

Editorial

We are proud to present the first issue of Retskraft – Copenhagen Journal of Legal Studies. The new journal has been about a year in the making. In the fall of 2016, a small group of students from the Faculty of Law, University of Copenhagen met to discuss the possibility of starting a new student-driven peer-reviewed law journal at the Faculty of Law, University of Copenhagen. The idea was simple. As the first of its kind in a Danish context, the journal would offer promising law students at the Faculty of Law the opportunity to publish in a law journal at the highest possible academic level. The journal would provide an outlet for law students at the Faculty interested in academic writing as well as for other interested students, researchers and practitioners in Scandinavia, Europe and the rest of the world. Retskraft – Copenhagen Journal of Legal Studies was officially founded on 17 November 2016.

The journal will be published twice annually and publishes articles within all legal fields, including contributions of an interdisciplinary character. The journal welcomes articles in the Scandinavian languages (Danish, Norwegian, Swedish) and English. To ensure a high quality of published scholarship, each article undergoes double-blinded peer review from two anonymous reviewers. The peer reviews aim for the highest possible standards. At the same time, the peer-reviews will be highly constructive in order to encourage the best result and help authors present their research in the best possible way. This practice is in line with the broader ambition of the journal: to create a culture of academic writing among law students and to encourage students of other disciplines to study the law. To support the work of Retskraft, an Advisory Board of researchers from the Faculty of Law was created to serve as ambassadors of the journal and evaluate the quality of its articles and the editorial processes.

Retskraft means the force of law. In Danish legal vernacular, the term is used to signify the binding effects of a judicial ruling on the parties of the relevant case. In other words, the concept refers to the force of a legal decision issued by the courts or by an administrative entity. In addition, the force of law binds not only the implicated parties, but also sets out legal parameters that will not be subjected to renewed testing by the courts and on which new litigation is based. As such, the concept of retskraft also points beyond the courts toward the broader social effects of the law. As the culmination of legal proceedings (from the case was first brought before the courts to the binding judgment) the word of the law has been spoken, and the impact of the judgment on the affected parties and society begins.

For the new journal, the name Retskraft signifies precisely the desire to contribute new, original and critical studies of the law and its effects. The focus of Retskraft is not only on the legal studies in a narrow sense. Instead, the journal strives to contribute a venue for research on the law as a force in society. As such, the focus of the journal is broader than most other legal journals published in Denmark. The reasons for this focus relate to the history of the Danish legal profession and its scholarship.

Historically, different types of legal regulation have been used to organise Western societies for centuries. In a Danish context, the law has been a primary tool of governance throughout modern history, and functioned as a structuring force of absolutism as well as the democracy that was formally instituted in 1849, although closer scrutiny reveals how the incremental substitution of absolutism stretched well into the 20th century. In this period, the law was imbued with and held force as perhaps the most important governance technology upon which society was built and transformed.

As a result of this force, legally trained professionals became a powerful presence in Danish public administration and society in general. From the mid-1800s, legal professionals have held monopoly on a range of central positions in the Danish police and judiciary, and were also frequently recruited to other top positions in public administration. Although parts

of this monopoly have been broken, legal graduates still enter a market in which there a wide range of standardised legal positions exist. Due to its close proximity to well-defined professional roles in the public and private sector, the Danish education of professionals of law has historically been focused on transmitting practical knowledge of the law from professors to students. To a large extent, legal education in Denmark was focused on craftsmanship rather than scientific production. This historical and professional culture has moved legal studies away from other scientific disciplines and created a fairly insulated academic culture.

With the foundation of Retskraft we have provided a new and highly innovative outlet for scientifically interested law students as well as for other junior scholars interested in the law, its functionality and effects. As such, we seek to challenge conventional and historically embedded perceptions of the legal education, its students and its scientific perspectives. This challenge does not aim to demobilise legal scholarship but to strengthen its relevance. This is in accordance with the broader goal of the new journal to strengthen the scientific skills and culture of law students.

In line with this, the name Retskraft also signifies a fundamental openness to different theoretical, methodological and empirical approaches to the law. This openness both scientific and geographic, as is implied in the full name of the journal and its subtitle Copenhagen Journal of Legal Studies.

Scientifically, rather than blindly relying only on what is usually described as ‘the legal method’ in Danish legal education and academia, the journal encourages interdisciplinary contributions and reflections on how the law is produced, how it operates and impacts society. While the main authors and audience of the journal will be law students, the journal also welcomes perspectives on the law and its force from students from disciplines such as political science, economy, the humanities and social science. This focus does not preclude what more international scholarship often refers to as black letter scholarship. On the contrary, it aims to relate classical legal scholarship to other disciplines to create an exchange of ideas

that contributes new knowledge about the law, its impact on society and developments.

The journal is also open in terms of its geographical focus. This openness aims to enable the investigation of the most important legal developments. Despite the recent rumblings of national courts pushing back against international institutions, BREXIT and the return to the national in politics as well as in legal practice and scholarship, contemporary law remains characterised in many respects by being internationalised or at the very least affected by internationalisation. From the regulation of the climate to police cooperation; from intellectual property law to human rights norms; from the contracts of footballers to the automation of legal processes through the development of algorithms and artificial intelligence (AI), the international is folded into the national. At the same time, the national interests of states remain a driving factor in the development of international law. As the at times very intense debates about the balance between national and international imply, the crossroads between them is the site of crucial legal developments. To understand these developments, *Retskraft* aims to be a forum for debate between international and national students, scholars and perspectives. This does not mean that all legal matters are international and must be treated as such. Perspectives on legal problems relevant for a Danish context only are welcome, but are encouraged to contextualise their findings to speak to an audience beyond specific legal sub-fields.

The articles in the first issues perfectly embody the ambition of the journal to contribute analyses of contemporary developments: Two of the articles are written in Danish and two in English. The themes range from a critical legal investigation of the Danish co-opt housing market, in the article written by Magnus Esmark, to an investigation of how constitutional amendments have worked as a political weapon in Mexico, an article written by Roberto Mancilla; from an analysis of the regulation of sustainable production under the World Trade Organization (WTO), written by Amalie Paludan, to an article that investigates the balance between privacy and transparency in the Danish Public Information Act

(offentlighedsloven), by Nicklas Malmberg. All of the problems dealt with in these articles are not only extremely topical, but demonstrate the links between the national and the international, the legal and the political. In addition, the articles point towards the broader force of law in the form of the societal impact of very different forms of legal regulation.

Retskraft – Copenhagen Journal of Legal Studies depends on the talent, hard work and creativity of young researchers, primarily law students at the University of Copenhagen. Your articles will form the main material of the journal, supplemented, as the first issue exemplifies, with international perspectives scholars by written outside of Denmark and focusing on legal problems seemingly far from those an average law student encounters. But as highlighted in this foreword, the legal profession and the scholarship that supports it are both on the move. Some of the main challenges of legal profession lie outside the normal perspective of the legal method, but are bound to impact the profession and its scholarship massively. The present journal aims to be the primary venue in which law students reflect on the role, development and force of the law. To study past, current and future legal developments, the journal welcomes contributions from all students with an interest in contributing new and original knowledge about Danish, regional and international law and their effects on the societies they were crafted to regulate. Beginning with this first issue, Retskraft will publish original and critical research for the future, written by the students who will help define it.