

SUMMER ISSUE: INCITING CHANGE DURING TURBULENT TIMES

The Amsterdam Law Forum Editorial Board

Hereby the Amsterdam Law Forum proudly presents its 2019 - 2020 Summer Issue. Besides the closure of the academic year, the publication of this Summer Issue also signifies the conclusion of this year's Editorial Board's 'term in office'. It has been an unusual and demanding year for everyone due to COVID-19, to say the least. Also, it will be a while before we can say that we are completely out of the woods in that regard. In the upcoming months/years, we will undoubtedly still be confronted with changes and developments, which might interfere with everyday life as we know it, limit our fundamental freedoms, alter our perceptions of society and societal ordering, but which also might introduce new perspectives on how to structurally move forward from this time of crisis. With the need to make sense of these paradigm shifts and to shine a critical light on the evolving legal circumstances that are about to ensue, ALF's pursuit to provide a meaningful and informative platform to enable current discussions is arguably more important than ever. It is thereby with a sense of purpose that we pass on the baton to our successors, but before that, introduce the reader once more to a brand new journal issue.

In this year's Summer Issue, the ALF team presents two commentaries, and three opinion articles, which all - in their own way - comment on the inadequacy of legal frameworks in the face of disruptions to the status quo, and ask for change. We thank the authors for their contributions to the journal, but also certainly for their cooperation and patience during the editing stages. The support that they have shown for the journal has yet again provided us with the opportunity to publish a beautifully diverse and highly topical journal issue. In a similar vein, we would like to thank our student editors with whom we, as the editorial board, have closely - but nonetheless distantly - collaborated throughout this somewhat strange year and whom have continuously provided us with great assistance in reading and revising the articles. As the publication of this Summer Issue also marks the end of our collaboration with the current ALF team, we would not only like to take this opportunity to show them gratitude for the past year, but also wish them all the best for their academic endeavours in the future.

In the first opinion article, Andreina De Leo reflects upon the manner in which the Italian government has responded to COVID-19, but does so from a more legal-theoretical perspective. By, for instance, touching upon Carl Schmitt's theory on 'state of exceptions' and Foucault's theory on governmentality, De Leo discusses and scrutinizes elements that are visible in Italy's approach towards dealing with the pandemic. Finally, De Leo draws attention to the gaps that this approach creates for particular categories of people, such as third country nationals that are stuck in detention centers, homeless people, or individuals that are prone to domestic violence and are forced to stay home.

In the second opinion article, Aleksandra Borovitskaja contributes to the discussion on how to move forward from the current COVID-19 pandemic and questions whether this momentous occurrence might signify a tipping point for positive societal change. By engaging with Zygmunt

Bauman's theory on 'liquid anxiety', Ulrich Beck's theory on the 'World Risk Society' and Bruno Latour's vision on introducing the 'terrestrial' into political processes, Borovitskaja creates three separate theoretical lenses through which to perceive the transformative impact of COVID-19. Ultimately, the aim of this article is to assess which of these theories might offer the most suitable lens through which to approach the abovementioned discussion.

In the last opinion article, Keri van Douwen also examines whether the COVID-19 pandemic could be a force for long-term change to society. In particular, could the temporary suspension of 'normal life' – which has led to a significant reduction in air traffic and pollution – endure beyond the pandemic period, and create a greener, and more sustainable world? Van Douwen discusses the four phases of a crisis, and comments on a number of factors regarding the possibility for change, such as society's initial sense of hope and unison, and the sweeping decision-making powers that authorities adopt. Overall, van Douwen argues that change cannot be triggered by mere hope and expectation; there must be an active decision to change.

In the first commentary, Rumer Ramsey provides an intriguing insight into the area of cryptocurrencies, but particularly focusses on how these types of virtual currency pose a challenge to the effective enforcement of anti-money laundering and counter-terrorism financing regulation. By identifying and elaborating upon three cryptocurrency features that currently make such effective enforcement complicated, Ramsey questions to what extent these obstacles are indeed unsurmountable under the current regulatory frameworks. Ultimately, Ramsey concludes that the manner in which these frameworks are shaped, at present do not permit a viable solution to this problem.

In the second commentary, Wala Al-Daraji delves into the joint landmark UK constitutional law cases *R (Miller) v The Prime Minister* and *Cherry v Advocate General for Scotland (Miller II)*, in which the UK Supreme Court ruled that the Prime Minister's exercise of the royal prerogative power to prorogue Parliament in the build-up to the UK's departure from the EU was unlawful and void. Al-Daraji argues that, rather than being politically motivated, the Supreme Court's decision upholds 5 key principles of the UK's uncodified constitution, namely: separation of powers, Parliamentary sovereignty, Bill of Rights, justiciability, and Rule of Law. He also provides some persuasive commentary regarding how the judgment could have been more carefully drafted.

This concludes this year's Summer Issue. As the 2019 – 2020 Editorial Board, we are thankful to have been provided the opportunity to experience that which Amsterdam Law Forum has to offer and thereby to have had a highly educational year. We are delighted to have gained this experience with such a dedicated and supportive editorial team and proud to have taken part in the publication of three journal issues together. We draw this editorial to a close by expressing the hope that our readers will find this Summer Issue to be both thought-provoking as well as a pleasant read. Until the next issue!

Victoria Azizi – Editor-in-Chief
Rumer Ramsey – Associate Chief Editor
Andi Baaij – Senior Editor

The ALF Board 2020