



Title: Editorial

Author(s): Tiago Andreotti

Source: European Journal of Legal Studies, Volume 5, Issue 2 (Autumn/Winter 2012/13), p 5-6

EDITORIAL

TIAGO ANDREOTTI*

These are times of change for the European Journal of Legal Studies. As life presented them with exciting new opportunities, three of our executive members had to leave their management activities in the Journal. I would like to thank Benedict Wray, Bosko Tripkovic and Maciej Borowicz for the outstanding work done during the period they were in charge. I assume the position of Editor-in-Chief with pride for the accomplishments we achieved so far, but also knowing that there still is much to be done. Joining me in the executive board to help with the task are J. Alexis Galán Ávila, Cristina Blasi and Rebecca Schmidt.

On this issue the EJLS presents topics ranging from legal interpretation to law and economics, and it is divided in two sections. The first section is the outcome of the Young Scholars Lab, an event organized by Professors Miguel Maduro and JHH Weiler that took place at the European University Institute during the first week of June 2012. Devoted to the themes of legal scholarship, doctoral research, legal learning and legal teaching, the Lab also gave young scholars an opportunity to present their work in the workshop 'The Nouvelle Vague: A New Generation of Legal Scholarship Questioning Mainstream Assumptions'. Some of those contributions are published here. This is an important initiative that hopefully will be repeated in the following years, allowing for upcoming scholars to have their work scrutinized by their senior colleagues. The three contributions from the lab were written by Stefan Mayr, Patrick Goold and Filippo Fontanelli.

The first article is from Stefan Mayr, where he discusses the doctrine of *effet utile* as a meta-rule of interpretation and its development in the European legal system through the analysis of decisions from the Court of Justice, while at the same time raises important questions on the widespread belief and self-conception of law as a science.

Still within the theme of the role of legal scholarship and legal scholars in legal practice, Patrick Goold explains the change that copyright law scholarship took to overcome its decline. According to his account, by targeting the general public as its audience instead of legal practitioners, copyright law scholars can empower the public, which in turn holds lawmakers accountable for the legislation they enact. This is an interesting way to think about the position legal scholars have in society.

The last contribution in this section is in the Trade Law area. Filippo Fontanelli dissects the necessity test in the WTO system to answer the question of what regulatory margin of manoeuvre States preserve. By analysing WTO reports on the application of the Weighting and Balancing and the Least Trade Restrictive Measure formula, the author reaches the conclusion that necessity has, at least to a certain extent, killed the GATT.

Outside the Legal Scholars Lab framework we have four contributions. Alessandra Asteriti is concerned with the European Court's disregard of the function of collective bargaining in the Laval judgment and the consequences this may have on the carefully crafted Swedish system of social dialogue between management and labour.

* European University Institute (Italy). Any errors or omissions are entirely my own.

Kushtrim Istrefi examines the approaches European Courts take when applying certain UN Security Council resolutions that may violate fundamental human rights in their own legal orders and suggests further exploration of interpretative techniques that may harmonize the conflicts arising out of art 103 of the UN Charter and national legal orders.

On a comparative study, Davide Strazzari discusses the immigration federalism in the context of the US, Belgium and Italy, proposing a cooperative approach to structure the territorial relations within the immigration field.

Finally, on his contribution F E Guerra-Pujol tries to remedy Coase's Theorem deficiency of being a verbal argument by using the game theory framework to present the Theorem as a formal game. This is an important article for those interested in the field of law and economics.

For our next issue in July we have a call for papers on Sovereignty, which will be made available on our website.