

## Preface

Conception, development and birth of this journal roughly coincide with the same phases of the European Constitutional Treaty. No need to argue its timeliness. The ancient Greeks had a god for the right moment, Kairos. It may be owing to his genius that this journal, failing to materialize out of earlier attempts, can be launched just now.<sup>1</sup>

What does need to be put forward here is the intended editorial character and formula of the European Constitutional Law Review. In our invitation to colleagues across the continent to sit in the Advisory Board and write a short piece, to which the acclaim was immediate, massive and committing (the result is this first issue's substance), we phrased the intention thus:

In the tradition of the HOGENDORPcentre, the journal will follow the classical approach of constitutionalism, to discuss EU law's developments as well as comparative public law of the member states, political and constitutional theory and history.

This journal is, simply, meant to be a tribute to and a participant in the great Western constitutional tradition. The new European constitution provides its opportunity, not its exclusive subject.

Like everything to which the adjective *European* is applied, this journal's name refers not just to such reality as has consolidated at a distinct European level (in Brussels, Luxembourg, Strasbourg roughly, or in the Union's different national capitals). It includes things that we qualify as European on other counts. These may be values, forms or events that transcend the national level and are seen as common, or are part of reality shared. This is why comparative constitutional law is an important field of interest.

Nor is European constitutional law a field of legal studies strictly. The constitution may be a matter of law; the law has no monopoly over its understanding. The constitution is a meeting place of different ingenuities. It is where power meets reason, law meets politics, interests meet justice, where past meets present and future. It is where logic meets history. And so on. In constitutional

<sup>1</sup> Monique Trédé, *Kairos. L'à propos et l'occasion* Paris 1992.

studies, legal scholarship is central but not exclusive. This law review is, consequently, interdisciplinary.

Amsterdam, the Centre's grounds, is a good town from which to run the journal. It is a city with a great republican history, now situated between the great modern strands of European constitutionalism and thoroughly open to each of them, both linguistically and intellectually.

A few words on the new European Constitution. We intend to read and treat this as a major event in a great intellectual tradition, inspiring a rethinking of all the basic themes and experiences. As a profoundly original document, it inspires a rethinking of all the basic themes and experiences. We also take the new constitutional treaty as involving a real turn. This does not mean that Europe has now become a state or is fixed on becoming one. Other and older forms of political community than states had and sometimes have political constitutions (cities, empires). One thing we trust this instrument to do is to deny European Union its *status aparte* of being a body *sui generis*, original to the point of being incomparable to anything else, past or present. This claim does the European Union no justice. It has mostly served to veil, or even wall off, the Union as a paradise for single-issue experts and officials, inaccessible to the common man and sometimes impervious to common sense. Whole paradigms and bodies of scholarship have been created especially around the Union as a *sui generis* institution. If the constitution works, these can now mostly begin to be forgotten. As a symbol already, the Treaty conveys, among other things, the intent to merge the Union into common history and analysis of shared political life in Europe. Its history can become part of European history; its theory will be part of general political theory and its law will have a constitutional chapter, concerning the fundamentals.

This journal will be a platform for scholarly discussion of European constitutional events and evolution. It is open to contributions in this field from any country in the world and from any discipline. These contributions should satisfy as to substance, apart from the common scholarly criteria, two specific conditions, to a) have a distinctly European relevance and b) include a reference to and discussion of legal aspects involved.

We welcome the members of our advisory board and thank them for being so forthcoming. In our invitation we included a request to write a short piece (around 2000 words) on an assigned topic of the new Constitution. Only some, unable to be brief due to imperative time constraints, were allowed some extra length. These include, with apologies, the editor in chief in his introductory piece. The result is this special issue. As an acknowledgement of their immediate support, this first issue lists members of the *founding* editorial advisory

board. The board will be extended and renewed in the coming years to allow a better representation of genders, nationalities, ages; each new member will write her or his maiden contribution to the journal.

We look forward to events and to helping the ideas they generate, take form.

*Amsterdam, September 2004*

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