FROM WESTPHALIA TO VERSAILLES

Born in Europe, the public law of Europe established by the peace of Westphalia spread around the world to become the fundamental paradigm of international law. In 1776, thirteen American colonies of the British crown seceded from it to become independent States. They created between them constitutional bounds within the American Republic, but they did not intend to change the fundamental paradigm of international relations and law, based on equal sovereignty. Latin-American colonies of Spain and Portugal followed suit a few decades later, and again the basic social structure remained the same: equal sovereignty of States.

In 1815, at the Congress of Vienna, the turmoil resulting from the French revolution and the Napoleonic wars was put to rest by an exercise of restoration at the domestic level and by the re-establishment of a balance of powers, balance of powers whereby one State alone was not sufficiently powerful to put in danger the peace on the continent.

In 1885, at the Congress of Berlin, European States shared and apportioned between them the African continent, extending to their colonial domination the logic of balance of power between them.

And then, in 1914, the balance of powers proved its limits, failed to keep peace and Europe collectively committed suicide:

the Great War raged for four long years only to leave the continent on its knees, both materially and spiritually.

Centuries of progress, science and industrial development were turned into a terrible war machine.

It was a total war, and the first international war in which citizens of all social classes, not only professional soldiers, were called to fight and die.

The war ended because of the late involvement of the United States of America in the war, which tilted the stand-off in favour of the Allied and Associated powers.

Germany was finally defeated, together with the Austrian-Hungarian Empire and the Ottoman Empire.

After the war, the peace was largely based on the famous Fourteen Points made public by the United States President Wilson in January 1918.
It resulted in the peace treaty of Versailles and the other peace treaties concluded with the central powers in 1919.

Germany became a republic. Germany had to pay war reparations.

Germany lost all of its colonies: Alsace-Lorraine was restituted to France; the Austrian-Hungarian Empire and the Ottoman Empire were dismantled.

On the ruins of the Austrian-Hungarian Empire, new States were created on the basis of the principle of nationalities, and Poland, which had disappeared as a State for 123 years, Poland was re-established.

Furthermore, and for the first time in human history, an international organization was set up for the purpose of maintaining international peace and security.

That organization was called the "League of Nations" and its Covenant was the first part of the peace treaty of Versailles.

Versailles was a defining moment in history and that is why I chose a painting representing the ceremony of the signature of the peace treaty as the banner for this course.

The painting is by William Orpen and it is to be seen at the Imperial War Museum in London.

However, when you think of it, Versailles was a very ambivalent moment for international law: it was a peace treaty and it embodied the hope that international law, notably through the establishment of the League of Nations, that international law could bring peace to the world.

And, as we know, that hope, that promise of international law, dramatically failed only 20 years later.

After the rejection of the peace treaty by the US Congress and the isolation in which Western powers had kept the young Soviet Union since the revolution of 1917, the League of Nations was born as a very weak organization and it proved incapable of reacting to the challenges posed by fascist Italy, Imperial Japan and Nazi Germany in the 1930's.

Furthermore, and despite presenting itself as an instrument of peace and justice between nations, and the beginning of a new era, the treaty of Versailles was also an instrument of continued domination, therefore pointing to the deep ambivalence of international law: it was of course an instrument of domination over Germany, but look around the table: you only see faces of white men, except for an Indian Maharajah as obedient servant of the British empire.

True, if you look at the whole painting through the link that you will found after this video, you'll also see the representative of Japan represented on the painting. But that's it.

That was the world, and the world order, in 1919. Of course, today, the face and the concerns of the international community have dramatically changed.

But the ambivalence of international law both as a promise of peace and justice, and an instrument of domination, that ambivalence remains.

That is why Versailles is so appropriate to illustrate this course.