

Editorial

Tempora mutantur! Some ten years ago, criminal law still lived in the shadows of the gardens of European politics and European law. Today, thought and debate on Europe that fails to touch on issues such as the ‘European influence on criminal law’ or – increasingly – ‘European Criminal Law’, is almost inconceivable. The meanwhile indisputable importance of European criminal law has not, however, been the only and decisive motive for the editors to publish a new law journal, the *European Criminal Law Review (EuCLR)*, which henceforth, will be published three times a year. In actual fact, it is owing to other reasons that, with this first issue, we present a new forum for academics, practitioners, politicians and legislators in Europe with an interest in Criminal Law: In our view, a frustrating and indeed detrimental gap exists between a still underdeveloped scientific and political exchange on the one hand, and the importance of European criminal law issues, which can hardly be overestimated, on the other. It is this gap which the *EuCLR* wants to bridge in the years to come.

Deficiencies of discussion, notwithstanding a number of valuable initiatives in the past, can be identified on several levels: In the first place, there are considerable trenches between all those who deal with identical issues and problems, but *in different Member States of the European Union*. Secondly, communication and ‘cross-pollination’ *between academics and practitioners* dealing with European criminal law must be qualified as highly underdeveloped; and finally, it seems to us that there is a lack of constructive discussion between the actual or supposedly existing ‘camps’, which – inaccurately and to a somewhat exaggerated extent – could be summarised as the ‘European criminal law sceptics’ on the one hand, and the ‘European protagonists’ on the other.

As a result of these shortcomings, the topics relevant to all Member States have been discussed separately, in parallel, rather than in common debates. The frustrating lack of communication between academics and the ‘real world’ – by no means a European peculiarity, but known to be the case in most Member States – has reached a new and threatening dimension in the European Union. A functioning academic community throughout the Union has not yet come into being. Politicians, police officers and prosecutors, however, already form a small but well-functioning ‘in-group’. To make things worse, the ‘sceptics’ and the ‘protagonists’

seem stuck in a static warfare, in which one side is charged with being overly compliant with populist and political demands and lacking in principles, while the other, to the contrary, is confronted with the charge of misunderstanding and overemphasising traditional principles and the ‘rule of law’ in a fundamentalist manner.

The price to pay for the missing or failing communication is a European criminal policy and a European criminal law which have fallen short of European citizens’ legitimate expectations and their possibilities. The bill must not only be paid by the Member States, but also – and foremost – by European citizens as a whole.

A balanced and exemplary criminal law requires constructive-critical dialogue between practitioners and academics and between the different political ‘camps’ and tendencies. If we want to strive for such a criminal law in Europe notwithstanding its different legal traditions and cultures – and the editors have no doubt that we should – then a common European forum for constructive and controversial debate is essential.

The **programme and profile** of this new journal have thus been sketched accordingly:

The *EuCLR* wants to make a contribution towards resolving the aforementioned grievances. The editors – a long-term cooperating team of convinced Europeans and active criminal law professors from ten Member States with a specialisation in European matters and with close ties to the legal profession – want to foster the scientific and political discourse on European criminal law and European criminal policy by providing a forum for the essential and lamentably still deficient discussions on a variety of subjects and problems. In terms of **relevance, internationality** and **quality** of the contributions to be published in the *EuCLR*, we will apply high standards guaranteed by **peer review**.

In order to fulfil its comprehensive function, the *EuCLR* is open to contributions dealing with **European criminal law in a wide sense**: If we refer to the classical criminal law subjects, contributions could relate to substantive criminal law as well as to criminal procedure, enforcement of sentences, legal assistance or matters of criminal policy.

In the European context the ambit of discussion shall not be limited to developments in the framework of EU law, especially in relation to harmonisation of substantive or procedural criminal law and to judicial cooperation in criminal matters; moreover, we want to stress the importance of the *European Convention on Human Rights* and the jurisprudence of the European Court in Strasbourg and – generally – the influence of European law on the national criminal law systems. Last but not least, we see it as one of the main tasks of the new journal to document and foster the ongoing discussion regarding criminal policy at EU level and within the Member States.

The content obviously determines the **addressees** of the *EuCLR* and – at the same time – the **potential authors** of this new journal. In order to achieve the aforementioned aims, we, the editors, wish to invite all interested writers to submit

their contributions; for further information for authors, please consult www.euclr.eu. This invitation extends not only to well-established and experienced academics, but also to young scientists with a keen interest in European criminal law. Moreover, we welcome contributions from practitioners in the areas of politics and justice who are ultimately in charge of creating and upholding a high standard of criminal law which takes into account aspects of security and individual rights at the same time.

It is, therefore, with great anticipation that we look forward to receiving your contributions and comments.

The Editors

