
Introduction

N. Piers LUDLOW

The process of European integration has always been a legal endeavour as well as a political and economic one. The creation of European institutions, the setting of policy aims, and the allocation of costs and responsibilities between the member states has been carried out by means of legal treaty from the 1951 Treaty of Paris onwards. The principal output of the European Community system has been an enormous volume of law. And the internal culture of the European entities has been deeply affected by the legal background of many of their employees. The pun that did the rounds in Brussels in the late 1980s claiming that those who worked for the European institutions were “a people of de law (Delors)” pointed to an important truth.

Historians have, however, been strangely reluctant to engage with this reality. The vast majority of books and articles on the Community’s past pay little attention to the activities of the European Court of Justice or to developments in European law. Moreover, when integration historians have felt brave enough to look beyond the boundaries of their discipline and discuss the work of other approaches to European integration, their attention has almost always been directed towards political scientists and occasionally economists rather than lawyers. The voluminous literature on five decades of European law has been left largely unread.

The first four articles in this issue of the journal were presented to a conference in Copenhagen in 2007 specifically convened to address this gap in historical knowledge. Anne Boerger-De Smedt draws upon her detailed knowledge of the Treaty of Paris negotiations to explain the birth of the ECJ. This process was far from straight-forward. Jean Monnet had not originally foreseen a powerful court and was in fact highly wary about a “gouvernement des juges”. Controversies also erupted over the remit of the Court, its composition, and the question of whether it should be a permanent institution. It would hence take a combination of the Benelux governments’ desire to limit the potential dominance of the High Authority, the Federal Republic’s emphasis on the need for a constitutional court, and Maurice Lagrange’s borrowing from the French administrative law tradition, to bring a soon-to-be powerful legal entity into being. Jérôme Wilson meanwhile discusses the personal interconnections and networks which linked the legal pioneers. He highlights, for instance, the importance of the *Institut international des sciences administratives* (IISA) as a mechanism for bringing together several of those who would exercise the greatest influence over the early development of European law. Wilson also discusses the interplay between the international law and the administrative law traditions in the emergence of European law.

Bill Davies’ piece shifts the chronological focus to the 1960s, the period of the ECJ’s pioneering *Van Gend en Loos* and *Costa vs ENEL* judgements. The aim of Davies’ article is to investigate the profoundly ambivalent reaction of the German

civil service to these two judgements. It thus highlights both anxieties that EC law might undermine the centrality of human rights protection and democracy within the Federal Republic's constitutional structures, and Germany's contradictory desire to avoid casting doubt on its political commitment to the European integration process. The final piece by Morten Rasmussen examines both the longer term and proximate causes of this legal revolution. His article thus begins by pinpointing the political and legal traditions out of which arose the ECJ's bold and unconventional interpretations of the Treaties of Rome, before engaging in a detailed reconstruction of the circumstances which surrounded the *Van Gend en Loos* and *Costa vs ENEL* decisions.

Two of the three remaining pieces use a biographical approach to explore important themes in European integration history. Thus Giles Scott-Smith uses the professional experience of Leonard Tennyson, the American public relations specialist who became the European Communities' first representative in the United States, to trace the evolution of US-European relations over the period between 1950 and the early 1970s. In the course of his long service, Tennyson witnessed not only the ebbs and flows of American interest in the European project, but also the growing desire of the European institutions to have their interests represented by a European rather than an American employee. The Brussels experience of Lionello Levi Sandri, which is analysed in Andrea Becherucci's contribution, also throws light on more than just the career of one man. The piece thus acts a reminder of the long-lasting and often frustrating Italian-led campaign to develop European social policy. It also redirects a degree of historical attention away from the more glamorous Directorates General dealing with agriculture or competition policy and towards a rather less intensively studied field.

The final piece in the issue examines the Czech Republic's road to EU membership. Dagmar Moravcova looks at the somewhat idealistic discourse about a "return to Europe" which marked the early Czech post-cold war debate, and then traces the steady erosion of this initial optimism by the rather harsher realities of adaptation to a western market economy, to post-communist Europe, and to the demands and conditionality of the Europe agreements and ultimately full EU membership. As a result, the author argues, support for Czech membership is now connected largely to the likely economic outcomes, rather than to the civilizational and value-related judgements about Europe of the immediate post-1989 period.