

Francis Snyder

Rediscovery and Renewal in Berlin



Francis Snyder is Centennial Professor of Law at the London School of Economics and Professeur associé at the Université d'Aix-Marseille III, France. Previously, he was Professor of European Community Law at the European University Institute, Florence, and Director of the Academy of European Law and before that at University College London. Since 1988 he has also been Visiting Professor at the College of Europe, Bruges. He studied political science, anthropology, and law at Yale University, Institut d'Etudes Politiques de Paris (Fulbright Scholarship), Harvard Law School, and the Université de Paris I (Panthéon-Sorbonne). He is a U.S. attorney (Bar of Massachusetts). In 1988 the French Government awarded him the honour of Officier dans l'Ordre des Palmes Académiques. In 1998 he was the first EU-China Robert Schuman Professor, based at the Chinese Academy of Social Sciences in Beijing. Between 1995 and 2000, he participated in working groups to draft a new Basic Treaty of the European Union. He is the founder and Chief Editor of the *European Law Journal*. His publications include *Capitalism and Legal Change: An African Transformation* (1981), *Law of the Common Agricultural Policy* (1985), *New Directions in European Community Law* (1990), *European Community Law*, 2 volumes (ed., 1993), *International Trade and Customs Law of the European Union* (1998), and *The Europeanisation of Law: Legal Effects of European Integration* (ed., 2000). – Address: CERIC, Université d'Aix-Marseille III, 38 avenue de l'Europe, 13090 Aix-en-Provence, France.

Every ending is a new beginning. This is an enlightened understanding of the ending of a wonderful year. Being at the Wissenschaftskolleg is a privilege that is fully to be enjoyed every day. For me, it has

also been an immensely stimulating voyage of rediscovery. Though born in the United States, I have been in Europe almost thirty years, with one or at most two visits to the US each year. It sounds strange to say, even in my transatlantic accent, but it is true that being surrounded by so many Americans at the same time, for almost an entire year, was a novel experience, a kind of return to the past, which I found very illuminating and often exciting.

Moreover, for some years now, I have been deeply immersed in European affairs and European Union law. However, in what seems to have been another life, I carried out long-term anthropological field research in West Africa. The Wiko ambiance, the kaleidoscope of changing perspectives at the Tuesday Colloquium, new friends from several continents, and my own reading to come to grips with the ideas about China that were implicit in European international trade law gave new impetus to my great interest in relations among different cultures and societies (and economies). I also realised how much my approach to EU law has been influenced by my earlier experiences in other radically different cultures. In sum, Wiko was an intellectual equivalent of the entangled undergrowth and seemingly dense forest that grew outside my office window, apparently wild, but in fact thoroughly domesticated, with however the inestimable advantage that the intellectual stimulus at Wiko was not interrupted at all by winter.

Coming from the EUI in Florence, I was used to being surrounded by many different languages and working in several. But Wiko is a quite different place. This became clear soon after I arrived in early September for the intensive German language course. My Fellow colleagues and I did our research work in our own respective languages, but in the house at large English and German competed for priority, usually gently. English won, at least among the Fellows, tempered by the daily French breakfast table that Claude Gilliot and I constituted informally, and despite the numerous other languages that were institutionalised in various settings during the year. For a wider vision, I am grateful especially to the legendary Eva Hund, who continued bravely and brilliantly through the year to encourage my efforts to learn a language that any self-respecting European should know, however daunting it may be for those accustomed to more user-friendly romance languages. After all, Berlin, already the centre of Europe, will soon be at the centre of the European Union.

Wiko has its own distinctive, mainly German identity, though conceptually it is a variant on the Princeton Institute for Advanced Studies model. I especially admired the internal organisation and

staff solidarity of the Wissenschaftskolleg, its apparently constant round of consultations, and the sense of responsibility of individual members of the staff. This was the organisational and cultural backdrop of the incredible quality of seamless and friendly support enjoyed by the Fellows, including me, and which I appreciated every single day. I would like to thank wholeheartedly the Wiko staff for their immense talent in introducing me to life in Berlin, not just in the sense of social life (especially the opera), but rather to the way outstanding academic organisations function in the setting of Berlin and early 21st-century Germany. Special thanks are due to Joachim Nettelbeck, Barbara Sanders, Christine von Arnim and Andrea Friedrich, Christine Klöhn, and Gerhard Riedel, and their respective teams. I am also deeply grateful to them for helping me, as part of this framework, to do my research in superb intellectual and material conditions. Wiko proved that there is life after Florence, and, of equal importance, that other organisational models are even more conducive to serious research.

My scientific objectives in coming to Berlin were to write up the material I had collected for several years on the resolution of international trade disputes between the European Union and China. This was far too ambitious; each idea seemed to demand a book. It soon got boiled down to a statistical profile of EU antidumping actions against China between 1979 and 2000, a study of ideas of the market economy and the “nonmarket economy” in EU-China trade, and trying to make a start on a commissioned article on new legal forms and regimes in the age of globalisation. By the end of the year, I found that I had completed a very substantial article on the origins of the idea of “nonmarket economy” in EC antidumping law, involving a detailed historical study of antidumping law since the early 20th century but focusing mainly on United States, GATT, and EC antidumping law since the 1950s. My thinking about this, I am happy to record, was stimulated immensely by Dorothea Frede’s Tuesday Colloquium on Plato: perhaps a tribute to the Wiko method! I also drafted much of a second long paper on the uses and abuses of market ideology in EC antidumping law involving China in the last two decades. In addition, I completed a long preliminary analysis of a first version of the statistical material, a very good basis for a second draft. I also put together a project for an eight-university research network on EU-China trade, which I hope will be funded next year. Overall, in terms of writing, about two books worth perhaps, but then I had vowed henceforth only to write articles!

My work on law and globalisation was thoroughly infused by the weekly Wednesday lunches of the interdisciplinary Globalisation (Fiasco) group. This helped me to reconsider the conceptual foundations of my preliminary research plan, to supplement my collection of a considerable amount of research material, and to begin a first draft of what is supposed to be a “state of the art” article, identifying the principal themes and indicating directions for future research. The perusal of what in brief retrospect seems to be a prodigious amount of material would have been unthinkable without the help and thoughtfulness of Gesine Bottomley and Hans-Georg Lindenberg and their collaborators. The Library staff bordered on the miraculous, as I learned to my delight when I tried to find English- and German-language sources on German economic thought and intra-German trade to help me think about how our ideas of “non-market economy” took shape.

In other words, what made my year at Wiko special were the people. It was a rare opportunity to be here while the Rektor was Wolf Lepenies, both an extremely distinguished scholar and the Wissenschaftskolleg’s greatest basketball player, yet at the same time to be able to enjoy the company of Dieter Grimm, formerly a leading German Federal Constitutional Court judge and one of my own tribe. Gerhard Casper’s lecture on the idea of a university was thought-provoking, even though many may have wondered what practicable lessons it contained for the real European university. Raghavendra Gadagkar gave a dazzling evening lecture that showed us social scientists how “real science” could be so impressively done. The “bat people” provided the year’s cohort with logo, laughs, and a lot of food for thought (and not what you have in mind!).

I arrived at the Wissenschaftskolleg without being in a working group, but this did not last long. A group of us concluded early on that we had enough in common to have some interesting conversations. One thing led to another, my colleagues were very tolerant of the first paper (mine) in what turned out to be a series, and so I continued throughout the year to look forward to the weekly Globalisation lunch with Peter Bernholz, Partha Chatterjee, Steve Krasner, Patricia Springborg, Katherine Verdery, Robert Wade, Wang Hui, Andreas Wimmer, and sometimes Dick Bernstein. Initially I also participated in the meetings of Philippe Burrin’s Empire group, until the demands of my own research got in the way. Living in the *Neubau*, and also being a devotee of Indian food, I saw much of my neighbours Velcheru Narayana Rao and David Shulman and Sanjay Subrahmanyam from across the street. I also discovered my twin,

Deborah Klimburg-Salter, whose working life appeared to mirror what one of my teachers long ago referred to as my “picaresque career”. One of the continuing highlights of the year was to be at Wiko at the same time as two of the 20th (and now 21st) century’s leading figures, Dieter Henrich and György Ligeti.

This made it all the more pleasureable to enjoy the arts in Berlin, notably opera and the art galleries. Berlin is one of the world’s great cities, in terms of the arts and also with more green space and lakes than any other city I know. One of the pleasures of living in Europe is the knowledge that I can always come back. With such delights close at hand, I tried to avoid other commitments during the year in order to concentrate on my research. But some long-standing engagements called me to Bruges, Madison, Macau, and Beijing, and I also gave guest lectures in Mannheim, Warsaw, and Budapest. Inevitably some EUI Ph.D. students followed me to Berlin, in person or in text. So it has been a very full, even heady year. Sometimes I like to think that so much was possible because, starting in September, as I admitted to Mauricio Tenorio Trillo and Patricia Brandt, I made some headway on an old New Year’s resolution to start jogging. It could also be, however, because of the greenery of calm Grunewald and the *Berliner Luft*. But, really, I know it was the people.