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Despoina Georgiou

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Editor-in-Chief's Introduction to the Autumn Issue of Volume VI of the Cambridge Law Review

It is with great pleasure that I present the Autumn Issue of Volume VI of the Cambridge Law Review. The journal has flourished. This semester we strengthened our partnerships with the Oxford Undergraduate Law Journal, the London School of Economics Law Review, the Bristol Law Review, the Exeter Law Review, the Durham Law Review, and the Harvard Undergraduate Law Review. We also established a new partnership with the Warwick Undergraduate Law Journal and the vLex database.

As with the Spring Issue, for the Autumn Issue we received a record number of high-quality submissions. The articles published in this Issue deal with a wide range of contemporary legal matters and jurisdictions. In her article, “Judicial Activism and the Constitutional Imperative: Addressing the Issue of Spousal Privilege Under the Nigerian Evidence Act”, Doctor Ayodele Morocco-Clarke examines the issue of spousal privilege under the Nigerian Evidence Act 2011. The concept of marriage in Nigeria is addressed in depth and juxtaposed with ‘marriage’ under common law. Issues regarding judicial activism and the enforcement of fundamental rights are also considered and evaluated in order to determine the best approach that will bring greater equality and fairness to criminal trials in Nigeria.

Assistant Professor Pranav Verma writes on the contentious topic of the death penalty in the Indian jurisdiction. His article, “The Inevitable Inconsistency of the Death Penalty in India”, highlights new and robust empirical research on the administration of the death penalty and shows how it deviates from the sentencing framework developed by the Indian Supreme Court. To establish ‘inevitable inconsistency’, the article ventures into hypothesizing a ‘best-case scenario’ that removes such deviations by infusing consistency and fairness into death sentencing, to the maximum extent possible. It then highlights how, even the ‘best-case scenario’, fails to prevent inconsistencies or arbitrariness at a magnitude

not acceptable in a rule-based system. The article concludes that the abolition of the death penalty is the only viable end to the search of consistency in the Indian jurisprudence.

Oways Kinsara's article, "Clash of Dilemmas: How Should UK Copyright Law Approach the Advent of Autonomous AI Creations?", revisits the different manners in which today's AI creations encounter copyright law and explains why the current UK approach fails to address the issue. It examines ways forward by carefully inspecting various proposed approaches to the question of copyright ownership for AI-generated works in view of the UK regime. Upon examining different models, the article highlights numerous dilemmas in each and thus argues in favour of entrance into the public domain as the least dilemmatic and most appropriate solution for AI-generated works, with promising economic and social benefits.

Ana Rosenthal writes on the topical issue of technology surveillance. In her article, "Individuals Under Observation: The Law Responds to (Live) Facial Recognition Technology", Rosenthal engages critically with the recent case of *R (Bridges) v Chief Constable of the South Wales Police* in which the Appellate Court found that the use of facial recognition technology by the South Wales Police had been unlawful. In her article, Rosenthal explores the theoretical and legal implications behind facial recognition, particularly at a time when individual and fundamental rights have been brought into even sharper focus as a result of the global pandemic.

In his article, "Factortame-like Judicial Statute Disapplication and Dicey's Constitutional Orthodoxy: A Case for their Mutual Compatibility", Vincent Lafortune criticises Wade's analysis of the *Factortame* case. The author contends that *Factortame*-like judicial statute disapplication in virtue of an earlier statute is well within the boundaries of an orthodox Diceyan conception of Parliamentary Sovereignty. To reach this conclusion, Lafortune formulates a new definition of 'constitutional statute' and argues for a reconceptualization of Parliament's temporality. These two arguments, which the author names the 'technical' and 'constitutional' arguments respectively, fuse together to show that a pristine Diceyan conception of Parliamentary sovereignty enjoys more expansive bounds than previously thought, so as to even encompass judicial disapplication of an Act of Parliament or part thereof in virtue of an earlier statute, when a particular set of conditions are present.

Overall, the five articles included in the Autumn Issue constitute exceptional pieces of academic work that enrich the literature in their respective fields. They provide valuable insights into the selected areas of research, constituting enjoyable reads that would be of interest to British and international, academic and

professional audiences alike. I owe heartfelt thanks to the Managing Board and to our team of Associate, Senior, and International Editors for their dedication and work during these challenging times. Despite the difficulties caused by the COVID-19 pandemic and the subsequent lockdowns, the Editorial Board worked tirelessly to ensure the highest standards of quality for this Issue. I would also like to express my gratitude to the Honorary Board for their invaluable guidance and to the Cambridge University Law Society for their continued support, without which this Issue would not have been possible. I wish the incoming Editorial Board every success with the seventh volume and I look forward to the future growth of the Cambridge Law Review.

Despoina Georgiou
Editor-in-Chief

Cambridge Law Review

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