PART I

VATTEL AND THE INTERNATIONAL SYSTEM
VATTEL ET LE SYSÈME INTERNATIONAL
I

‘INTERNATIONAL COMMUNITY’
FROM DANTE TO VATTEL

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I. INTRODUCTION

Every commentary on Vattel begins by stressing his debt to the German rationalist philosopher Christian Wolff – and in the same breath highlighting his dissociation from Wolff’s idea of the Civitas Maxima, ‘a supreme State’ into which individual States have been combined “because they wish to promote the common good.”¹ For Wolff, this ‘idea’ was the basis for deducing the “voluntary law of nations,” the civil law of the world.² In Vattel’s view, such an idea had no basis whatsoever in reality: “On ne peut rien concevoir, ni rien supposer de semblable entre les Nations.”³ Later lawyers have been divided about the merits of Vattel’s position. Many among the first generations of readers, but also among later ones, have applauded Vattel’s ‘realism.’ In a world of sovereign States, there can be no basis to presuppose the existence of a superior political community. Others, again, have disapproved of his apparent capitulation to sovereign egoism, the consecration of the diplomacy of the status quo. In a way, both positions appear correct, given their premises – premises which, even as they lead to conflicting conclusions, most contemporary lawyers share.

At issue is a tension between an idea and its institutional realization. On the one hand, few would reject the notion of Civitas Maxima as an expression of, or perhaps a metaphor for, the ideals of universalism, community, and solidarity beyond political divisions, the ideal of humanity united into one. To the extent we interpret Vattel as giving up such ideals, we feel disappointed by him. On the other hand, we cannot but

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² Ibid., para. 22, pp. 17–18.