Resenha / Book Review

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Cavallar, Georg. *Kant and the Theory and Practice of International Right*, 2nd ed (1st edition in 1999). Cardiff: University of Wales Press, 2020. 272 p. ISBN 978-1-78683-552-9

After a long series of publications on the history and theory of Early Modern International Law, including namely "*Pax Kantiana*"[1] (1992), "The Rights of Strangers"[2] (2002), "Imperfect Cosmopolis"[3] (2011), "Kant's Embedded Cosmopolitanism"[4] (2015), and "Theories of Dynamic Cosmopolitanism"[5] (2017), Georg Cavallar offers in this book an argumentative and richly informed re-interpretation of Kant's philosophy of international relations and international right. The book constitutes a second, revised and expanded edition of a previous work originally published in 1999, which was subject to a significant rewriting process, thus integrating and responding to recent scholarship, as the abundant notes clearly demonstrate.

[1] G. Cavallar, *Pax Kantiana: Systematisch-historische Untersuchung des Entwurfs „Zum ewigen Frieden" (1795)* (Wien: Böhlau, 1992).

[2] G. Cavallar, *The Rights of Strangers: Theories of International Hospitality, the Global Community and Political Justice since Vitoria* (Aldershot: Ashgate Publishing, 2002).

[3] G. Cavallar, *Imperfect Cosmopolis: Studies in the History of International Legal Theory and Cosmopolitan Ideas* (Cardiff: University of Wales Press, 2011).

[4] G. Cavallar, *Kant's Embedded Cosmopolitanism: History, Philosophy, and Education for World Citizens* (Berlin/Boston: Walter de Gruyter, 2015).

[5] G. Cavallar, *Theories of Dynamic Cosmopolitanism in Modern European History* (Oxford: Peter Lang, 2017).

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The general aim of the book consists in providing a systematic interpretation and evaluation of Kant's Philosophy of International Relations and International Right in order to highlight its originality, coherence, and relevance. The nine chapters display a consistent methodological design that is rigorously applied throughout the book, unfolding repeatedly three logical moments: firstly, the identification of conflicting interpretations available in Kantian scholarship; secondly, the close reading of apparently contradictory or ambivalent crucial Kantian texts; and finally, the hermeneutic and apologetic reconstruction of a new meaningful whole. Also, the sequence of contents seems to follow, at least implicitly, a guiding thread. For it begins with a historical contextualization, presenting "Kant's Judgment on Frederick's Enlightened Absolutism" (chapter 1) and Kant's "Paradigm Shift" in international relations and law, given to his focus on "Right of Peace," critically beyond the tradition of "Just War" doctrines (chapter 2). Then, the bulk of the book is devoted to Kant's legal or juridical pacifism, which entails the diverse modes of judging war (i.e., aesthetically, teleologically, ethically and juridically) (ch. 3), the relationship between Republicanism and the promotion of peace (ch. 4), the respect for the moral personality of States and the exceptional right to intervention in the case of "failed states" (ch. 5), the rejection of "just war" and the permission of defensive war in the state of nature (ch. 6), and the notion of "unjust enemy" as the ground for armed alliances (ch. 7). At last, the final two chapters are essentially projective and constructive, in the sense that they examine, on the one hand, the institutional model of international law, contrasting a "Federation of free States" with a "World Republic" (ch. 8), and on the other hand, the political culture of cosmopolitan peace, that is, "constitutional patriotism" (ch. 9).

As a whole, the book deals with the legal and political conditions for the possibility of "Perpetual Peace," appealing both to the ideal and practical meaning of Cosmopolitanism. Therefore, Kantian political philosophy appears irreducible to idealistic utopianism and to realistic positivism. Indeed, as a result of Cavallar's interpretation, Kantian legal and political thought become a mediational structure building a bridge between the anarchical reality of international relations and the rational ideal of a juridical, international, or global, peaceful order.

In keeping with the eighteenth-century "primacy of foreign policy" (Ranke, as cited in p. 32), international relations are regarded as intimately entangled with domestic policy and the development of legal/political institutions. Kant is described as partly adopting the Hobbesian analogy between the state of nature among individuals and the state of nature among nations, both being defined by lawlessness and violence. Hence, the fundamental general principle, connecting at once a moral duty with a juridical duty, which commands that everyone should exit the "state of nature" and enter a civil constitution, becomes the most important political principle. It implies also the idea of popular sovereignty, preceding logically and giving substance to the state sovereignty through an original contract that requires citizens' equal freedom and universal consent. The book revolves around the "Definitive Articles for Perpetual Peace" comprising the three necessary conditions for peace: Republicanism, Federalism, and Cosmopolitanism. A special emphasis is rightly placed on cosmopolitanism, as it must be assessed as the most original Kantian contribution to the European history of International Law. Every one of these three conditions appears to be involved in complex inconsistencies that Cavallar tends to subtly resolve by resorting to a defence of Kant's "normative idealism."

Take the notion of Republicanism as an ideal of reason, encompassing freedom, equality, separation of powers, and co-legislation. However, this ideal at its perfect and pure definition was never historically achieved, and maybe it will never be. Moreover, irrespective of its historical accomplishment, Kant maintains its rational validity, not only as an ideal, but as a true possibility that every citizen and every ruler must cherish and actively participate in its fulfilment.

It hence follows that Kant's political philosophy can only be interpreted under the perspective of a dynamic, progressive, philosophy of history. This means that the rational ideals – Republicanism, Federalism, and Cosmopolitanism – become practical possibilities that should guide all citizens, as their perfect moral and political duties. If Kant displays a certain tolerance towards Frederick's enlightened despotism or towards the very imperfect alliances between states, nevertheless his "tolerance" does not translate into a judgment of ethical or political validity. Here Cavallar's reading discloses an extremely interesting strategy that is very efficient to overcome apparent contradictions. Abiding to the hypothesis that "Kant's political philosophy should be read as an attempt to mediate between theory and practice, between norms and the status quo" (p. 13), Cavallar takes very seriously the systematic parallel between domestic and international politics, viewing at both levels a series of possible transitory stages in the historical development towards the ideal of reason. Thus, just as "Frederick's rule" amounts to a non-republican state evolving towards republicanism, so the leagues among states are developmental instruments, infinitely evolving towards an ideal world republic, capable of international or global law enforcement. Domestic and cosmopolitan republican liberalism emerges here as the only source of Constitutional Peace, the only authentic source of possible perpetual peace. Rejecting the justification of war (against the arguments of Augustine, Aquinas, Grotius, Hobbes, Pufendorf, and Vattel, among others), Kant is interpreted as claiming the superiority of "*Friedensrecht*," in line with Abbé de Saint-Pierre and Rousseau. Yet, all imperfect institutions, such as Enlightened monarchies, "just wars" against "unjust enemies" or regional alliances, can be positively assessed, if considered under the teleological standpoint of history. Cavallar's interpretation endorses a kind of "embedded (or rooted) and dynamic cosmopolitanism" (p. 93) that allows for "latitude in the application" of ideal principles of justice, and at the same time bestows on every institution a relatively "positive function within the evolutionary process of international law" (p. 133 and p. 141). Kant's cosmopolitanism would have been prefigured by historical ideals and institutional structures, namely: Imperial *pax romana*, Medieval and Modern projects of "*Monarchia universalis*," and free federations.

The final chapter and the conclusion are especially relevant to relate Kant and current theories of international relations and law. Rawls, Habermas, and Waltz are involved in the discussion over the precedence of constructivism over realism in Kant's synthesis of "ethical idealism" with "anticipatory realism."

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