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Editorial

Special Editorial: On My Way Out

This issue marks the last one I contributed to as Editor-in-Chief of *Retskraft*. I have been a part of the Editorial Board since 2018, was EiC since the end of 2019 to September 2023, and have been involved in the production of 6 issues containing 23 articles. The Editorial Board and the new EiC, Catharina Kildentoft Christiansen, have graciously allowed me to take up a few pages of the editorial section with some thoughts on running a student-edited journal and legal scholarship in general.

On Running a Student-Edited (Legal) Journal

Denmark does not have a tradition of student-edited legal journals, or even journals with a connection to a particular law faculty.[1] Unlike in, say, the United States, where there is usually intense competition for editorships at the flagship journal of a particular law school, the student association responsible for publishing *Retskraft* has always been something of a ragtag (used in the most endearing sense) group of students with an interest in legal scholarship. We have never needed (nor do I think anyone in the current Editorial Board would want) to institute requirements that members have a certain grade average or pass some test of their ability to format citations properly. My experience has been that —

[1] To my knowledge, the Norwegian journal *Jussens Venner* (est. 1952) is the only long-running legal journal with a student editorial board in Scandinavia. The Danish periodical *Justitia* (1978–2018) published student work, but was edited throughout by professors.

Aarhus University publishes *Retsvidenskabeligt Tidsskrift (Rettid)* which is more akin to a research paper series, publishing student theses. In 2018, the Fiscal Relations Research Group at the University of Copenhagen launched the *UCPH Fiscal Relations Law Journal (FIRE Journal)* covering legal issues pertaining to tax and fiscal matters. It appears to no longer be online. Recently, the Centre for Public Regulation and Administration at the University of Copenhagen launched *Miljøretlig Forskningsportal*, which — alongside publication of court and administrative decisions – publishes student theses in the area of property and environmental law.

The main Danish legal journals *Ugeskrift for Retsvæsen* and *Juristen* are published, respectively, by the legal information publisher Karnov Group and Djøf Forlag – the publishing arm of the Danish Association of Lawyers and Economists (Djøf).

because prospective members are motivated by academic interest rather than prestige — the fact that someone is interested to begin with is usually indication enough that they will be a good fit for the Editorial Board.

However, this more 'grassroots' (if one can even say that about a legal journal) basis — combined with the fact that a student journal can, by definition, only be run by students — means that it is imperative to always ensure an intake of newer students to make up for those who leave when they finish their studies. However, a challenge in the Danish context, is that new law students — who come straight from high school, most likely have little prior experience with legal or social science research and overwhemingly enroll in legal education to pursue a career in practice[2] — might not even consider becoming part of a legal journal a possibility. I am glad that, since 2021, we have made a concerted effort to reach new students and have greatly appreciated the input of the new members who have arrived since then, one of them being the new EiC.

Much ink has been spilt on the other side of the Atlantic on the lack of peer review in student-edited legal journals.[3] The founding editors of *Retskraft* decided that — in order '[t]o ensure a high quality of published scholarship'[4] — all articles submitted to the journal should undergo double-blind peer review by two reviewers. In this respect, the journal has been part of a general development in Danish legal scholarship, which was forced by the now discontinued Bibliometric Research Indicator (BFI) to adopt peer review procedures in order to have scholarship be counted in the quantitative evaluation of the output of university departments.[5] While peer review is now more integrated in Danish legal scholarship, *Retskraft* stands out, both by using two reviewers per article (most Danish journals only use one external reviewer), but also because peer reviews are not only meant to reach a recommendation on acceptance, revision or rejection,

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[2] The Danish LL.B. (Bachelor i jura) and LL.M. (cand.jur.) degrees are, respectively, first- and second-cycle qualifications under the European Higher Education Area (Bologna) qualifications framework.

The average student will not complete degrees in other fields, and a full LL.M. (cand.jur.) degree is required to become a lawyer or judge, and to hold certain positions within public administration.

[3] See, for example, Lee Epstein and Gary King, 'The Rules of Inference' (2002) 69 University of Chicago Law Review 1, 48, 125 and the sources cited therein. Since then, more law reviews have started using external peer review.

[4] 'Editorial' (2017) 1(1) Retskraft – Copenhagen Journal of Legal Studies 1, 1.

[5] Mads Bryde Andersen, 'Det juridiske tidsskrift' (2013) 126 Tidsskrift for Rettsvitenskap 648, 701–03.

but also to 'be highly constructive in order to encourage the best result and help authors present their research in the best possible way.'[6] The ambition has always been that by maintaining high standards, but also making peer review a little less cutthroat, we can make sure the publication process is both pleasant for student contributors and help them hone their writing skills.

Another complaint made in the context of student-edited legal journals overseas is the fact that students are not qualified to evaluate the quality of submitted works and often fall back on, e.g., the prestige of the author. The latter has not really been a problem for *Retskraft* simply because most of our articles are submitted by students, and the former is less of a problem due to the fact that we use peer review. That said, there is still a need for screening of articles pre-peer review to make sure that the articles we send peer reviewers are at least a certain level of quality that can justify them spending time reading them. The level of scrutiny applied in this 'editorial board review' has been the subject of continuous debate throughout the journal's history. The current consensus is that the standard applied is:

(1) Checking for 'obvious' errors of law — that is errors that most law students would be able to spot.
(2) Checking for language and stylistic problems. Even if an area of law is not the speciality of any Editorial Board members, most people are able to spot clunky language and issues related to presentation.
(3) Finally, if anyone on the Editorial Board is knowledgeable within an area of law, they may do a more stringent review of the legal argumetns presented in the article, with the caveat that this should not lead to the denial of legitimate instances of doctrinal disagreement supported by legal sources or arguments explicitly presented *de sententia* or *lege ferenda*, and should be done with the requisite level of humility on the part of the Editorial Board member.

It is my impression that this current standard leads to neither an overly high nor an overly low level of rejections at the editorial board review stage.

During my time with *Retskraft*, we have been contacted multiple times by students from other faculties or universities interested in starting their own journal. *Retskraft* is by no means the first student-run journal at the University of

[6] 'Editorial' (n 4) 1.

Copenhagen and has only existed for around six or seven years,[7] so it is flattering when others appreciate our input. Our number one recommendation for students interested in launching their own journal is to ally themselves with an established researcher at their faculty. This person can be helpful both by giving guidance on usual practices within academic publishing and acting as a liason between the student editorial board and the faculty leadership or other researchers when needed, which is especially helpful if the journal wants to seek financial or other support from the relevant faculty. For *Retskraft*, the assistance of Professor WSR (then Associate Professor) Mikkel Jarle Christensen was instrumental in getting the journal off the ground.

Not every student journal will be able to get consistent funding from their faculty. Law is a fairly privileged field in that it generally does not need to defend itself from funding cuts or claims that its scholarly output is not useful. Other faculties or departments — however much they may want to — might not be able to set aside funds to support such projects. However, this shouldn't deter prospective student editors. These days, creating a publication can be as simple as setting up a website hosting PDFs, which is way less costly than running a print publication. Some quite well-regarded journals within law are online-only publications, and the online format provides certain benefits.[8]

Lastly, so long as a student journal is on the 'grassroots' level described above, one needs to be cognizant of what software developers call the 'bus factor'.[9] Information, procedures, competences and responsibilities should generally be shared among the pool of editors so that any sudden absence of a single editor does not impact the project too much. I will openly admit that this has been a weakness during my tenure, where too many responsibilities were centralized in the role of

[7] While the first issue of *Retskraft* was published in 2017, the journal was founded in the latter half of 2016. For coverage of the 2017 launch of the first issue, see Rhiannon Garth Jones, 'Writing Their Own Rules' (*Uniavisen*, 21 November 2017) <https://archive.ph/SnWpc>.

[8] The highly regarded *German Law Journal* (est. 2000) has been online-only since its inception. *European Law Open* (est. 2022) — the spiritural successor to a highly regarded journal on the contextual study of European law — highlighted in its inaugural editorial how the online-only format allows for longer, and therefore more in-depth, analysis than the classic print length restrictions of physicial legal journals. 'Introducing *European Law Open*' (2022) 1 European Law Open 1, 2–3.

[9] 'The bus factor is a measurement of the risk resulting from information and capabilities not being shared among team members, derived from the phrase "in case they get hit by a bus".' 'Bus factor' (*Wikipedia: The Free Encyclopedia*, 25 September 2023) <https://archive.ph/Olnux>.

EiC. However, since 2021 many improvements have been made in this area. I want to thank Editor and Chairman of the Administrative Board (2021–23), Anders Lindquist and the new EiC, Catharina Kildentoft Christiansen for being instrumental in this development.

On 'Legal Scholarship'

Reading the editorial for the first issue of *Retskraft* makes it clear that the founding editors had a clear interest in the interdisciplinary study of law:

> 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. … [W]e seek to challenge conventional and historically embedded perceptions of the legal education, it students and its scientific perspectives. This challenge does not aim to demobilise legal scholarship but to strengthen its relevance. … In line with this, the name Retskraft also signifies a fundamental openness to different theoretical, methodological and empirical approaches to law. … Scientifically, rather than blindly relying on only what is 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 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.[10]

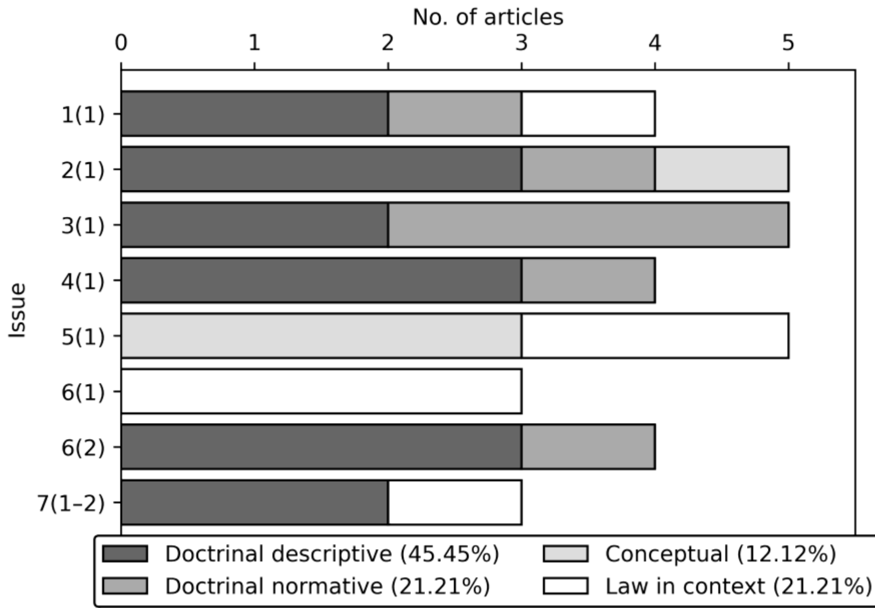
It should be noted, however, that this did not imply a hostility to classic doctrinal study of law:

> 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.[11]

[10] 'Editorial' (n 4) 2–3.

[11] ibid 3–4.

I was curious about what the actual breakdown of articles published in the journal was like, and so conducted a — it should be said, very simplistic[12] — analysis of the articles in the journal. The breakdown of the articles are as follows:



[12] I looked at every piece in the 'Articles' section of the journal and coded them based on what I considered the most prevalent approach of the article. The categories were:

Doctrinal descriptive. Doctrinal articles aiming to state currently applicable law.

Doctrinal normative. Articles making evaluative statements about the currently applicable law based on values presumed to exist within the legal system already. See Suzanne Egan, 'The Doctrinal Approach in International Human Rights Law Scholarship' in Lee McConnell and Rhona Smith (eds), *Research Methods in Human Rights* (Routledge 2018) 27–28; Jakob vH Holtermann and Jens Elo Rytter, 'Retspolitik' in Mikkel Jarle Christensen and others (eds), *De juridiske metoder – Ti bud* (Hans Reitzels Forlag 2021) 243–47.

Pure normative. Articles making evaluative statements about the currently applicable law on purely philosophical or ethical grounds. See Holtermann and Rytter 247–51. There were no articles in this category.

Conceptual. Articles considering more conceptual issues such as the nature of the legal system, basic tenets of areas of law etc.

Law in context. A category aggregating articles that could be described as empirical or social-scientific, such as works within sociology, psychology, political science or economics.

As is evident, most articles are of the doctrinal variety, whether descriptive or normative, but a sizeable chunk of articles either consist of conceptual analysis or law in context scholarship, with most articles of the latter two varieties appearing in special issues or symposium sections.[13]

This is course raises the eternal question of what qualifies as 'legal scholarship'. Personally, I consider any scholarship of which the law is a principal object of study to be legal scholarship, which includes both classic doctrinal scholarship, purely 'external' studies of the law by social scientists etc., and hybrid disciplines (often described as 'law and'-scholarship). This is perhaps less controversial in countries like the Netherlands where methods such as empirical legal research have been prioritized in the legal academy.[14] In Denmark, the doctrinal study of law is still considered the sine qua non of legal scholarship, but the emergence of and increasing amount of interdisciplinary scholarship in the Danish legal academy has been problematized by some authors.[15]

Some of these concerns are not without merit. It is correct, as Henrik Udsen points out, that there exists a divison of labor in the Danish legal system between practicioners and the legal academy, where the former depends on the latter to conduct more in-depth or systematic analysis of doctrinal questions which in turn benefits litigants, courts and executive agencies.[16] It is also true that the way that Danish legal education is currently organized calls for the production of textbooks

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[13] Issue 5(1) was a special issue on *Artificial Intelligence and Legal Disruption*, and issue 6(1) was a special issue on *EU Law & Politics.* The present issue contains a symposium on *EU Law & Politics*.

[14] In the Law Sector Plan (*Sectorplan Rechtsgeleerdheid*), created by ten law faculties in the Netherlands, Empirical Legal Studies is listed as a priority. 'Empirical Legal Studies' (*Sectorplan Rechtsgeleerdheid*, 2019) <https://archive.ph/tYvUL>.

[15] Eg, Jens Peter Christensen, 'Karsten Revsbech – En multidisciplinær jurist. Om jura og anden samfundsvidenskab' in Søren Højgaard Mørup, Helle Bødker Madsen and Michael Hansen Jensen (eds), *Festskrift til Karsten Revsbech* (Jurist- og Økonomforbundets Forlag 2020); Henrik Udsen, 'Hvordan sikrer vi en fortsat stærk retsdogmatisk forskning?' in Caroline Heide-Jørgensen, Ingrid Lund-Andersen and Jesper Lau Hansen (eds), *Festskrift til Linda Nielsen* (Djøf Forlag 2022) (republished in an abbreviated and revised form in (2023) 136 Tidsskrift for Rettsvitenskap 90).

It should be noted that I am not entirely without bias in this debate, as I was employed at one of the Faculty of Law's interdisciplinary research centres for almost four years.

[16] Udsen (n 15) 399–400 (mentioned in passing on page 93 of the republished version). See also Jens Peter Christensen, 'Hvad kan man egentlig bruge juridisk litteratur til i praksis' [2017B] Ugeskrift for Retsvæsen 312.

that are at least partially of a doctrinal character.[17] If the professional incentives of the academy have an inhibitive effect on this scholarship,[18] at the very least it should be discussed whether this effect is intended (I would wager that it is not).

Where I part ways with some commentors is when the claim is made that non-doctrinal or interdisciplinary scholarship is somehow by its very nature of an inferior quality or not useful. For instance, in a 2020 book chapter on the subject, Jens Peter Christensen argues that (i) since law and the social sciences have different angles upon particular issues, importing frameworks and methods from the latter into the former will only serve to muddle the analysis[19] and (ii) that interdisciplinary scholarship will result in a lower level of scholarly quality because one cannot fully grasp and utilize the methodologies and frameworks of two different disciplines.[20]

I do not agree with these arguments.

As regards the first point, having the ability to 'step in and out of the object of study'[21] can be hugely beneficial, both when legal scholars use their doctrinal knowledge as a foundation for empirical research on the law in action, or when they use approaches from other disciplines to answer doctrinal questions where warranted.

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[17] Christensen (n 16) 313; Udsen (n 15) 400–01; Rasmus Grønved Nielsen, 'Mellem profession og videnskab – Uddannelsespolitiske refleksioner over jurastudiet ved Københavns Universitet' in Mads Bryde Andersen and others (eds), *Festskrift til Peter Pagh* (Djøf Forlag 2023) 505–06. I say 'partially' because many textbooks also contain statements on the real world-effects of the law that can in no sense be understood as 'doctrinal'. More on this below.

[18] Udsen (n 15) 403–08 (94–98 of the republished version); Nielsen (n 17) 505; Rasmus Grønved Nielsen, Speech upon being bestowed the Tietgen Award (Copenhagen, 29 November 2023) <https://www.dansketaler.dk/tale/rasmus-gronved-nielsens-tale-ved-modtagelsen-af-tietgenprisen>; Rasmus Grønved Nielsen, 'Videnskabens sorte får' *Weekendavisen* (Copenhagen, 5 January 2024) Ideer 7.

[19] Eg, Christensen (n 15) 18–19.

[20] Eg, Christensen (n 15) 18–19 citing Karsten Revsbech, 'Polycentri i den offentlige retskildelære – en kritik' (1991) 14(52) Retfærd – Nordisk Juridisk Tidsskrift 105, 119.

[21] Stine Helene Falsig Pedersen, *Fortællinger fra Grundforskningens Grænseland – Samtaler med 25 nutidige forskere i Danmark* (Videnskabernes Selskab 2020) 37 (interviewing Professor of European Law and Integration Mikael Rask Madsen) (my translation).

Good early examples of the former and latter, respectively, are Bo von Eyben's 1988 empirical study on personal injury compensation[22] and Ellen Margrethe Basse's 1987 LL.D.-dissertation on the Danish Environmental Appeals Board.[23]

Von Eyben's study is an empirical inquiry into how the rules on personal injury compensation interact both with the actors involved and other systems of compensation. Being a classic survey- and interview-based study, it could have been done by any social scientist, but von Eyben's legal background and expertise in tort law, and personal injury law in particular,[24] allowed for certain insights into the empirical material that might have escaped others.[25]

Basse's study adresses the fact that the environmental legislation that the Environmental Appeals Board had to apply in its decisions was full of open-ended, partially discretionary provisions that dictated a case-by-case balancing of interests. Given this fairly indeterminate legal basis and the fact that the Board was staffed with a mix of experts, politicians and representatives of different interest groups, Basse turned to theories and models from political science, not because it was fashionable or as a lark, but because it might help answer what influence these factors would have on the *lex lata*.[26] One might disagree with the *content* or

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[22] Bo von Eyben, *Kompensation for personskade II – En retssociologisk undersøgelse* (G·E·C Gads Forlag 1988). An English summary is available at pages 675–700 of the book.

[23] Ellen Margrethe Basse, *Miljøankenævnet – En analyse af nævnets organisation, arbejdsgrundlag og funktionsmåde ud fra retlige og andre samfundsvidenskabelige synsvinkler* (GEC Gads Forlag 1987)

[24] The socio-legal study was preceded by Bo von Eyben, *Kompensation for personskade I – Reformering af ulykkeskompensationen* (G·E·C Gads Forlag 1983), von Eyben's LL.D.-dissertation on personal injury compensation.

[25] See, eg, from the concluding chapter, von Eyben (n 22) 611 (on the calculation of compensation and the requirement of adequacy), 617 (on the difference between salary compensation systems), 619 (same), 620–21 (on the validity of data in the face of intervening law reform), 622 (on the likelihood that injured parties could seek compensation via other means), 623–24 (on the existence of no fault-compensation as a response to respondents stating that there was no blameworthy party in their case), 625 (on the presumed effect of intervening law reform), 627 (same), 629 (on insurance companies' lack of adherence to legal precedents).

[26] See, most succinctly, Basse (n 23) 45–47 on the 'special doctrinal method' used in the dissertation. The distancing from the term 'gældende ret' (*lex lata*) on page 46 is a rejection of a particular court-centered theoretical framework and not the idea of *lex lata* as such.

conclusions of such an analysis,[27] but as a matter of theory and method it seems an appropriate approach to investigate the specific exercise, rather than the outer limits, of administrative discretion, which is what most administrative law works limit themselves to.[28] In 2010, Professor of Administrative Law Niels Fenger described the work as part of a wave of research 'able to react to the changed societal reality'[29], echoing Dalberg-Larsen who, in his contemporary review, noted the added value of the law-social science synthesis in 'situations where the legal system is undergoing rapid change and thus can hardly be studied in a practical or theoretically fruitful way based on existing [legal] methods.'[30]

Examples of the latter type of scholarship abound in current-day scholarship as well. While the statement 'the European Court of Justice interprets the EU *acquis* in a dynamic, purposive fashion influenced by policy considerations' might very well be seen as a doctrinal statement by some, one might just as well see it as an empirically verifiable statement about the law in action, and any EU law scholar who keeps themselves ignorant of institutional trends is bound to be surprised at any changes in the 'black letter law' caused by it.[31] Similar considerations apply to the study of the law of the European Convention on Human Rights.

A lack of understanding of other sciences by doctrinal scholars might also hamper them when they attempt to describe the real-world workings of the law. During a legal education one will encounter a variety of such claims in doctrinal

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[27] See Ellen Margrethe Basse (ed), *Miljøankenævnet – Forsvar: Forskningsmetodiske og miljøretlige betragtninger i anledning af en juridisk disputats om Miljøankenævnet* (Gad 1988) (containing presentations and discussions from the defense) and the exchange between Basse and Garde in [1988B] Ugeskrift for Retsvæsen 19, 66, 160 (on the accuracy of the description of 9 specific cases in the dissertation).

[28] Søren Højgaard Mørup and others, *Forvaltningsret – Almindelige emner* (7th edn, Jurist- og Økonomforbundets Forlag 2022) 213 ff is paradigmatic. Cf the distinction between discretionary *space* and discretionary *reasoning* used in research on professional discretion. Lisa Wallander and Anders Molander, 'Disentangling Professional Discretion: A Conceptual and Methodological Approach' (2014) 4(3) Professions & Professionalism 808.

[29] Niels Fenger, 'Den forvaltningsretlige teoris udfordringer i starten af det 21. århundrede' [2010] Juristen 275, 275 (my translation).

[30] Jørgen Dalberg-Larsen, Book Review [1988] Juristen 39, 44 (my translation). At page 45, Dalberg-Larsen notes that such integration often meets resistance from traditional legal scholars, but also from social scientists.

[31] See generally Ulla Neergaard and Marlene Wind, 'Studying the EU in Legal and Political Sciences Scholarship' in Ruth Nielsen and Ulla Neergaard (eds), *European Legal Method: In a Multi-Level EU Order* (DJØF Publishing 2012).

textbooks. A criminal law textbook might explain basic criminological concepts and what the research shows regarding the effects of criminalization and individual sanctions,[32] a textbook on bankruptcy and creditor law might muse on the potential moral hazard of expansive protection of assets from creditors or making it easier to obtain court-ordered debt reduction,[33] and a textbook on social security and welfare law might make assumptions about why people pay taxes in a welfare state.[34]

Some of these types of claims are supported by evidence — others appear to be oversimplifications or simply accepted assumptions. I once had a conversation with a law and economics scholar who scoffed when I referred to the oft-repeated claim made in Danish doctrinal private law literature that the law of contracts and law of obligations are undergirded by the goal of promoting certainty in the exchange of goods and services. In fairness, I am unaware of any doctrinal scholar who claims this is the *only* goal of these fields of law, and the focus on efficiency found in law and economics can be misleading in itself,[35] but the example serves to show that legal realities are rarely as simple as they are assumed to be.

In short, while I am *not* of the opinion that 'pure' doctrinal scholarship is somehow inferior to other approaches, I reject the almost secterian idea that interdisciplinary legal scholarship is not constructive *per se*. Such scholarship has merits both as a component of social science and law more narrowly defined.

As regards the second point, it is of course true that interdisciplinary scholarship *can* be of an inferior quality if the researcher simply jumps into it without familiarizing themselves with the theories, methodologies and logics of the field they are drawing upon. It is not uncommon to hear the claim that unsophisticated interdisciplinary legal scholarship risks becoming a sort of

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[32] Jørn Vestergaard, *Strafferetlige sanktioner* (2nd edn, Gjellerup 2017) 17–24 (course textbook for Criminal Law and Criminal Procedure and its predecessor courses at the Faculty of Law, University of Copenhagen, from 2012–19).

[33] Ulrik Rammeskow Bang-Pedersen, *Kreditorerne* (3rd edn, Hans Reitzels Forlag 2019) 126, 153 (course textbook for Property and Creditor Law and its predecessor courses at the Faculty of Law, University of Copenhagen).

[34] Kirsten Ketscher, *Socialret – Principper, Rettigheder, Værdier* (4th edn, Karnov Group 2014) 42, 46 (course textbook for Social Security Law and Social Welfare Law and its predecessor courses at the Faculty of Law, University of Copenhagen).

[35] Cf, eg, Jeffrey R Rachlinski, 'Evidence-Based Law' (2011) 96 Cornell Law Review 901, 918 (using the conflicting goals of tort and contract law such as efficiency and fairness to highlight that law 'lacks ... a unifying, organizing principle' that would allow for a direct transposition of empirical findings to legal implications).

worthless in-between type of scholarship — being neither good legal research nor good social science. However, it seems to me a stretch to claim that this is an *innate feature* of interdisciplinary scholarship.

For example — while Christensen apparently rejects a vulgar version of this argument, where even someone who studies law as a second degree will never be able to truly 'get' the law[36] — his argument seemingly rests on the idea that anything less won't do if a social scientist wants to do legal scholarship or vice versa. While there is of course such a thing as discipline parochialism, and while the issue of 'translation' between social science and law is a real one,[37] such a statement appears wildly categorical and seems to rest on a simplistic view of human learning. Does that mean that there is no such thing as poor interdisciplinary scholarship? No,[38] but the polar opposite assumption that all interdisciplinary scholarship is somehow lacking is also not true.

Coda

Participating in the running of *Retskraft* has been a highlight of my legal education. Not only was it intellectually stimulating, it also introduced me to wonderful people and opportunities. I hope that it may thrive as an institution in the future and do the same for others.

Matthias Smed Larsen[*]

In this Issue

Articles

The present issue contains a special section on *Facing Current Challenges in the European Union*, with an introduction by Associate Professor of International and Public Law *Shai Dothan*.

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[36] Christensen (n 15) 21–22, 24 discussing Stig Jørgensen, 'Pedanterne' (1993) 3(11) Lov & Ret 18. This is perhaps unsurpising given that Christensen attained degrees in philosophy and political science before studying law.

[37] William K Ford and Elizabeth Mertz, 'Introduction: Translating Law and Social Science' in Elizabeth Mertz, William K Ford and Gregory Matoesian (eds), *Translating the Social World for Law: Linguistic Tools for a New Legal Realism* (Oxford University Press 2016).

[38] Cf Epstein and King (n 3); Jason M Chin and Katryn Zeiler, 'Replicability in Empirical Legal Research' (2021) 17 Annual Review of Law and Social Science 239.

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In 'Greenpeace's Use of Lawfare in the EU', *Caroline Wiidau and Emma Gintberg-Dees* investigate 'whether there is a difference in the degree to which Greenpeace uses lawfare to try to influence EU member states to improve their environmental policy depending on whether it operates in a compliant or non-compliant EU member state, and whether Greenpeace resorts to certain types of lawfare in non-compliant member states compared to in compliant member states.' The question of member state compliance with EU law is a recurring hot-button topic, and as the authors point out, it is worth investigating how actors other than the EU institutions themselves seek to ensure such compliance and what factors influence their choice of methods.

In 'Savior of the Unions? The EU's Approach to Collective Bargaining after the Holship-judgment', *Emil Elnegaard Pelle* assesses whether the European Court of Human Rights' judgment in *Norwegian Confederation of Trade Unions (LO) and Norwegian Transport Workers' Union (NTF) v. Norway*[†] ('*Holship*') 'is likely to change the EU's, and the CJEU's, controversial case-law on the relationship between the fundamental right of assembly and the freedom of establishment of the EU'. The relationship between the European Convention on Human Rights and EU law , and the relationship between the European Court of Human Rights and the European Court of Justice, is also a recurring and hot-button topic,[‡] and the tension between the right to collective bargaining and free movement law will be well-known to any student of EU law.[⸸]

In 'Virtual marketing of pharmaceutical products in the EU', *Milla Clara de Place Bjørn* examines the intricacies of online pharmaceutical advertising, highlighting challenges faced by medical companies in navigating across multiple jurisdictions. The author explores Directive 2001/83/EC (the Community Code Directive), which regulates medicinal product marketing, and Directive 2000/31/EC (the eCommerce Directive) and its country-of-origin principle, questioning the intent of the principle and its meaning in deciding which country's laws to apply. Upon analysing and discussing its different understandings and settling the application of the different directives, it is concluded that the eCommerce Directive is to be applied over the Community

[†] App no 45487/17 (ECtHR, 10 June 2021).

[‡] Cf Letisia Cioaric's article on EU accession to the ECHR in (2022) 6(1) Retskraft – Copenhagen Journal of Legal Studies 33.

[⸸] Case C-438/05, *International Transport Workers' Federation and Finnish Seamen's Union* ('*Viking*') EU:C:2007:772, [2007] ECR I-10779; Case C-341/05, *Laval un Partneri* ('*Laval*') EU:C:2007:809, [2007] ECR I-11767.

Code Directive and that the country-of-origin principle is internationally mandatory.

Varia etc.

In the final installment of the series of interviews on judge-made law that began in volume 6, no. 1, *Christoffer de Neergaard* interviews Karsten Hagel-Sørensen, former Danish state solicitor ('kammeradvokat'). The interview focuses on the jurisprudence of the Danish Supreme Court.

Finally, at the end of this issue we are printing a new version of our author guidelines meant to clarify certain aspects and codify certain editorial practices. The most up-to-date guidelines will always be found on our website.