

In the eyes of many observers, this organisational form of social coherence, which has decisively determined political structures for centuries, has today fallen into a crisis or even come to an end.<sup>8</sup> Under the catchword of “globalisation”,

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<sup>7</sup> Cf., for example, Hendrik Spruyt, *The Sovereign State and its Competitors. An Analysis of Systems Change* (Princeton, 1994), p. 27; Heinz Schilling, “Formung und Gestalt des internationalen Systems in der werdenden Neuzeit – Phasen und bewegende Kräfte”, in Peter Krüger (ed.), *Kontinuität und Wandel in der Staatenordnung der Neuzeit. Beiträge zur Geschichte des internationalen Systems* (Marburg, 1991), p. 37.

<sup>8</sup> Representative of this view, but with clearly differing reasons and diagnoses, are Joseph A. Camilleri, Jim Falk, *The End of Sovereignty? The Politics of a Shrinking and Fragmenting World* (Aldershot, 1994); John Hofman, *Beyond the State* (Cambridge, 1995); Martin Albrow, *The Global Age: State and Society Beyond Modernity* (Cambridge, 1996); Peter Evans, “The Eclipse of the State? Reflections on Stateness in an Era of Globalization”, in *World Politics* 50 (1997), pp. 62–87; Martin L. van Creveld, *The Rise and Decline of the State* (Cambridge, 1999); Stephan Leibfried, Michael Zürn (eds), *Transformations of the State?* (Cambridge, 2005); David J. Eaton (ed.), *The End of Sovereignty? – A Transatlantic Perspective* (Münster, 2006). A comparison of relevant contributions to this debate has been undertaken by Stefan Lange, “Diagnosen der Entstaatlichung. Eine Ortsbestimmung der aktuellen politischen Zeitdiagnostik”, *Leviathan* 30 (2002), pp. 454–81.

<sup>9</sup> On the boom in the use of the term “globalisation” since the 1990s, cf. Andreas Busch, “Die Entwicklung der Debatte. Intellektuelle Vorläufer und ausgewählte Themen”,

they have discussed all those developments and processes that seem seriously to undermine the organisational, regulatory and directive institutions of the national state, from the globalisation of production and finance capital, the development of new sub and transnational actors and institutions, to ecological problems that are no longer amenable to the regulatory power of nation-states.

*From the Westphalian Order to the New World (Dis)Order*

From the mid-seventeenth century on, the establishment of the sovereign state generated a new system of international relations.<sup>10</sup> Its central figures are states that confront one another with the claim to sovereignty and no longer acknowledge an overarching legal and normative instance such as emperor and pope. This radically transforms, and in a specific sense rationalises and secularises, the theory and the practice of the international system: both become the object of a purely rational calculus of interests that seeks to secure the policies and wealth, position and goals of each individual state by the use of political, military, economic, financial and other sources of power. On the one hand, as a correlate of reasons of state in foreign policy so to speak, the concepts and political strategies of a *balance of power* and of a politics of interests gain the ascendancy; on the other hand, a new kind of *international law* emerges that is primarily understood as the *law of states*. Together, these tendencies come to form the fundament of political and international thought and action in the new system, first in Europe and then across the globe.<sup>11</sup> From this results the secular character of the present crisis of the international system.

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in Stefan A. Schirm (ed.), *Globalisierung. Forschungsstand und Perspektiven* (Baden-Baden, 2006), pp. 35–53.

<sup>10</sup> Benno Teschke summarily sketches the relevant assumptions of what he understands to be “a constituting founding myth within International Relations” in *The Myth of 1648: Class, Geopolitics and the Making of Modern International Relations* (London, 2003; German transl. Münster, 2007), pp. 1–4. For a critical discussion of various variants of this position, cf. *ibid.*, chap. 1, and Matthias Zimmer, *Moderne, Staat und Internationale Politik* (Wiesbaden, 2008), pp. 37–53.

<sup>11</sup> Cf. Roland Axtmann, “The State of the State: The Model of the Modern Nation State and its Contemporary Transformation”, in *International Political Science Review* 25 (2004), pp. 264–81. Of the vast literature on the theory and practice of political and legal operations in the modern state system, cf. for example Heinz Duchhardt, *Gleichgewicht der Kräfte, Convenance, Europäisches Konzert. Friedenskongresse und Friedensschlüsse vom Zeitalter Ludwigs XIV. bis zum Wiener Kongreß* (Darmstadt, 1976); Wilhelm G. Grewe, *The Epochs of International Law* (Berlin and New York, 2000); Arno Strohmeyer, *Theorie der Interaktion. Das europäische Gleichgewicht der Kräfte in der frühen Neuzeit* (Wien, Köln and Weimar, 1994); Michael Sheehan, *The Balance of Power. History and Theory* (London and New York, 1996); Lucien Bély (ed.), *L'Europe des traités de Westphalie. Esprit de la*

When today, under catchwords like the “end of the Westphalian state system”,<sup>12</sup> scholars detect an upheaval in international relations, they are noting the end of fundamental structures of an order that has been in effect for more than three centuries and that dominates contemporary institutions and outlooks.<sup>13</sup> This is a matter not merely of a quantitative increase in new international actors alongside states, or a growing complexity of power relations and problem-solving strategies, but rather of the perception that we are living through the collapse of the entire political and socio-cultural, institutional and conceptual framework that has emerged since the seventeenth century.<sup>14</sup> The manifold efforts to create transnational forms of integration and cooperation as well as new regional and global institutions and mechanisms, and thereby to achieve a re-determination of international private and public law, represent attempts to reformulate international relations and international law. Opinions differ widely, however, as to whether this is a supplement to or a surrogate for the hitherto state-centred world and legal order.

### From the Nationalisation of War to the Unleashing of New Wars

The upheavals within the classical “Westphalian order” come to the fore with particular clarity in the current discussions of (the at least supposedly) “new wars”. In early modernity, the establishment of the new state system, for whose territorially defined organisation of rule the claim to external sovereignty was constitutive, went hand in hand with nationalisation of war. The Westphalian

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*diplomatie et diplomatie de l'esprit* (Paris, 2000); Arnaud Blin, *1648 – La Paix de Westphalie ou la naissance de l'Europe moderne* (Paris 2006).

<sup>12</sup> Joachim Hirsch, “Die Internationalisierung des Staates. Anmerkungen zu einigen Fragen der Staatstheorie”, *Das Argument* 236 (2000), p. 329.

<sup>13</sup> Cf. John Darwin, *After Tamerlane. The Global History of Empire since 1405* (London, 2007), p. 8: “the international states system, with its laws and norms, reflects the concepts and practice of European statecraft, and territorial formatting on the European model”.

<sup>14</sup> Cf., for example, the following diverse assessments: M. Gene Lyons, Michael Mastanduno (eds), *Beyond Westphalia?* (Baltimore and London, 1995); Susan Strange, *The Retreat of the State. The Diffusion of Power in the World Economy* (Cambridge, 1996); Michael Zürn, *Regieren jenseits des Nationalstaates. Globalisierung und Denationalisierung als Chance* (Frankfurt am Main, 1998); Ulrich Menzel, “Die postwestfälische Konstellation, das Elend der Nationen und das Kreuz von Globalisierung und Fragmentierung”, in *ibid.* (ed.), *Vom Ewigen Frieden und vom Wohlstand der Nationen* (Frankfurt am Main, 2000), pp. 158–87; and Ulrich Beck, Edgar Grande, *Das kosmopolitische Europa* (Frankfurt am Main, 2004). Huntington’s thesis of a “clash of civilizations” also rests on the diagnosis of a transition to a new epoch shaped by cultures with their own traditions, values and religions; cf. Samuel Huntington, *Clash of Civilizations. Remaking of World Order* (New York, 1996).

Peace was, as it were, a symbol for a new international system that made states alone the legitimate actors in the declaration, conduct and ending of wars.<sup>15</sup> We might speak of a downright symbiosis between the state and war in modern times, although the views that underlie the interpretations of the foundations of and relations between these two phenomena are based on very heterogeneous evidence, both empirical and theoretical. War and the rules of war became exclusively an affair of the state. The upshot of this “nationalisation process”, however, was quite ambivalent: historically and systematically it harboured the opportunity for a “civilising”, “managing” and “juridification” of the *ius ad bellum* and *ius in bello* as well as the potential for an extraordinary increase and intensification of the use of organised violence.<sup>16</sup>

The increasingly often used designation of “new wars” indicates the diagnosis of a basic breach of this “Westphalian order”.<sup>17</sup> On this view, the previously mentioned processes of the “de-nationalisation”, pluralisation and globalisation of actors, resources and structures of conflict lead to shelving the well-rehearsed forms in which wars have hitherto been thought of, explained and politically and legally legitimated. They are now being replaced by completely new – or perhaps better, completely old – organisational forms, modes of thought and strategies of legitimation, such as were known *before* the forming of the Westphalian order and which are marked by a basic pluralising and “privatising” of the use of violence.<sup>18</sup>

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<sup>15</sup> Cf., for instance, Otto Kimminich, “Die Entstehung des neuzeitlichen Völkerrechts”, in Iring Fetscher, Herfried Münkler (eds), *Pipers Handbuch der politischen Ideen, Bd. 3: Neuzeit: Von den Konfessionskriegen bis zur Aufklärung* (Munich, 1985), p. 93; Carl Schmitt, *The Nomos of the Earth in the international Law of the Jus Publicum Europaeum*, translated by G.L. Ulmen (New York, 2004), pp. 140–51; Wilhelm Janssen, “Krieg”, in *Geschichtliche Grundbegriffe. Historisches Lexikon zur politisch-sozialen Sprache in Deutschland*, ed. by Otto Brunner, Werner Conze and Reinhart Koselleck, vol. 3, Stuttgart 1982, pp. 576–83; Grewe, *The Epochs of International Law*, pp. 203–21.

<sup>16</sup> Cf. Ekkehard Krippendorff, *Staat und Krieg. Die historische Logik politischer Unvernunft* (Frankfurt am Main, 1985), pp. 277–82.

<sup>17</sup> Cf. Mary Kaldór, *New and Old Wars: Organized Violence in a Global Era* (Stanford, 1999; 2nd 2007); Mark Duffield, *Global Governance and the New Wars: The Merging of Development and Security* (London, 2001); Bernhard Zangl, Michael Zürn, *Frieden und Krieg. Sicherheit in der nationalen und post-nationalen Konstellation* (Frankfurt am Main, 2003); Bernhard Zangl, Monika Heupel, “Von ‘alten’ und ‘neuen’ Kriegen – Zum Gestaltwandel kriegerischer Gewalt”, *Politische Vierteljahresschrift* 45 (2004): pp. 346–69; Martin Kahl, Ulrich Teusch, “Sind die ‘neuen Kriege’ wirklich neu?”, *Leviathan* 32/3 (2004): 382–401; Herfried Münkler, *The New Wars* (Cambridge, 2005); *Ibid.*, *Der Wandel des Krieges. Von der Symmetrie zur Asymmetrie* (Weilerswist, 2006); Siegfried Frech, Peter I. Trummer (eds), *Neue Kriege. Akteure, Gewaltmärkte, Ökonomie* (Schwalbach, T., 2005).

<sup>18</sup> Cf. Mark Duffield, “Post-modern Conflict: Warlords, Post-adjustment States and Private Protection”, *Civil Wars* 1/1: 65–102; Michael Riekenberg, “Warlords. Eine

Thus the emergence of the modern state system in the seventeenth century throws up the fundamental questions of war and peace, of international relations, international law and the rules of war, with a radicality comparable to our own day. September 11, 2001 was not necessary in order to prove that these questions have become significantly more urgent in view of the present degree of the global interlinking of political, economic and ecological problems, and the manifoldly increased potential for destruction.

The disciplinary and methodological perspectives, conceptions, diagnoses and assessments that appear in the previously mentioned studies and debates exhibit a broad spectrum of themes in each of the three indicated fields. The question whether the theoretical and empirical assumptions, methods and consequences of the various positions are objectively appropriate has aroused intense controversies. Precisely this heterogeneity of positions and the vehemence of the related debates attests to the need and the urgency of coming to grips with the historical and systematic foundations of the state, war and international relations as they came to be formed and consolidated in the seventeenth century, and have today become the quintessence of that which is understood under the label of the “Westphalian order”. Quite apart from whether we refer to the idea of the “Westphalian order” positively or critically, this order has constituted the central reference point of debates that are of extraordinary relevance not only for the scholarly, but also for the political process of agreement about the basic structures of past and present international relations and conflicts, and of our knowledge of them.

### **Towards a New Approach to the Seventeenth-Century International System**

The aim of this volume is to present new studies and approaches in the investigation of the historical, systematic and contemporary meaning of the structures and developments of the state, war and international law in and since the seventeenth century, and to afford new accesses to these subjects. The previous reflections on the complexity of the related factual and methodological themes and dimensions show that current research is confronted by at least two challenges.

On the one hand, one desideratum of this research is a further, and particularly a methodologically reflective, study of the presuppositions, forms and consequences of the development of the modern state system, its political and (international) legal forms of organisation and the intellectual forms in which it is reflected. This requirement arises not least from the danger of being taken in by widespread anachronistic ideas of a “Westphalian order” such as

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Problemskizze”, *Comparativ* 5/6 (1999): 187–205. The current debate on the “war on pirates” is only the most recent reminder of the comeback of well-known phenomena from early modernity.

may be seen in not a few historical, political and social studies, especially in the field of International Relations. One does not always resist the temptation of constructing as a backdrop to the (supposedly) completely new developments and challenges of the present a schematic idea of the (supposedly) completely different conditions and structures of the state, international relations and war that have prevailed since the beginning of modernity, and that are assumed to have no longer anything to do with contemporary historical reality and its practical and systematic-theoretical significance.

To guard against this danger, on the other hand, requires a much stronger interdisciplinary approach, that is to say, the systematic awareness and taking into account of the factual and methodological developments in other disciplines and contexts of research. Although in recent years and decades there have been numerous new approaches to and studies of the forming of modern society and the state system, and to questions of international law, war and peace, the various branches and perspectives of research have had the tendency to become isolated and independent of each other in spite of the fact that in the end they treat the same subject. Precisely the progress and differentiations within the various disciplines have led to highly specialised studies and debates that hardly admit to taking cognisance of other studies and approaches, and, if so, then only in stereotypical form. This is well illustrated by research on the development of the state, international relations and war in early modernity. Here scholars have devoted studies to international relations and their history, to international political economy and the “new political history”, to a highly differentiated social and cultural history influenced by numerous new methodological approaches, to international law and philosophical and historical-systematic investigations, which also often pursue various national and regional *Sonderwege*,<sup>19</sup> yet a real exchange and learning process seldom takes place, and this can lead to mutual incomprehension of results that representatives of various disciplines and methodological perspectives have obtained about one and the same subject and set of questions.

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<sup>19</sup> On new methodological developments and perspectives, cf. John Macmillan, Andrew Linklater (eds), *Boundaries in Question. New Directions in International Relations* (London, 1995); Wilfried Loth, Jürgen Osterhammel (eds), *Internationale Geschichte. Themen – Ergebnisse – Aussichten* (Munich, 2000); Gunilla Budde, Sebastian Conrad et al. (eds), *Transnationale Geschichte. Themen, Tendenzen und Theorien* (Göttingen, 2006); Barbara Stollberg-Rilinger (ed.), *Was heißt Kulturgeschichte des Politischen?* (Berlin, 2005); Ronald G. Asch, Dagmar Freist (eds), *Staatsbildung als kultureller Prozeß* (Köln, 2005); Peter Burke, *History and Social Theory* (Ithaca, N.Y., 2005); Christine Chwaszcza, Wolfgang Kersting (eds), *Politische Philosophie der internationalen Beziehungen* (Frankfurt am Main, 1998); and Peter Niesen, Benjamin Herborth (eds), *Anarchie der kommunikativen Freiheit. Jürgen Habermas und die Theorie der internationalen Beziehungen* (Frankfurt am Main, 2007).

For these reasons, this volume hopes to make a contribution to stimulating an enlarged inter- and trans-disciplinary discussion of the developments and problems at the centre of current scholarly and political debates on the state, war and international relations in the seventeenth century and their historical and contemporary significance. We have placed particular importance on including research that is based on interdisciplinary and international approaches and has given a fresh stimulus in this direction. We have therefore gathered studies by scholars who cover a correspondingly broad spectrum of themes. Coming from diverse disciplines and countries, they present new perspectives on various aspects of the state, war and international relations in early modernity. The studies represented here come from disciplines such as history and social science, cultural and political science, philosophy and jurisprudence, and originated in very different national and regional traditions of scholarship, so that each contains a specific angle on its subject. In this way, reading these articles affords some initial hints of possible differences, connections, and opportunities for mutual learning.

It is especially important to test the scope and compatibility of the new methodological approaches and perspectives with which the various disciplines or national scholarly traditions and practices view the early modern development of the state and international relations, and the ways in which they have been reflected upon theoretically. A particularly interesting example for this purpose is the various methodological approaches that have been developed for the presentation, analysis and explanation of the emergence of modern state structures, the international system and operative conflicts and dynamics of war. The contributions to this volume present and convey social, political, socio-economic, cultural historical, discourse and intellectual historical approaches, and they begin at various levels, the national and European level as well as the global, just as the formation of the new world system of early modernity began. Exemplary of this is the discussion between Johannes Burkhardt and Benno Teschke on the controversy over the connection between the state and war in early modernity that was sparked by Otto Hintze, Michael Mann and Charles Tilly, in which the “state-makes-war-thesis” is confronted by the “war-makes-states-thesis”. Their articles illuminate the debate from the point of view of the historical sciences, political science, international relations theory and international political economy.<sup>20</sup>

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<sup>20</sup> Both scholars have already written much-discussed studies on this question. Johannes Burkhardt has, since the 1990s, been developing a “theory of the bellicosity of the modern state’s formation” (cf. “Die Friedlosigkeit der Frühen Neuzeit. Grundlegung einer Theorie der Bellizität Europas”, *Zeitschrift für Historische Forschung* 24 (1997): 509–74), while Benno Teschke, in his *Myth 1648* (see note 9), has made a theoretically ambitious contribution to the scholarly appraisal of the seventeenth century. For a discussion of Teschke’s work, see the articles in *International Politics* 43/5 (2006).

This is a fundamental debate to which the other collected articles constantly refer directly or indirectly. It is joined by articles here that analyse, from a historical, systematic and comparative perspective, the international relations and the structure and conflict-generating elements that emerged in early modernity in a twofold respect: on the one hand, with a view to how these were perceived and theoretically conceived; on the other, with a view to how these were practically and politically organised. These articles give an impetus to renew the discussion of seventeenth-century modes of thought and concepts of action and organisation that are still of considerable relevance today and often recur in contemporary discourses.

They discuss the forming of a new concept of international law and the rules of war, of diverse tendencies and their forms of political and diplomatic institutionalisation in various regions and traditions; this discussion concerns debates in international law about positive and universal law, about the decline of traditional concepts such as those of the just war and external sovereignty, and about normative constraints on state action: (cf. the articles by Keller, Kleinschmidt, Kampmann, Schröder, Foisneau, Chwaszcza and Asbach).

At the same time, the articles discuss the development of modern political concepts such as the “balance of power” and “reasons of state”. They attempt to elucidate the specifically new forms and to conceive the international relations that emerged in modernity under the state-organised conditions of power competition that are often referred to in various traditions of discourse under rubrics such as “Machiavellian power and interest politics” (cf. the articles in section IV and those by Kleinschmidt, Boucher, Kampmann, Saunders and Asbach).

The articles also discuss relations among the new national and international political, social and economic actors, the interests and goals that developed in the seventeenth century and have been fundamental for the later political thought and conceptions of international law. Here it is a question (again being intensely discussed in contemporary discourses of crisis) of relations between individual states and problems and interests that stand athwart and transcend them, and of the interplay of national, European and global developments in the wake of early modern processes of expansion and globalisation. This set of questions applies both at the European and at the global level, and is discussed by (for instance) the articles by Weindl, Boucher, Teschke and Asbach.

All the articles are united by a common interest in questions such as the extent to which there were regional or national “Sonderwege” along which seventeenth-century international relations in war and peace were shaped in theory and organised in practice. Geographically, therefore, they focus on conditions in various central regions of early modern developments in politics and international law, particularly Spain and the Netherlands, England, France and the Holy Roman Empire. At the same time, however, this volume also points beyond

Europe and discusses global aspects of theoretical and practical developments in the seventeenth century. It is our hope that the articles gathered here will throw light on major concepts, consequences and perspectives of seventeenth-century developments in their systematic and historical significance, and stimulate further studies.