Book Review

*Imperfect Cosmopolis. Studies in the History of International Legal Theory and Cosmopolitan Ideas*, Georg Cavallar*

Author of books on the rights of strangers from Vitoria to Kant, as well as on Kant’s essay on perpetual peace, Georg Cavallar is well known for his expertise in the field of international legal history. In his new book, Cavallar presents a series of chapters some of which are based on previously published journal articles. As he explains in the introduction, his main interest in assembling this collection of short studies was to address what he terms the ‘blind spot’ in current debates about cosmopolitanism. He rightly observes that references to the stoic idea of a moral community of all human beings or to the classics of international legal theory are often historically uninformed and tend to ignore the pragmatic, and sometimes bellicose and imperialist dimension of cosmopolitanism (p. 6 f.).

Starting from an analysis of contemporary concepts of cosmopolitanism, Cavallar distinguishes between moral, political, cultural, economic, and epistemological forms of cosmopolitanism, which he discusses in the five substantive chapters of the book. Three of them are devoted to varieties of cosmopolitan thinking between Vitoria and Kant. While chapters two and four concentrate on the history of international legal theory, chapter three deals with the British Enlightenment, with David Hume’s and Adam Smith’s economic cosmopolitanism, on the one hand, and with various proposals for setting up a European League or Confederacy of states, on the other. Chapters five and six then trace continuities and discontinuities in international


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legal theory from the late Eighteenth up to the Twentieth century. Dealing with an important number of authors who belong either to the ‘natural law’ or to the ‘positivist’ school, Cavallar shows in chapter five how in the late Eighteenth century the ideas of *cosmopolis* and of a *societas humanis generis* were, despite notable exceptions illustrated by the theories of Robert Waard and Anacharsis Cloots, gradually and partly replaced by the twin ideas of ‘Europe’ and ‘civilization’ (p. 107). This is further elucidated in chapter six, where Cavallar deals with Johann Caspar Bluntschli and Alfred Verdross, whose theories on immigration rights are contrasted with those of Samuel Pufendorf and Emer de Vattel. Like other international lawyers of his time, Bluntschli was convinced of the superiority of European civilization and defended the Europeans’ right ‘to educate and guide the savages, helping them to attain a higher level of legal consciousness’ (p. 119). This included the right to force Japan and China to end isolationism. While Bluntschli is presented as a (moderate) representative of an imperialist mentality and European arrogance, Verdross’ international legal theory with its emphasis on relative, instead of absolute, state sovereignty is seen to exemplify the general trend after World War I towards reclaiming certain aspects of the natural law tradition.

Despite Cavallar’s effort to provide a differentiated account of these theories, readers who share his well-founded interest in intellectual history have good reasons to question the accuracy of some of the interpretations and evaluations. One of them is the anachronistic use of expressions such as ‘human rights’ and ‘humanitarian intervention’. When discussing Vitoria’s and Grotius’ reservations against the European conquest of the New World, Cavallar attributes to Vitoria a ‘concept of human rights’ that would suggest ‘a form of moral cosmopolitanism’ (p. 23) and accounts for one of his four substantial arguments in favour of the Spanish invasion in terms of ‘the right of humanitarian intervention’. In the same context, he mentions Grotius’ ‘rhetoric of human rights’ as one of the propositions the Dutch scholar made in order to criticize European conquest based on the excuse of introducing civilization into barbaric regions (p. 25). While these two authors no doubt referred to the idea of natural law and natural rights, it is questionable whether the terms ‘natural rights’ and ‘human rights’ are interchangeable. This question is all the more important since historians, as well as political theorists, claim nowadays that human rights as we understand them today are quite different from early-modern notions of natural rights. By using the expression ‘human rights’ Cavallar simply presupposes