

## Editorial

In this issue of our ERPL, we are introducing a new heading ‘Testimonials’. It is meant for contributions by authors who have been involved personally in important developments in the sphere of private law and are willing to share with us a perspective bridging the past with the present and possibly the future. Given the aims and scope of our journal, no other person could be a better author for our first testimonial than Ole Lando. He explains the origins and effects already reached of the ‘Principles of European Contract Law’. We hope that other interesting testimonials will be sent to us for publication.

Apart from this, we are proud to offer in this issue again a variety of articles, case notes, and book reviews, especially in the fields of the law of contracts, torts, and inheritance, with a nice balance between the knowledge about the past and the prospects for the future. All the articles remind us of the complex interplay of similarities and differences, of the realities and difficulties of convergence. Paula Giliker puts forward five legitimate questions on the harmonization of tort law. Kåre Lilleholt on the one hand questions the desirability and feasibility of full harmonization in the field of consumer contract law as proposed in the Draft Directive on consumer rights, and on the other hand regrets that the proposal makes little use of the well-tested terminology of the Draft CFR.

Two other articles remind us that concepts that have been a quiet possession since long in some legal systems were until recently not at all evident in others and had difficulties to establish themselves, both of them dealing with the notion of subjective right and its alternatives.

Mårten Schultz shows that the concept of subjective rights was to a large extent rejected in Swedish law and especially in tort law and how this has changed, partly under the influence of European (human rights related) ideas. Madeleine Cantin Cumyn describes how the notion of (legal) power, which can be found in German doctrine since Bierling (*Zur Kritik der juristischen Grundbegriffe*, 1883) and in American doctrine since Hohfeld (*Yale law journal* 1913) and Roscoe Pound (*Journal of Ethics* 1915), has emerged in the Québec Civil Code in 1992 as a category distinct of subjective right. The effects of such transplantations give rise to new ideas, which in their turn will be used and are used in other jurisdictions. Our journal is also a means of transport for such an exchange of ideas. Enjoy the reading.

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