

## From the Board

### *European Law According to J.H. Jans*

This issue marks the end of Jan H. Jans' presence on the board of editors of Legal Issues and in the Amsterdam Europa Institute, the host of this journal. We have chosen to devote it to the proportionality principle, one of his great favourites. Hasn't enough been written about it, by Jan himself especially? Not at all. Proportionality is like a jazzy musical theme; it is an all-time evergreen which may be interpreted over and over again, at the behest of ever new occasions, of new meetings of minds and situations.

Jan Jans' way with European law can in fact be summarized by saying that he takes it to be a meeting ground. This may explain his particular predilection with proportionality. Proportionality has something mildly tragic about it, as it is about the meeting of public and private concerns, of politics and commerce, of the national and the European, of law and politics. Never the two sides shall coincide. No logic will govern the relationships. Jan himself, concluding one of his great interpretations of the theme, expressed it thus:

In summary, there is no such thing as the application of the proportionality principle. The proportionality principle is an instrument which allows the Court of Justice to make a balanced assessment of the legality of national restrictions of free movement and, in doing so, to take account of the sensitive nature of the division of powers between judiciary and legislature and between the EC and its Member States. (Legal Issues 27 (2000): 264)

Of course, he did not mean to say that proportionality is the monopoly of the Court of Justice. It is there for scholarship as well, to be given ever-new readings for specific fields of discipline. As this issue proves, it even hums in fields where it was never thought to apply, if only one listens carefully.

Jan's contribution to and his spiritual presence in the great tradition of teaching, thinking and writing in the Europa Institute and the oldest of its journals is solid and lasting. The keyword is always: the meeting. We have, under Jan, run a number of conferences on great classics of European legal doctrine, such as direct effect and the rule of law and legal crossovers generally. These have duly appeared in standard volumes. We have learnt to deal in institutional law and substantive law in one breath.

Jan's idea of scholarship is not to have cenacles or coteries of like-minded colleagues involved in a single 'line of research', as is now fashionable. He cherishes autonomy, difference and disagreement as the way to new meetings of minds and new insights. He has a nose for quality, whatever its origin. He

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a debunker of hollow pretence, his favourite principle in scholarship is not the management of research but the pursuit of happiness. This is how, ten years ago, he initiated the revamp of Legal Issues, which is a scholarly success and, to believe its publisher, a great success in terms of readership. We keep having great pleasure editing it.

Jan's hum will be among us, in the Europa Institute and in Legal Issues, even if he is now the member of another band. For one thing, he will remain on the Issue's advisory board.

The Editors  
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