

LAUDATIO:
PROF. PAUL CRAIG

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I FIRST MET Paul Craig in Bloomington (Indiana), where I was a visiting professor. It was June or July 1995. One day I received an invitation for dinner by Prof. Alfred Aman, a well-known expert in Administrative Law and then dean of Indiana University Law School. When my wife and I arrived at the dean's home, we were introduced to a youthful English professor, his wife and a baby born a few months before.

I have encountered him on many occasions since 1995. Actually, this *laudatio* could be titled "Recollections about Paul Craig". They would include (among others) a long conversation in Fiesole, where he had come to give a seminar at the European University Institute, or the debates of the working panel set up by the European Group of Public Law to make observations on the draft Constitutional Treaty. Incidentally, that working panel met in Paris and the question was raised by our president Guy Braibant whether Paul Craig was entitled to speak in English: a very French question, indeed. More recently, in the Brexit period, he was very active in a European Public Law Organization meeting in Cascais to examine the future of the European Union.

Let me observe *en passant* that we will never regret enough the loss of English lawyers in the enterprise of European integration: they are always competent, and they are used to taking European Union Law seriously.

Back to recollections, three scenes have especially shaped my image of Paul Craig. In September 1996, I came to the annual reunion

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of the European Group of Public Law for the first time, invited to present the general conclusions. It was a much smaller and definitively less formal event. That year the *laudatio* was in honour of Sir William Wade, one of the founders of modern English Administrative Law. The orator was Paul Craig. I have vivid memory of his carefully prepared and energetically delivered praise of a great lawyer, in the wonderful garden of the old boarding school on the island of Spetses. A magic moment, not least because he showed his pride of being an element in a distinguished line that included Professor Wade. Great scholars are aware that they are links in a chain.

The second scene takes place in Oxford some years later. Paul Craig was host of a small seminar with a few European colleagues. I do not remember the topic. But at a certain stage two of these colleagues said that “validity” is not an accurate term to state that a norm belongs to a legal system. They said that validity, as usually understood, is the conformity of a norm with the superior rule of recognition, that is, with the criteria governing law-making in the corresponding legal system. And they stressed that norms, after their approval and introduction in the legal system, can be found in contradiction with higher rules and consequently considered invalid. Paul Craig strongly disagreed, sticking to the orthodox, positivistic view of validity. I intervened to notice that in the Spanish-speaking world we have two different words (*validez* and *vigencia*), but he dismissed this remark and the controversy with our other colleagues continued. Then I realised that in current English one does not say that statute A or regulation B “is valid” if the speaker’s purpose is to affirm that such statute or regulation has been passed and is part of the legal system. One rather says that it “is in force”. I do not know if Paul Craig changed his mind, but this time he was touched by the argument. My conclusion was that he is ready to reconsider his ideas if confronted with linguistic-analytical arguments, of course formulated in English.

Third scene: sometime later in London, at the Institute for Advanced Legal Studies. There was an academic conference of British public lawyers. Paul Craig was one of the speakers. What struck me was the number of judges who came into the room specifically to listen to him. This is extremely significant in a country where, contrary to what often happens on the Continent, the “oracles of the law” (to use John

Dawson's classical formula) are not professors, but judges. One could easily realise that, apart from being an eminent academic, Paul Craig is influential in legal practice as well.

The comprehensive expositions of both European Union Law and English Administrative Law produced by Paul Craig are well-known and deserve our admiration. And his shorter writings should not be forgotten. For instance, I have always found his work on formal and substantive conceptions of the rule of law particularly illuminating. No doubt, he is a hard worker. But he is also a person who combines a first-class common law education (historical consciousness, taste for details, argumentative skill) with a remarkable attention to what happens in other parts of the world. His personality is unmistakably Oxonian, as can be appreciated in his care for clear distinctions and precise language. One can agree or disagree with Paul Craig, but nobody may seriously object that he or she has not understood him.

Professor Craig, please accept our gratitude for your teaching and your example.