
Antonio Cassese: Head in the Clouds, Feet on the Ground

Realism and Utopianism are systemic opposites. They often live together, maybe even inherently, as part of the same system. But as opposites. One can easily argue that international law is a prime example of that co-existence of opposites, in the inbuilt double *teloi* of Order and Justice; it is not an unassailable case – for why should we imagine that order and justice are opposites? Would not a world of perfect justice be a world of perfect order? It will, say the Prophets, but even they cast such in messianic terms, as a Kingdom to Come, which in secular terms we would call a Utopia. And so we are back to the proposition of an inbuilt system of opposites.

We find the same in human beings. I know few, perhaps no one, whose life project is entirely pragmatic, positivist in the here and now – with no dreams. I know a few whose life has been overtaken by a dream, but they usually end up in institutional care. In most of us realism and utopia co-exist and struggle, their tension and its resolution are oft an explanation for decisions we come to regret, for actions we try to forget.

Nino Cassese was more successful than most of us in living a life in which realism and utopia somehow harmonized both in his actions and his writings. In fact, he would deny that there is an inherent tension between the two. He would regard such as an excuse for injustice, for unacceptable compromise. He, and we, may think of his work on the European Convention against Torture and then his actual work on the Committee of the Convention as a glowing example of such harmony. I know Nino took secret pride and immense satisfaction in that singular achievement – both well deserved.

One of my last memories and exchanges with Nino concerned a paper, which he had written at some point and disinterred, concerning that intractable problem of the Middle East. He was (not so) secretly hoping that I would take it for *EJIL*. I told him that in my view his paper was neither realistic nor utopian, and in any event was unsuitable for *EJIL*. But I truly admired his ‘never-give-up attitude’, and told him so. He took it all in good grace.

It is thus hugely fitting that his last grand utopian project, realized posthumously (and many thanks go to some of his disciples and collaborators, principally Paola Gaeta, in taking it through the final production stages) was *Realizing Utopia*, a theme about which a large group of public international lawyers were invited, pressed, cajoled, in Nino’s inimitable style, to write.

The participants in this Symposium, in the organization of which Francesco Francioni took the leading role, were limited to past and present members of the Editorial Boards of *EJIL*. It is our homage to a great friend. Our brief to the authors was extremely liberal: react to, respond to, be inspired by the book, the contributions in the

book, this or that contribution in the book, the ideas behind the book. Thus you will not find a coherent methodological approach. That is appropriate given the different ways which Nino affected people and the somewhat personal nature of the project.

Still, Marko Milanovic, in his illuminating introductory essay, and Isabel Feichtner, in her challenging Epilogue, provide two bookends from which, I believe, all readers of *EJIL* will profit. For the rest, there is something for all tastes – take your pick. And, thanks to Nino, once again.

JHHW