

EDITORIAL

CHANGING TIMES

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The distinguished readership of the European Journal of Legal Studies will know that *changing times* is a constant buzz phrase in the life of this Journal, and the title of the present Editorial was thus not only inspired by recent proposals to end seasonal *time change* in the European Union¹, but it foreshadows significant developments for the EJLS. For one thing, it is inherent to the functioning of the Journal that the composition of the Executive Board changes frequently. This is due to the fact that the EJLS is run entirely by researchers at the Law Department of the European University Institute, who upon completion of their four-year doctorate move on to new challenges and pass the torch to the next generation of enthusiastic young academics to carry on with the worthy task of managing the Journal.

For this reason, our Autumn 2018 Issue is presented to you by a partially altered Executive Board, with four new Heads-of-Section – Irene Otero Fernández (European Law), Nastazja Potocka-Sionek (Comparative Law), Yussef Al Tamimi (Legal Theory), Mike Videler (International Law) – as well as a new Managing Editor, Olga Ceran, who follows in the footsteps of the author of this

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¹ See European Commission Proposal of 12 September 2018 for a Directive of the European Parliament and of the Council discontinuing seasonal changes of time and repealing Directive 2000/84/EC (COM(2018) 639 final, 2018/0332 (COD)), which followed an European Union-wide public consultation on summertime arrangements organised by the European Commission in the period from 4 July 2018 to 16 August 2018. See the website of the European Commission at <https://ec.europa.eu/info/consultations/2018-summertime-arrangements_en> last accessed 20 December 2018.

Editorial, Anna Krisztian, the Journal's Editor-in-Chief since October 2018, succeeding in turn Rebecca Mignot-Mahdavi. The EJLS team has been furthermore reinforced by five new junior in-house editors who joined us recently, namely Grigorios Bacharis, Léon Edward Dijkman, Jaka Kukavica, Svitlana Lebedenko and Sunita Tripathy. Needless to say, that aside from the outstanding individuals mentioned above, much credit goes also to our 'old' Executive Board members and editors unnamed here, without whose dedication this Autumn Issue could not have come into existence. I would hereby like to take the opportunity to thank all of them for their tireless efforts to constantly improve the EJLS.

The European Journal of Legal Studies is however also facing a change of a different kind. Eleven years after the launch of the Journal we feel, in light of developments elsewhere in the academic publishing world, that the time has come to update the EJLS' publication policy as regards the frequency and format of our publications. We will remain committed to providing an open access online journal striving for academic excellence, but as of 2019 we will allow our authors to reach their audience much faster than before by introducing an 'Online First' policy. This will mean in practice that articles will be published online as soon as they are accepted for publication following double-blind peer review, ahead of the publication of our next regular issue. This is, on the one hand, a significant development since it modifies a fundamental aspect of *when* and *how* we publish. On the other hand, this is a minor change as we will continue to deliver excellent scholarly articles to our readership and thus *what* we publish will remain the same. For upcoming details of our modernised publication policy please keep a close eye on the website of the EJLS at ejls.eui.eu.

One thing, however, will not change: we will continue to keep our promises. Therefore, as announced earlier this year, articles of young scholars published in our Autumn 2018 and Spring 2019 Issues will be considered for the 'Best EJLS New Voices Prize' and for the 'Best EJLS Young Scholars General Article Prize', both of which will be awarded by a jury of four professors at the Law Department of the European University Institute following the publication of the Spring 2019 Issue. The attentive reader will notice though that the present issue does not include any New Voices articles. Thus we would encourage young scholars

who are up for a challenge to make their voice heard in 2019 by taking advantage of this unique and innovative publishing format.

In this Issue

The EJLS Autumn 2018 Issue features four outstanding contributions written by legal scholars discussing topical questions deserving of the attention of academics and practitioners alike. Interestingly, each article falls within a distinct section of the Journal, so the reader will find all four EJLS sections (and thus four different areas of law) represented: European law, international law, comparative law, and legal theory. This substantive categorisation is of course in no way a strict one; the presented articles approach their complex objects of inquiry from multimethodological perspectives.

The present issue kicks off with *Stefaan van der Jeught's* intriguing examination of how multilingual European Union law can be considered a double-edged sword from the perspective of legal certainty, given that multilingualism may both enhance and reduce legal certainty for individuals at the same time. Van der Jeught concludes, based on observed national practices – or, put better, the lack of such practices – particularly in the Netherlands, that the interpretation and application of EU law by national courts should entail the comparison of different language versions of disputed Union legislation as a default step.

This season's EJLS publication continues with an engaging exercise of weighing human rights against the law on international carriage by air by *Lalin Kovudhikulrungsri*. Following a comparative analysis of case law in three different jurisdictions (the United Kingdom, the United States and Canada), as well as the application of the international rules of treaty interpretation, Kovudhikulrungsri comes to the conclusion that human rights are susceptible to be outweighed by the law on international carriage by air as a consequence of the exclusivity principle enshrined in the Convention for the Unification of Certain Rules for International Carriage by Air of 1999 and in its predecessor, the Warsaw Convention of 1929.

The third article in this Issue presents *Ilaria Kutufà's* comparative scrutiny of the phenomenon of financial distress of individual debtors. Kutufà's point of

departure is the fact that, depending on whether the question of over-indebtedness is seen as a social problem or a market failure, welfare state and liberal regulatory models can be distinguished. The comparison of different jurisdictions allows for the identification of common rules that could in turn contribute to the harmonisation of the field at European Union level. The author argues that in certain countries, such as Italy, where the currently applicable model is of a hybrid nature, the legislation is subject to reflection by legislators with a view to possible future amendments.

Our list of General Articles concludes with *Laura M. Henderson's* exquisite piece on iterability and decision in judicial decision-making. Henderson discusses judges' discretion and responsibility concerning subversive legal interpretations and to illustrate her point she draws on the post-9/11 legal discourse on terrorism as well as the related seminal case of *Hamdi v. Rumsfeld* of the Supreme Court of the United States of America. The author applies Derrida's and Dworkin's theories to provide guidance to judges in their participatory struggle.

Last but not least allow me to draw your attention to an excellent review written by Timothy Jacob-Owens of *The Oxford Handbook of Citizenship* edited by Ayelet Shachar, Rainer Bauböck, Irene Bloemraad and Maarten Vink, and published by Oxford University Press in August 2017. The concept of citizenship, as Jacob-Owens observes, has witnessed a 'renaissance' in academic literature in the last decades and the issue could not be more topical than in today's turbulent times in Europe and elsewhere affected by Brexit, migration, terrorism and other challenges posed by globalisation. The succinct and stimulating review of selected book chapters by Jacob-Owens will no doubt awaken the interest of EJLS readers in *The Oxford Handbook of Citizenship*.

Enjoy your reading and happy holidays on behalf of the entire EJLS team!