



Dear reader,

In 2022, we are celebrating several important anniversaries related to the adoption of laws important for the building of the Estonian legal order. Against the backdrop of a major forum for the Estonian legal profession – Estonian Lawyers’ Days 100 – this year’s edition is dedicated to another important anniversary: the 70th birthday of the University of Tartu’s Professor Emeritus Paul Varul.

It is difficult to overestimate Prof. Varul’s contribution to the rebuilding of the Estonian legal system after regaining of independence. In this connection, I would like to draw special attention to his belief in young lawyers. Thanks to his support, many of the students from those days now hold positions that play an essential role in the legal profession. It is precisely this belief in young people alongside respect for more seasoned peers that Prof. Varul’s colleagues and students alike have inherited from him. In addition, there are many important qualities to be learnt from his example, such as the importance of infinite kindness and patience, the fundamentals of academic ability, and the value of charm and personality. While he was the main architect of Estonia’s civil-law system in general, Prof. Varul’s favourite area of attention over the years has always been bankruptcy law, which he has been intimately involved in reforming. His willingness to speak up and actively contribute to the legislative process is testimony to the jubilant’s thoughtfulness and continuing high level of professionalism.

In this edition of the journal, readers will find an article by Chirstoph G. Paulus, a long-time colleague of Prof. Varul, which is dedicated to bankruptcy law. It provides a historical overview of the relationship between debtors and creditors and analyzes the contracting process as eternal struggle for supremacy. Silvia Kaugia and Raul Narits devote their article to finding an answer to the question of how to create a law that corresponds to the idea of law. In this issue, the reader can also find a paper written by Katre Luhamaa and Merike Ristikivi about the role of the judiciary in the transitional debates, judicial reform, and changes in the professional requirements set for judges in Estonia. Modern problems of the independence of the judiciary are reflected upon specifically in an article contributed by Jesús Manuel Villegas Fernández and Victoria Rodríguez-Blanco, and Anneli Albi’s article examines another angle of the ongoing evolution: the changing role of courts in Europe – which is shifting from protecting the fundamental rights of individuals toward protection of the neoliberal economic order. Alongside these pieces are three articles dedicated to matters of criminal law. Mari-Liis Tohvelmann and Kristjan Kask have focused their contribution on interviews with children as evidence in criminal proceedings; Carri Ginter and Anneli Soo offer the reader a meaningful analysis of the arguments for and against the criminalisation of hate speech; and, finally, Mario Truu discusses the principle of foreseeability of liability and punishment in the practice of the ECHR. The volume meshes well with Prof. Varul’s ethos in one other respect too: doctoral students have had a say in the publication, representing younger voices. One can find a discussion centred on the need to use artificial intelligence in the context of deciding on the patentability of an invention, provided by Liva Rudzite, and the concept of the duty of diligence in procurement law from the standpoint of CJEU practice is tackled by Kadri Härginen. Finally, the fine tradition of publishing opinions by official opponents in public defence of doctoral dissertations has been maintained, with the opinion written by Marta Otto on the dissertation of Seili Suder.

Congratulations to Professor Emeritus Paul Varul and to all who have had the opportunity to know him. We are all richer for your work.

A handwritten signature in cursive script, appearing to read 'Irene Kull'.

Irene Kull
Professor of Civil Law