European Review of Private Law 4-2014 [483–484] © Kluwer Law International BV. Printed in Great Britain.

Editorial

Postclassical Lawyering?

In his 13th Rabel Lecture on 5 November 2012, Mathias Reimann endeavoured to explain the 'American advantage on global lawyering'.[1] After a historical overview of the 'classical' understanding of law in the continental European tradition and the 'turn to a postclassical conception' in American law, Reimann identifies six features of this 'postclassical' approach: handling pluralism, tolerating incoherence, working with fuzzy categories, using rules in multiple ways, employing law for policy goals, and creating solutions for concrete problems. I cannot judge in how far the description of the 'classical' understanding of law really still corresponds to the way law is taught and learned in most continental law schools, but I am quite sure it does not correspond to the practice in those law schools from the Low Countries I know. A 'new' European legal culture has already emerged, and it was described, *inter alia*, already in 2001 by our advisory board member Martijn Hesselink,[2] and most of the features identified by Reimann are, to some extent, present. Many law schools stress in their education argumentative skills, offer mixed courses transcending traditional categories of law, devote a lot of attention to the multilevel structure of law in Europe, give priority to teleological methods of interpreting the law, and often have a unique advantage over American law schools, namely multilingualism. On the other hand, not many of them cultivate another advantage of American education, which Reimann curiously omits: the obligation to have taken a lot of courses outside law, especially in the liberal arts and (social) sciences (you cannot start law school without previously having gone through college). It in part explains why the American jurisprudence did indeed keep in line with broader intellectual trends.

Are these features also present in our journal? To some extent. It could be said that we have chosen a middle way, giving room to 'classical' legal scholarship as well as 'newer' forms of legal literature. In this issue or other recent issues, a number of contributions certainly have benefited from input from economics or social sciences. Many more are, to a large extent, cross-category, combining, e.g., public and private laws or substantive and procedural laws. Nearly all of them are either comparative or have a multilevel aspect. However, we also host contributions fighting incoherence rather than tolerating it; coherence is, even to

1 Published under this title in 78. *RabelsZ* 2014, p 1.

2 'The New European Legal Culture', republished in M.W. Hesselink, *The New European Private Law. Essays on the Future of Private Law in Europe* (Kluwer Law International 2002), p 11 at 34 *et seq*.

a large extent, required by another fundamental feature of postclassical law: the principle of non-discrimination forbidding to treat similar cases in a different way without a coherent justification.

We therefore encourage authors to submit various kinds of contributions within the scope of our journal. When we started more than twenty years ago, European private law may have been or at least appeared to be a specialized field. More than twenty years later, compared to the many specialized international legal journals, we are probably classified as a more generalist journal. It only shows to what extent legal scholarship has indeed changed in Europe.

Matthias E. Storme
Co-editor in Chief