

In Memoriam.  
Oriol Casanovas y La Rosa (1938-2024): a lucid intellectual,  
a teacher, a friend

I

Oriol Casanovas y La Rosa, professor of Public International Law and International Relations, passed away on September 23, 2024 in Barcelona at the age of 86. A disciple of two of the greatest Spanish international law scholars of the 20th century, Adolfo Miaja de la Muela and Manuel Díez de Velasco, he was a professor at several Spanish universities.

Oriol Casanovas began his university career at the University of Barcelona in 1960 under the guidance of Professor Díez de Velasco. In 1966, as he himself stated without any irony, he was fortunate to be expelled from the university for political reasons along with sixty-seven other professors. The fortune consisted in the possibility of being able to concentrate on finishing his doctoral thesis and, above all, thanks to the intervention of Díez de Velasco, to spend time at the University of Valencia with Professor Adolfo Miaja de la Muela: “His teaching left a deep mark on me not only in the professional field. Firstly, because professor Miaja represented a solution of continuity with the University before the Spanish Civil War. His anecdotes about colleagues who preceded him and his contemporaries were very rich, but above all he reflected the continuity of the university institution above the political ups and downs that both he and I – all things considered

had led us to Valencia. On the other hand, in his conversations he also addressed issues of international law and knew how to smooth the way by establishing a dialogue in which the first-timer was treated as an interlocutor whose opinion interested him”.<sup>1</sup>

Oriol Casanovas accompanied Professor Díez de Velasco during the founding years of the Autonomous University of Madrid. In 1975 he returned to Barcelona to the recently created Autonomous University of Barcelona, where he was a professor between that year and 1982, in a context of strong political protest in which the university was one of the most active arenas. Later, between 1982 and 1990, he taught at the University of Barcelona. Finally, in 1990 he moved to the Pompeu Fabra University, where he developed the last part of his academic career until his retirement in 2008. At this university, characterized by its uniqueness and its commitment to pedagogical innovation, he formed the current Public International Law and International Relations group and contributed decisively to the renewal of pedagogical materials for teaching Public International Law through

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<sup>1</sup> Oriol Casanovas, *Cincuenta años de Derecho internacional público*, Barcelona, s.e., 2008, p. 4. This publication by the author contains the text of the lecture given in Catalan on the occasion of his retirement on 2 July 2008 at the closing ceremony of the official postgraduate Master's Degree in Legal Sciences, chaired by the Magnificent and Excmo. Mr. D. Josep Joan Moreso, Chancellor of the Pompeu Fabra University.

his works on theory,<sup>2</sup> materials and practical cases.<sup>3</sup> Borrowing the words that Professor Casanovas himself pronounced at the event in memory of Professor Manuel Díez de Velasco held at the Complutense University of Madrid on February 17, 2010, what characterizes us as a group is not so much the defense of certain doctrinal theses as “the recognition that its members share for his figure as a teacher, the gratitude we feel for the support we have received at decisive moments and the endearing and almost family-like treatment that he gave us.”

## II

Professor Oriol Casanovas was a reference in the Spanish academy for his teaching and scientific contributions. He was a jurist with a solid and refined conceptual framework, sensitive to the academic and international context in which he developed his work, with a precise argumentative style and a great concern for the human condition both in personal and international relations.

The result of his concern for the human condition was his specialization in international humanitarian law. He soon advocated the humanization of armed conflicts and the need to protect victims. Some of his most notable works in this field were the inaugural lecture of the 1993-1994 academic course at the Pompeu Fabra University<sup>4</sup> and, above all, the course he gave in the summer of 2003 on “La protection internationale des réfugiés et des personnes déplacées dans les conflits armés”.<sup>5</sup> The persistence of armed conflicts in Ukraine, the Middle East, in several African countries and in Central and South Asia, as well as their terrible effects on the lives of too many human beings, remind us of the relevance and timeliness of this concern.

## III

However, the main contributions of Oriol Casanovas as a Spanish international lawyer to international legal science are his explanation of the compatibility of unity and pluralism in international law and the conception of international law as a truly public law, which helps to understand and explain today's world.

On the one hand, anticipating the work of the United Nations International Law Commission, he argued that the quantitative and qualitative increase in international legal norms that make up normative subsystems called international regimes were a manifestation of the political, social and legal pluralism existing in the international community and that at the same time it was possible to defend the formal and material unity of the international legal system. His general course in the *Bancaja*

<sup>2</sup> O. Casanovas y A.J. Rodrigo, *Compendio de Derecho internacional público*, 12<sup>a</sup> ed., Madrid, Tecnos, 2014.

<sup>3</sup> O. Casanovas y A.J. Rodrigo, *Casos y Textos de Derecho internacional público*, 7<sup>a</sup> ed., Madrid, Tecnos, 2016.

<sup>4</sup> O. Casanovas, *De l'ajuda humanitària al dret d'ingerència humanitària*, Barcelona, Universitat Pompeu Fabra, 1993.

<sup>5</sup> O. Casanovas, “La protection internationale des réfugiés et des personnes déplacées dans les conflits armés”, *Recueil des Cours*, 2003, Tome 306, pp. 1-176.

*Euromediterranean Courses of International Law* and subsequent monograph on *Unity and Pluralism in Public International Law*<sup>6</sup> are a good example of this.

And, on the other hand, his conception of international law as the legal order of the international community in which there is also a public dimension has a greater explanatory value for current international relations.<sup>7</sup> Now that the liberal international order led by the United States is in crisis (perhaps final) and some propose an illiberal international order, Oriol Casanovas argued that the return to Westphalia no longer makes sense because in the current international community, although there are Westphalian spaces, there is also the global public interest. He postulated the existence of general interests of the international community that have a plurality of manifestations and that are protected and regulated by means of an international law that is already truly public for two reasons. The first is because international law, despite all its problems, is a limitation for the most powerful; nothing is more necessary and urgent at this time, as armed conflicts and international migrations make clear. The second is that this public dimension of international law helps to protect and regulate global common (the seabed and its mineral resources, marine biodiversity in the high seas, fishery resources, Antarctica, etc.), to provide global public goods (global health, the stability of the climate system, etc.) and to defend universal values (life, peace, physical integrity, the prohibition of torture, genocide, apartheid, etc.).<sup>8</sup> In other words, this conception makes it possible to defend life, civilization and the planet.

#### IV

Furthermore, he was concerned and made sure that those who studied with him understood that international law is closely linked to international relations and defended, like few others, the scientific dialogue between both disciplines. This was a genuine defence, inherited from what he called the internationalist essay referring to a specific genre preceding the studies of international relations nourished by the works of Spanish scholars such as Antonio Truyol, Antonio Poch and G. de Caviedes, Gonzalo de Reparaz, Manuel Terán, Vicente Gay, Román Perpiñá or Camilo Barcia Trelles, among others.<sup>9</sup>

Oriol Casanovas preached the links between international relations and public international law with a committed and generous example, especially during his years at the Pompeu Fabra University. There he cared for and promoted the theory of international relations among those who enjoyed his teaching. He did so on a daily

<sup>6</sup> O. Casanovas y La Rosa, “Unidad y Pluralismo en Derecho internacional público”, *CEBDI*, Vol. II, 1998, pp. 35-267; a revised version of this course published in English can be viewed at *Unity and Pluralism in Public International Law*, The Hague, Martinus Nijhoff, 2001.

<sup>7</sup> O. Casanovas, “La dimensión pública del Derecho internacional actual”, in N. Bouza, C. García y Á. J. Rodrigo (dirs.) y P. Pareja (coord.), *La gobernanza del interés público global*, Madrid, Tecnos, 2015, pp. 57-75.

<sup>8</sup> It is the conception that underlies tacitly and also explicitly in the work *Compendio de Derecho internacional público*, 12<sup>a</sup> ed., Madrid, Tecnos, 2024.

<sup>9</sup> O. Casanovas y La Rosa, “Comunidad y Sociedad como categorías de análisis de las Relaciones Internacionales”, in C. García y E. Vilariño (coords.), *Comunidad internacional y sociedad internacional después del 11 de septiembre de 2001*, Gernika, Gernika Gogoratuz/Munduan Paz y Desarrollo, 2005, pp. 9-17.

basis and particularly in some seminars devoted to topics and authors in which the link between the two disciplines seemed inseparable. He thus reflected the academic trends that in the 21st century underlined both the conditions of power in the international legal order and the relevance of legal norms in the behaviour of international actors.

This concern for the creation and evolution of international norms, so characteristic of the liberal and constructivist theoretical approaches after the end of the Cold War, was for Oriol Casanovas the echo of classic authors of the 20th century, such as Norman Angell, Martin Wight or Hedley Bull. At the same time, some theoretical approaches of classical realism, perhaps disdained by the concerns of the post-Cold War, continued to reserve for Oriol Casanovas lucid and valuable ideas and concepts for the analysis of the transformations of the contemporary international order, as was the case of the works of Georg Schwarzenberger, Hans Morgenthau and, of course, Carl Schmitt. He devoted special attention to the latter, as demonstrated by his last published book, since he was an intellectual who conceived the international order at the crossroads of politics and law. Far from Schmittian ideological convictions, this interdisciplinary conception was shared by Oriol Casanovas.<sup>10</sup>

## V

Oriol Casanovas was a university professor who became a teacher for his students, for his disciples and for his colleagues in his area, discipline and in the different universities where he taught. As a university professor, he gave masterful classes that truly deserved this title because he had a deep knowledge of the discipline of Public International Law and also of its political, social and legal context. He was a comprehensive jurist. Research in specific areas and specialization required, in his opinion, a mastery of the discipline that could only be obtained by studying and preparing classes in the different subjects of the area of knowledge with different textbooks, in different languages, and from different legal environments. For Oriol Casanovas, teaching was an essential task of the university professor who participated in the training of lawyers, while it also constituted an essential component of the training of doctoral students and future researchers. He was not a teacher like any other; because with him you learned the discipline, how to explain each subject, what were the difficulties and the abysses that one faced when, after a few years of finishing the degree (with some master's and postgraduate degrees behind us) you entered classrooms full of students. Only teaching allows you to learn in each session the complementarity between deep and detailed knowledge of the subject and the skills to transmit it in a precise way, with the appropriate cadence, tone and register. He taught his students and taught his collaborators and disciples how to teach, to whom he transmitted the importance of having colleagues with whom to share university tasks, discuss and reach agreements on the most varied issues such as, for example, the formulation of exams, teaching plans, marking guidelines, etc. In relation to this issue, Professor Casanovas considered that “every exam and its correction is a lesson in humility for the professor”, who often fails to understand how his students can respond so inaccurately to questions on topics that the professor believed he had explained

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<sup>10</sup> O. Casanovas y La Rosa, *Carl Schmitt: pensador del orden internacional*, Madrid, Tecnos, 2022.

brilliantly in class. His involvement with the public university was always consistent with the vocation of service to society through research and the teaching of Law.

As a professor, Oriol Casanovas was always interested in learning and in incorporating the best strategies and materials into teaching. To do so, he consulted teaching plans and materials to prepare practical sessions of the subject from other universities, he was interested in how public international law was learned abroad and he devoted much effort to preparing teaching that was at the service of the learning of all students. This implied sufficient flexibility and capacity to satisfy the most prepared minds with complex content and discussions, without neglecting those perhaps less advanced in knowledge, but equally eager to learn. He argued that all students, or at least the vast majority, should be able to finish the teaching sessions with the conviction that they had learned something. He devoted himself to preparing his own materials, such as the book of *Casos y Textos de Derecho internacional público*, with which many generations of lawyers learned, and later the *Compendio de Derecho internacional public* (with Professor Ángel J. Rodrigo). His academic vocation and European conviction led him to organize a Seminar on Community Institutions and Policies at the Faculty of Law of the University of Barcelona in order to be able to teach a group of his students who were most interested in international law and European law the integration process, history, institutions, law and community policies, at the end of the 1980s, on the occasion of Spain's entry into the European Communities. The seminar, which had around twenty sessions (and which in some editions included visits to institutions and meetings with Spanish representatives) did not entail obtaining credits, nor any mention in the academic record, nor recognition for the teachers, but it was a priceless gift that can only be explained by his vocation and conviction. Oriol Casanovas had the virtue of making the most difficult subjects seem accessible, almost easy, and this was the result of much study and reflection on the underlying issue and, also, on how to transmit its essential elements in an orderly manner, without renouncing complexity or hiding the lack of doctrinal agreement. In addition, he had the gift of restraint, which he transferred to his writings so that nothing in them was superfluous.

## VI

Oriol Casanovas was also admired for his human dimension and his personal style. He was a person of exquisite manners. Affectionate and attentive in personal relationships, he practiced the now unusual habit of responding in writing and in a personalized way to all the people who sent him their work. In addition, he displayed a fine sense of humor and an inexhaustible university anecdote that made him an excellent conversationalist and made him the center of reference at meetings of colleagues and friends. He had an almost infinite intellectual curiosity that led him to read works, beyond international law and international relations, on literature, painting and art in general. He had a special sensitivity towards Catalan culture, on which he had gathered important collections of cultural magazines from various periods. One of the most fascinating features of Oriol Casanovas was not so much his knowledge, which was very considerable, but above all the elegance and relevance with which he made use of it. The disappearance of Oriol Casanovas means the loss for the entire Spanish academy of a professor, a lucid intellectual and a reference teacher in the doctrine of Public International Law and

International Relations. In addition, for us, a gentleman and a generous friend who, with his words and actions, encouraged us to be the group that we are, is also gone. He learned from his teachers that “the university is continuity” and he contributed in an excellent way to this. Now it is our responsibility to live up to his academic and human example.

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