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Foreword

Professor TT Arvind

Head of York Law School

It gives me a strong sense of satisfaction to write this foreword to the fifth edition of the York Law Review. The York Law Review is run by students to showcase the best work our students do. That it is now in its fifth edition is a testimony to the ability of our students and their commitment to the deeper academic values that York Law School has sought to promote since its founding.

York Law School was founded with the goal of producing students and researchers who think differently about law. We sought to create a department where staff and students worked within a shared culture of guided and grounded discovery. Our goal was to nurture a generation of students who would study the law through open-minded, curiosity-led enquiry. Rather than have the law explained to them as a set of rules, precedents, and facts, they would study law in a way that gave them the opportunity and encouraged them to develop their own ideas and views about the law, which would be grounded in engagement with legal sources as well as with the social context in which the law operates.

We believed firmly that this distinctive, enquiry-led approach would create students who had the tools and ability to independently analyse and evaluate the law and shed new and interesting light on it. York Law Review was set up to celebrate the best of our students' work and present it to the wider world. We also wanted to give students a vehicle for engaging in discussions with a wider audience. A hallmark of our curriculum and our pedagogy is that students constantly engage in debate and mutual learning with their peers. A goal of this Review is to let students take their debates and perspectives beyond York Law School and place them on a more public stage.

The contents of this volume show that it has succeeded admirably in every one of these goals. The articles relate to a very wide range of topics, ranging from algorithmic decision-making in policing through grave-robbing to the ivory trade. They are unafraid to engage in controversial questions that are the subject of intense public debate. As in previous editions, the rights of women and the extent to which the law respects them continues to be an important

focus for our students. In this volume, that focus is represented by a critical comment on the controversial decision in *R v Lawrence* [2020] EWCA Crim 971; an in-depth discussion of the many hidden restrictions that—arguably—operate beneath the surface to trammel and stigmatise the right to abortion that many women believe they enjoy; and a fresh approach to the difficult question about how the law should approach pre-nuptial agreements.

But the concerns of the articles in this issue are not just with England and Wales. As in previous issues, our students remain globally engaged, as the article on the challenges facing constitutional institutions in Indonesia show. The global environment, too, is a concern of several articles in this issue, with a particular focus being on the way the law thinks about the position of humans vis-à-vis animals. This issue, accordingly, has a critical analysis of the way in which global ivory legislation deals with the protection of elephants, and a final article discussing whether the time has come to recognise that non-human animals, too, deserve rights.

The quality of the articles, the range of topics they cover, and the social importance of the issues they take up speak are a powerful testimony to the moral and intellectual commitments of our students as well as to their intellectual ability. The articles in this issue are not a dry read. They do not present a dispassionate analysis of legal rules, and the issues they take up are not matters of abstract theory or abstruse ‘lawyers’ law’. They speak, rather, to issues of pressing contemporary importance, and are written with passion and a real commitment to giving voice and drawing attention to perspectives, experiences, and positions that are all-too-often neglected in the world of the law.

The authors and the editors are to be congratulated for the tremendous effort they have put into this volume—an effort which is clearly visible on every page. In that effort, and the commitment that underpins it, this volume instantiates the deeper social and intellectual values which York Law School tries very hard to foster, and it is a real pleasure to write this introduction presenting this volume to the wider world of readers interested in law.

TT Arvind
May 2024