

Abstract

The history of international law, understood as an object of intersubjective reality, reflected various territorial structures of human society. States, as bearers of international law, were made in course of history by wars that they led with each other. On the basis of thought of Carl Schmitt we can distinguish two historical structures of territory: the universal medieval empire and the modern sovereign states. Both of these structures were connected with distinct systems of international law and with distinct concepts of war. Since the turn of 19th and 20th century we can observe signs of decline of the Westphalian system of sovereign states. This process, accompanied by changes in concept of war, began to be fully expressed at the beginning of the 21st century in connection with so called war on terror. On the juridical concepts of war on terror and humanitarian intervention I show decline of the Westphalian system of sovereign states and possible return to the international structure of the medieval empire.