

FOREWORD

It is a pleasure to write a foreword for this special issue, which comprises an outstanding selection of submissions arising from the proceedings of the UCL Postgraduate and Early Careers Conference 2017. Having once been involved in the organization of the conference and editing of the UCL Journal of Law and Jurisprudence myself, and indeed having had the honour of participating as a discussant in this conference, I could not be happier to see the fruitful coming together of these activities. Yet the rigour displayed in this issue leaves no room for partiality. The silver thread that connects the five articles that make up this publication is the overarching theme of the 2017 conference: ‘The art of balancing and the role of law in the reconciling of competing interests.’ The contributions provide a new lens through which to approach this perennial debate in law and philosophy. Each in its own way, they offer thoughtful accounts of balancing between civic life, the public interest, and individual rights. Without losing sight of the broader theme, though, the submissions succeed in taking the reader through a variety of legal problems, in line with the generalist outlook that has characterized the journal since its creation.

Desmond Johnson’s contribution makes a bold start to the issue with a philosophically inclined discussion of EU constitutional organization. In a much-needed break from the talk about Brexit, he urges us to rethink the EU’s primary constitutional principle of legitimation. More specifically, he argues that we should look beyond the republican failures of the European Union in terms of the separation of powers, and instead conceptualize its constitutional order as a form of republicanism premised on the idea of institutional balance – a concept intended to merge the interests of multiple actors in a non-dominating manner. John Dingfelder Stone continues the discussion of competing interests in a narrower, yet no less significant, context: that of courts and, more precisely, of multilingual criminal proceedings. He finds that courts often justify the restriction of the defendant’s right to an interpreter by appeal to considerations of cost and time efficiency, yet they have so far paid insufficient attention to the inherent relationship between the right to an interpreter and the right to a fair trial.

The relationship between individual rights and public interest is also a central theme in Araceli Turmo’s article, which concludes this issue. The paper allows the reader to once again zoom out to the concept and functions of law by assessing the use of the principle of *res judicata* across common law and civil law jurisdictions. Interestingly, the article

illustrates convergence in the role of *res judicata* as a balancing tool between the individual's right to have their case considered on the merits and the public interests of legal certainty and the finality of litigation.

Zdeněk Červínek's contribution remains in the same forum, that of courts, but offers yet another perspective on balancing, by assessing the worrying conflation of proportionality and rationality in the Czech Constitutional Court's judgment in the *Compulsory Vaccination Case*. Linked by way of its subject matter, but with a much broader scope, Federica Coppola's article invites us to think about the legal challenges of neuroprediction (the use of neurobiology to assess the potential for criminal or antisocial behaviour). She argues that, while the use of neuroprediction as a hypothetical tool in the criminal justice system can substantially compromise the offenders' individual rights in the interests of public safety, this danger can be minimized. If used as a means of integrating punitive and rehabilitative strategies, neuroprediction offers possibilities to prevent the risk of reoffending that reconcile the interests of the offender and the state. It follows from this short overview that the subjects with which the special issue grapples will appeal to a broad readership in the UK and beyond. Congratulations are due to the organizers of the fascinating conference that preceded this publication, Ira Ryk-Lakhman Aharonovich and Gaiane Nuridzhanian, for the meticulous manner with which they brought this issue together. They have not only succeeded in creating an academically compelling special issue, but also in showcasing UCL Laws as a supporter of postgraduate and early career research of the highest calibre.

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