



Editorial

WINTER ISSUE:

The Amsterdam Law Forum Editorial Board

The editors and board of the Amsterdam Law Forum (ALF) hereby proudly present the 2020 Winter Issue. This is the first issue to be presented by an entirely new editorial team for the academic year of 2019 - 2020. Besides changes to the editorial team, we are also pleased to announce the launch of the improved ALF website. As a result of this transition period, the publication of the Winter Issue has encountered some delay, however, the publication of the Spring and Summer Issue are expected to follow as planned. The final matter that we would like to touch upon is our annual conference. Every year ALF organises a conference where various experts are invited to present and discuss their perspectives on a topical issue. Unfortunately, due to the coronavirus disease (COVID-19) and the sphere of uncertainty, our team has decided to cancel this year's conference.

ALF is a valuable platform for both established as well as emerging academics to share their work, while striving to maintain a certain level of quality, originality and peer recognition. However, despite such measures and our best efforts, our team was made aware of a potential case of author misconduct published in our Spring Issue of 2019. After having discovered this author's plagiarism, ALF decided to immediately retract the article of D. Liakopoulos. ALF cares deeply about preserving the integrity of its platform and thereby we aim to move forward by taking due responsibility, but also by continuing to display the value of this platform.

On that note, the ALF team is delighted to publish in its Winter Issue three compelling scientific articles touching upon a diverse selection of topics and further strengthening our understanding of international and transnational legal issues.

In this first piece, Victoria S. Azizi, confronts us with a topical matter which has much interest within the corporate world, specifically with regards to stakeholder engagement. 'Corporate Social Responsibility' (CSR) is an umbrella concept for a corporation's responsibility towards the society. It embraces an ethical, moral and business element that requires the commitment of people at all levels of the corporation. The concept tends to present itself with a soft law shield and therefore corporations usually have to go beyond their initial (legal and economic) obligations to implement its policies. The author tries to outline what the driving factors are for corporations to adopt concept of CSR. In doing so, the author first of all examines the evolution of CSR and the development of its regulation at an international and European level. Furthermore, recent corporate scandals and their post-scandal behavior is investigated to highlight the power of society on a corporation and its well-being. Lastly, with the use of a case study, the author presents the added value found in CSR for corporations. Although the

authors discovers strong arguments in favor of CSR implementation, such as improving reputation, increasing media coverage, boosting employee engagement, attracting and retaining new investors, serving a moral obligation, etc., the actual driving factor is that in today's global society and future it is apparent that (almost) no corporation or business is excluded from the CSR arena and its potential consequences.

In this second piece, Maximilian Fenner shines light on the core idea of three prominent conceptions of constitutional pluralism and reflects upon their suitability for combatting the transnational issues raised by the current *climate emergency*. Adding to this debate, the author proposes a legal realist account to constitutional pluralism as a more appropriate perspective. Starting off, the author first identifies the current state of environmental law, particularly focussing on the apparent shortcomings of its principles and norms to address the climate emergency through law. Furthermore, the author touches upon the pursuit to protect the environment by means of human rights and constitutional law, but also addresses the current development of a human right to 'the environment'. The author then places this discussion within a more theoretical framework, exploring the extent to which three different accounts of constitutional pluralism are viable perspectives to prompt change within the climate emergency. The three accounts that the author explores for this analysis are, respectively, MacCormick's 'institutional' account, Maduro's 'discursive' account and Kumm's 'globalist' account. Ultimately, the author concludes that these three accounts of constitutional pluralism will unavoidably leave a lacunae in our means to deal with the climate emergency and makes the argument to further look at a legal realist account as a more rewarding perspective for dealing with this transnational issue.

In the last piece, Mellisa K. Seenacherry examines the liability of company directors in relation to the business judgment rule as developed in the US, which is based on the principle that directors deserve the freedom to do business without retribution from unsatisfied stakeholders. In particular, the author compares the US's regime with that in the Netherlands, where there is no business judgment rule, and asks what the differences would be in Dutch directors liability cases if the US business judgment rule had been applied. In the context of a growing demand for reflection on the functioning of corporate governance following the global financial crisis, the author suggests that the Dutch regime be adapted to closer reflect the US's, where the burden of proof is ultimately placed on the defendant rather than the plaintiff.

On behalf of the ALF board and the editors, we would like to express our gratitude towards the authors for their contribution and peer reviewers for dedicating their time to review the articles and supporting the forum. Until the next Issue!

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