

PREFACE

The purpose of this book is to provide a comprehensive study of international law that is both general and particular, abstract and concrete, theoretical and practical. Such an endeavour may perhaps seem overly ambitious to a reader who thinks of these divisions as necessary. This book suggests, as I have always experienced, that they are but different tongues in the same mouth – just as the learning of different languages, thinking of the same things in ever divergent grooves, and breaking of idiomatic boundaries. In this book I express my views on the basic conditions of international law through the rich horizons of the jurist as I see her.

In substance, this book is based on my doctoral dissertation at Harvard Law School (1999). Though I have discussed similar issues in other publications, this study stands independently of those. This book is an introduction to the basic questions that need to be laid out before more pin-pointed discussions on the international law of today can take place whether we intend to address the doctrines, structures, processes, regimes, functions, histories, cases, or specific rules. The intersections of global problems are too complicated to be rushed into and one-way solutions will result in little but problem displacement and jamming elsewhere.

The bulk of the research for this book was conducted at Harvard University during my four-year stay made possible by the Finnish Academy and the Culture Fund of Finland. The positive effects of the freedom of thought and the scrutiny of experts that came along with this backing cannot be overemphasised. I have been able to participate and test out the arguments of this book in the most interesting academic events thanks to the support of the American Society of International Law, the Harvard Law School Graduate Program, and Max-Planck-Institut für Europäische Rechtsgeschichte. I have also profited greatly from the intellectual cultivation at the universities of Tampere and Helsinki. I am grateful to all those who have shown interest in and discussed various aspects of my work among whom my academic supervisors (in temporal order), Professors Veikko Rantala, Leila Haaparanta, Martti Koskenniemi, and David Kennedy, are in a category of their own.

I would like to express my warmest gratitude to the following persons.

Across disciplinary lines the notable philosophical insight of Professors Veikko Rantala and Leila Haaparanta has guided my way. Similarly the invaluable comments by Professor Matti Klinge gave me the historical orientation sense that I needed for this work. I also thank Professor Jacques Derrida for his responses.

There is no expression equal to my indebtedness to Professor Martti Koskenniemi, a teacher-academic-jurist *extraordinaire*. I simply thank him. The impetus of Professor David Kennedy and the flare of Professor Duncan Kennedy incited so much during this project and are greatly valued. I owe a special gratitude to Professor Joseph Weiler for applying his deep vision to my efforts at crucial moments. I thank Professor Nathaniel Berman for so much beyond our conversations.

I remain greatly indebted to the following persons for all the different kinds of support that I have received during this project: Hani Sayed, Benedict Kingsbury, Lewis Sargentich, Mattias Kumm, Helen Hartnell, Gudmundur Eiriksson, Larissa Behrendt, Anthony Anghie, Alexander Boldizar, the Sullivans, Jean Thomas, Stella Rozanski, Vasuki Nesiah, Marika Tuohimaa, Thomas Skouteris, Jens Drolshammer, Cait Clarke, James Gathii, Raimo Siltala, Yael Shamir-Rokach, Tapio Helen, Deborah Cass, Kerry Ritich, Malkah Nobigrot, Vasuki Nesiah, Andreas Paulus, Robert Wai, my colleagues at the Erik Castrén Institute of International Law and Human Rights,

and all the other colleagues who have contributed to the great working atmosphere that I have enjoyed.

Outi Korhonen

Helsinki, January 31, 2000