

Preface

The debate about the relationship between international and community law focuses normally on the question of which of these two “belongs” to the other and how “special” or “not-so-special” community legal order is *vis-à-vis* international law. It sometimes feels, however, as if that discussion reflects more the professional idiosyncrasies and career ambitions of lawyers than the intrinsic character of the two fields of law, and may perhaps sometimes be translated into the very banal question about who is going to be the boss!

In this volume a group of British and Finnish lawyers have sought to examine the international law aspects of the activities of the Community and the Union hopefully without such antecedent bias. The intention has been to elucidate points of connection and possible conflict between international and community law with an eye to enriching our understanding of the workings of both. For while it is clear that a community law centered examination will never be able to meet the concerns that third States have about the effects of community obligations on international legal relationships, it is equally clear that classical international law fails to provide a reliable account of the positions of Union members *vis-à-vis* each other even in regard to the Union’s external activities.

The assumption is, in other words, that examining community law through the conceptual grid of international law is likely to nuance our understanding of its nature and workings. Such a perspective may even be positively necessary in order to situate the Community and the Union as parts of a larger structure of legal, and of course political, relationships. On the other hand, reversing the perspective – examining international legal relationships from the perspective of community law – is likely to provide a better grasp on the idiosyncrasies of the traditional diplomatic method and a good basis for the critique of the naturalness through which that method is accepted as the reigning mode of public exchange between national societies.

So there is no need to examine the two fields of law with an eye to a conclusion about relative hierarchy. It is perhaps better to think of the two as legal cultures, complete with their unchallengeable credos, rules of normative authority and doctrinal exegesis, professional rituals and styles of speech and writing. As anthropologists have learned, no cultural idiom can be fully translated into the language of another without distortion and loss of meaning. The same is true of the relations between international law (and its practical face,

the culture of alienated diplomatic form) and community law (and its practical face, the culture of market-oriented bureaucracy). Attempts to reduce one into the other or to set them in a hierarchical relationship will distort the image of both; and will not enhance the lawyer's capacity to practice his or her profession within each. So neither assimilation nor reduction but reflection and dialogue should be sought from this encounter of legal cultures. True dialogue, however, requires not only sensitivity to the character of the other but also the recognition of one's embeddedness in one's own culture, be that the metropolitan world of public international law diplomacy or the managerial technique of European integration – or indeed the legal and academic cultures of Britain and Finland. If the following essays do not attain a synthesis, that should prove no disappointment. Lawyers will continue to be asked for advice and expertise specifically in European or international law. It may be hoped, however, that in providing the requested services, the encounter with the alien attempted in the following essays will have attained that such advice is sensitive to concerns that otherwise may not be included in the routines of our professions.

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