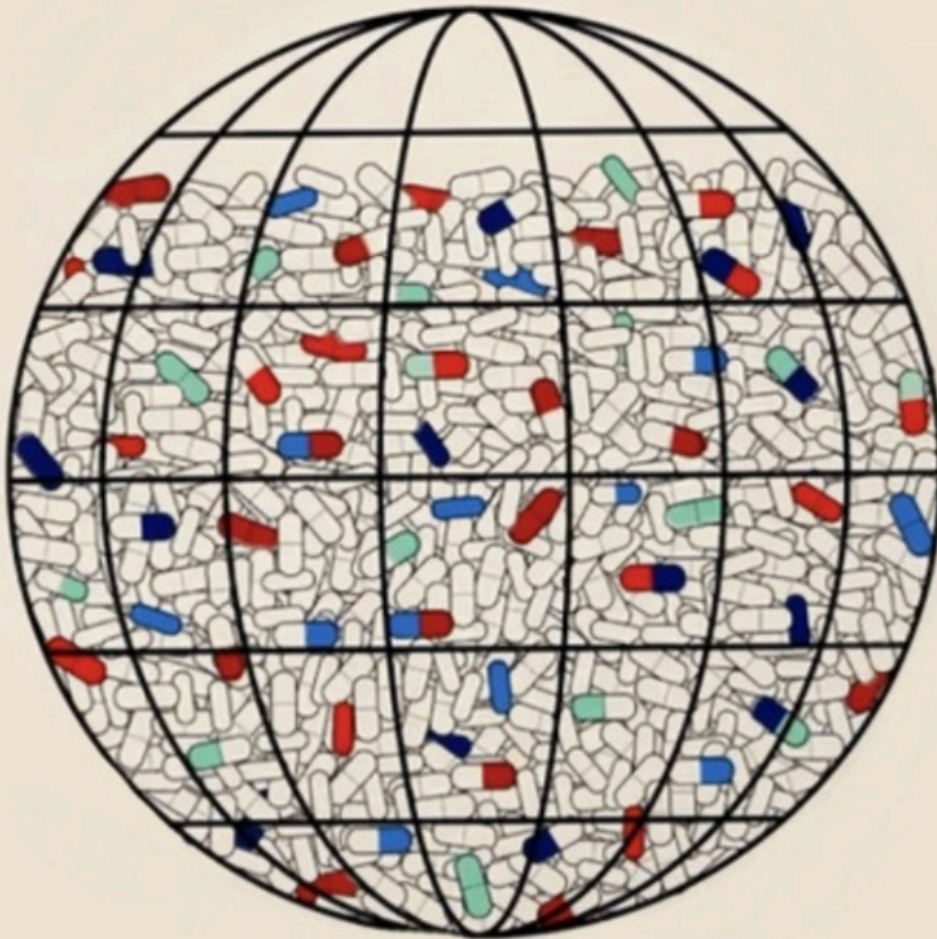


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WINTER EDITION 2021

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EDITORIAL NOTE

In his 1932 novel 'Brave New World' Aldous Huxley presented a vision of a futuristic world which had seen extreme advancements in science and technology. This was in response to Huxley witnessing significant changes in his own society, which he envisioned as the catalyst for the dawn of a new age. The events of the past year have been anything short of ordinary, it is fair to say that our world like Huxley's has experienced seismic changes, shaking the core of everyday life. That is why we thought 'Brave New World' was an apt theme to end a turbulent year, and beckon us into a new year – as it recognises that the world we know has changed immeasurably, but it is also optimistic in its outlook as it embraces the hope that we could be entering a brighter period in history. This edition includes an array of thought-provoking articles that embody this theme, from the impact of the pandemic on different sections of society to what it means to be actively anti-racist, to potentially major technological developments such as the Neuralink project. Our committee members and writers have worked tirelessly to disseminate these topical issues to our readers, and it is with much excitement that I present to you, our Winter Edition 2021, I sincerely hope you enjoy reading it as much as we enjoyed producing it.

Jasmine Shergill

Head Content Editor 2021

FEAR AND LOATHING IN HOSTILE WATERS – HOW COVID-19 IS HELPING TO SPREAD NATIVISM

BY OLIVIA RODRIGUEZ MOLINERO

In March 2020, government officials - both from the United States and China - were busy hurling unfounded claims and derogatory terms at one another. All the while, the fire of coronavirus continued to roar and racist behaviour - an imitation of the rhetoric of ignorance maintained by world leaders - devastated Chinese-owned businesses and isolated Chinese people, as well as those of Chinese ancestry and general Southeast Asian descent. One only has to look at the chaos of the past several months to see that this kind of approach is of absolutely no use to anyone, except perhaps in teaching us that tackling any future global issues will require undivided unity.

Fear of the unknown is an incredibly powerful emotion, and one that political movers and shakers have long taken advantage of in order to get their message across. For instance, it was the driving mechanism behind the xenophobia that, to a certain degree, carried forward the pro-Brexit campaign; though even some stalwart Brexiteers distanced themselves from Nigel Farage's infamous anti-migrant poster.⁽¹⁾ The current pandemic has left many countries facing unbearable hardship and migration has once again accelerated: 1,880 people crossed the Channel in September 2020 alone.⁽²⁾ This time round, the European response has been icier. Burdened by the pandemic, such countries are now armed with an amplified sense of fear of even close neighbours; there is no time, space or health service to deal with 'outsiders'. We have created, and are continuing to foster, the perfect storm in which nativism is able to thrive.

Donald Trump played his part by notoriously referring to

COVID-19 as the 'Chinese Virus'. The World Health Organisation advised against using such terms, but when questioned he stated, "It comes from China, I want to be accurate." There was no such 'accuracy' when the 2009-2010 H1N1 flu was - according to the CDC - first recorded in the United States. Rather than the "American flu", it was referred to as "swine flu" and contemporary media suggested that it may have come from Mexico.⁽³⁾ This form of viral blame game is not new; the link between disease and xenophobia is well-documented. In 1882 the Chinese Exclusion Act heavily restricted Chinese immigration. Notably, it was largely enacted because white Americans strongly believed that Chinese immigrants carried diseases such as cholera and smallpox (even though smallpox had been brought to America through European immigrants).

In 1942 my grandmother, having escaped the Japanese invasion of Singapore, arrived in England with her Chinese mother and four siblings. Her English father, by then detained in a prisoner of war camp, trusted that his English family would take care of his wife - who could not speak English - and children. Instead, the children were met with barely concealed hostility from their English grandparents and blatant racism both on the streets, where they were pelted with eggs because they 'looked Japanese', and at school, where her peers accused her of carrying disease.

The coronavirus pandemic has unleashed a strange and disappointing strain of racism in the top echelons of global government more widely. Luca Zaia, the governor of Veneto, an early epicentre of the pandemic, told journalists in February that Italy would deal with the virus better than China because the "hygiene that our people, the Venetians

and the Italian citizens have, the cultural training we have, is that of taking a shower, of washing”, whereas “we have all seen [Chinese people] eat mice live”.⁽⁴⁾ This was early on in the pandemic and helped to establish a rhetoric that took hold globally. American journalist Natalie Escobar has remarked, “the global response to COVID-19 has made clear that the fear of contracting disease has an ugly cousin: xenophobia”.⁽⁵⁾

There are, however, signs of hope. Whilst governments have done little to counter the link between disease and nativism, other authoritative bodies have taken up the baton. The British Medical Journal, for instance, has acknowledged that health professionals, being on the front line, have a unique insight into and an authoritative voice in relation to the pandemic: “Racism must be stopped because it is morally deplorable... The spread of this pandemic is dependent upon the exploitation of our societal weaknesses”,⁽⁶⁾ and clearly one of those weaknesses is attributing diseases to specific ethnic groups, which in turn creates divisions that fragment societies across the globe.

To see a disease through the prism of race is inherently problematic. And whilst there are some who will continue to attribute blame to and stigmatise Chinese people, as well as people of Chinese and Southeast Asian descent, there are many others who rail against it. Indeed, outrage against Donald Trump forced him to temporarily dilute his accusations: “They’re amazing people and the spreading of the virus is not their fault in any way, shape or form”.⁽⁷⁾

The Chinese government, practically speaking, has been unreliable and misleading according to several sources. In particular, The New York Times’ Julian Barnes wrote in April 2020, when the virus reached its peak for many nations, of the extent to which “China has vastly understated its coronavirus infections”,⁽⁸⁾ which had worldwide health implications. It is not surprising that this kind of misreporting (an example of corruption at the highest levels of government) has generated mistrust, but this mistrust should not be directed toward innocent individuals and must not manifest as violence towards a community on the basis

of their race. Unfortunately, these kinds of demonstrations have taken place. For instance, on March 16 a group of teenagers in Chinatown, San Francisco vandalised the facade of a Chinese-owned business.⁽⁹⁾

Those who really understand the nature of the coronavirus pandemic also understand that we will not find a solution in a world where fear and suspicion - feelings which often lead to racism, xenophobia and nativism - prevail. At the very least we need to pull together resources in order to work towards a viable treatment more quickly. Time Magazine’s Ian Bremmer succinctly wrote back in March 2020: “In short, instead of accusing each other of playing with matches, these two powerhouse countries [China and the United States] could help put out the fire”.⁽¹⁰⁾ Racism and nativism must not be allowed to triumph under any circumstance. If there is to be an ‘us versus them’, that fight should be between society as a whole and the disease itself, not between individual nations and ethnic groups.

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HUMANITY: CONDITION OR CONSIDERATION?

BY MIKE GOULD

In the dark days pursuant to the emergence of a global, somewhat inevitable, pandemic; there has never been a more fortuitous call for international consistency. International law defines the legal responsibilities of States in their international conduct and their treatment of individuals within State boundaries, often attempting to unify disparate nations and administer principles akin to the rule of law.

Given these motives of social equity, we may be compelled to believe that departure from international law in the 'national interest' is motivated by selfishness resulting in far reaching, amoral consequences.

Much of history has comprised of humanitarian crises and exploitation and, inevitably, the United Nations Security Council was formed in 1946 as a response to the dehumanising events of the Second World War. The council has since been charged with "ensuring international peace and security" and consists of 15 sitting members.

The UN Charter is the regulatory legislature of the council that grants a vast and disproportionate level of power to any dissenting 'permanent' states who may, against popular opinion, stifle international response to crises in order to preserve their own interests; this is called a veto. The five permanent members span the globe and consist of diverse cultures, regularly conflicting allies and irreconcilable interests.

The Syrian civil war is a clear example of states using

the veto to preserve international relations, thusly circumventing human rights. There are 6.6 million homeless citizens and a further 5.7 million displaced beyond the Syrian border, yet since 2011 Russian administrations have actioned 14 effective vetoes upon council decisions regarding Syrian resolution. The most recent council draft would have consolidated cross-border aid like food and medicine from Turkey and Iraq for 12 months. However, the Russian veto argument seems to be that supporting civilian outposts would undermine their ally, the Asaad Regime. If the interests of a diplomatic relationship such as this are compromised by aiding refugees, the principal matter is clear; human rights are superfluous to consider in matters of international interest and relations.

However, states are not bound to the Security Council when making their own decisions on aid, and it is perhaps easier to see the balance of their interests through their own individual action. Look to Yemen, where 8.4 million people are on the brink of famine and children are 12x more likely to perish from curable diseases than in the UK. A coalition led by Saudi Authorities, whose arms are purchased from the UK, has substantiated 20,000 civilian fatalities since 2015. The US and UK are key benefactors to the conflict, unsurprisingly occupying this lucrative pocket in the Free Market, yet is it distressing to consider that monetary backscratching in lieu of protecting the innocent Yemeni people is the widespread norm. Clearly, protecting the fundamental rights of the oppressed individual fails to prioritise itself over the financial benefit of contracting with the State.

In the face of adversity, we must find hope – or rather something to be hopeful for. Sherine Tedros, head of Amnesty International’s New York office spoke out against the abuse of veto power, calling it a “callous disregard for the lives of millions of Syrians”, and much of the council reform debate orbits this issue.

One compelling proposal for reform is a Two-Layered Regional Model, whereby states are grouped into smaller sub-councils in regions with more closely connected security issues, for example the formation of a North African council would devolve initial decision-making power to states such as Algeria, Egypt and Libya. The key benefit to such reform would be to augment the decision probability of the council, whose policy implementation has been stymied by consistent veto blockades to decisions that would otherwise catalyse positive diplomacy.

This model is contingent on the abolition of the veto, in favour of a democratic process that balances the interests of states against each other to increase the decision probability of the council; the veto is effectively ‘split’ and administered equally over the main council, limiting the disproportionate powers of permanent members and galvanising an effective and devolved humanitarian response unit. Of course, it should be noted with unpalatable irony, a consensual vote from the council in its current form would be required. This is because the stance adopted by China and Russia is that “consensus” is more favourable to majority, although in its broadest sense the word still fails to reconcile the interests of states whose cultures and societies are fundamentally unique. The veto has for too long paved the way for political stalemates within the council, and as its true purpose as a peacekeeper continues to give way to monetary and political interests, it looks utterly toothless.

It is easy to miss the magnitude of the impact made by these decisions and non-decisions, but when the abhorrent consequences of them penetrate the Western media, it begs the question – are we making it worse? After 3-year-old Alan Kurdi drowned in an attempt to cross the Mediterranean Sea, a distraught sympathy reverberated through Europe shining a damning light on the United Kingdom’s own hostile treatment of refugees and asylum

seekers that has evolved over 30 years.

In the UK, the story is typically British; grey and cold. Not quite like a January morning in Newcastle however, more like a murky and sinister administration of limited rights to asylum seekers. Prior to 1993 the UK had no domestic asylum legislation, despite being a signatory to the 1951 UN Convention on Refugee Rights. Therefore, the Asylum Immigration and Appeals Act 1993 enabled the UK to interpret their own obligations under the UN Convention.

It was clear from the statute that its crucial aim was to reduce access to benefits for asylum seekers; restricting access to permanent housing, capping benefits and curtailing welfare rights. Perhaps consequential of asylum law and welfare becoming intertwined and increasingly politicised; the call was raised for an equally political response. Before Tony Blair’s ‘New Labour’, Conservative Prime Minister John Major’s asylum ethos was little more than a sapling, and constant Home Office backlogs resulted in a Blairite Statutory onslaught that lashed out at the use of domestic resources in asylum applications.

The Nationality, Immigration and Asylum Act 2002 purported to deny prospective asylum seekers status if they failed to apply “as soon as reasonably possible”, and 2006 brought a 5 year stay limit to successful asylum seekers’ leave to remain, the false implication being that all global conflicts likely resolve themselves within such an arbitrary time period.

In light of the attacks on 11th September 2001, Blair’s ideological commitment to national security and his appreciation of Atlanticism through Anglo-American relations seemed to further align him with the developing apprehension towards soft foreign policy that was boiling over in the US. This further engendered a hostile environment for asylum seekers as it became increasingly hard to attain asylum status in the UK, impossible to keep it and ultimately it resulted in political alienation for successful applicants anyways.

Acknowledging the existence of conflicting interests is factual; allowing them to toxify human lives is detestable. Crucially, we must strive to be a learned and progressive community by taking brave steps to lay down our own immediate interests and instead foster policies that have humanity at their core, not just as a selective consideration.

HONG KONG: THE PEOPLE, PROTESTS AND PANDEMIC

BY AALIYAH JAVED

The people of Hong Kong are still fighting for their future in a city that truly never sleeps. The timeline of unprecedented social and political unrest in Hong Kong dates back to the 2014 'Umbrella Revolution'. A youth-led protest focused on driving change for a more transparent line of decision making from the Hong Kong Government, the Youthful Yellow umbrellas sensationalized the streets of Hong Kong, resulting in widespread media coverage. These protests embraced a once pacifist approach to police belligerence and an unrepresentative democracy. Remembrance of this event remains, along with the perseverance and tenacity that has fuelled the hearts of Hong Kongers to continue fighting for change in a more crucial time.

As much as Hong Kong yearns to be free from colossal powers, Mainland China has been intensifying its hand into the palm of Hong Kong's leaders and media. Cambridge graduate and Hong Kong's Chief Executive, Carrie Lam reinvigorated the disapproval of many Hong Kongers when she announced an addendum to the controversial Extradition Bill. Pursuant to this new bill, criminal suspects in Hong Kong could be transported to Mainland China for legal representation. Many Hong Kongers felt this was a clear violation of the infamous 1984 Sino British Joint Declaration, which legally binds China to remain uninvolved in Hong Kong for 50 years. With only 27 years left of supposed autonomy of this Special Administrative Region, the clock is ticking for businesses and families who have established homes on this peninsula and carry the lineage of ancestry and tradition. The equanimity of the Hong Kong people in recent times is incomparable to that of 2014. This Bill severely spiked animosity amongst the population, prompting massive outrage and at times violent protests

across the city. From the destruction of property, to tear gas and student strikes, the unparalleled turmoil that followed this year, has strained the morale of Hong Kongers. Freedom of speech which was once protected by the Declaration has now been threatened and the formerly vibrant streets of Hong Kong are covered in rebellious graffiti and anti-police remarks. Will Hong Kongers be able to surmount this storm, especially if they are soon to become part of China?

Amidst the chaos of the protests, Hong Kong's autonomy and right to self-determination is the greatest goal. The protests illustrated collective disenfranchisement with Hong Kong's leadership as well as a yearning for its freedom with the retraction of the Extradition Bill. However, the picture is not so black and white, with a massive grey area; much of Hong Kong's economic stature relies on closely participating in business with China and the cultural similarity between Hong Kong and China is unequivocal. On the other hand, Hong Kong has tried to progressively distance itself from China, from dissimilar passports to legal permits and currency.

Will Hong Kong suffer in this imminent reintegration to the present traditional beliefs China embodies? Hong Kong is a valuable procurement for China; it is multicultural and acts as a conduit to other countries and business opportunities for China's gain. Hostility between the two was further exacerbated when China announced a 14-mile bridge connecting Hong Kong to China as well as Macau in hopes of fastening a Greater Bay area. In relation to the Joint Declaration signed by China, this bridge should be viewed as a tightrope where China is cautious and aware of its limits; however, as Hong Kong activist and lawmaker Claudia

Mo suggested, it is more “like an umbilical cord”. China’s premature influence in Hong Kong has penetrated everyday life of Hong Kongers as there are reports of book stores being shut down as a means of censorship and school curriculums amended to adhere to what the Chinese Communist Party deems appropriate.

Given the fact that Hong Kong was a British colony for 156 years, it seemed appropriate when Prime Minister Boris Johnson shared his disapproval of China’s actions as a “clear and serious” violation of the Joint Declaration. The UK Foreign Secretary, Dominic Raab pledged that the United Kingdom would provide Hong Kong citizens with British National Overseas status, with the ability to live and work in the UK for five years, after which they can apply for citizenship. For some, this is beneficial in providing an escape out of Hong Kong if desired, however for the majority, it is difficult to foresee life anywhere else. It is important to note that not all Hong Kongers are in disagreement with China’s influence as they give credence to Hong Kong historically belonging to China and in their view forcefully objecting the destined outcome is aimless. Particularly in the current climate, they view handling the pandemic as a greater priority and more consequential for them in their day to day lives.

What began as mask-wearing to conceal identity from the government and media during protests has now become the norm in the coronavirus pandemic. In the early ages of the virus, protests were still taking place, however as the situation worsened, the cycle of protests came to a standstill. As many other countries grappled to manage the outbreak, Hong Kongers shifted their existing battle mentality towards a new fight. Much of Hong Kong’s protocol and conduct can be admired as successful during the outbreak. Acknowledging that Hong Kong has dealt with the previous SARS pandemic in 2003, it is evident that general hygiene formalities are ingrained in Hong Kongers habitually and especially at times of risk.

Other countries have looked to Hong Kong for advice on how to efficiently manage and contain the virus. Mandatory mask-wearing at all times, limits in establishments, as well as a strict 14-day quarantine period for incoming travellers has helped contain the spread.

This virus has forced the September 9th 2020 elections to be postponed, with critics convinced the pandemic was used as a smokescreen to prevent the public from voting. Regardless, Hong Kongers have unified in fighting the virus with the daily cases not exceeding 50 from late August onwards. Resistance towards the government has become less visible as protests have reduced under the pandemic. In a post-covid world it will be of interest to examine whether the protests will continue at the same intensity as before.

Conflict, hardship and adversity took hold of Hong Kong in more ways than one this year and the people’s response in this time of crisis is a clear merit to their strength. The preceding British Governor of Hong Kong stated during the 1997 handover, that “Hong Kong people are to run Hong Kong”. Given the rapidly changing dynamics with both the protests and pandemic, will this sentiment remain or is it now time to re-examine life in Hong Kong?

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SINK OR SWIM: IS THE UK'S BOOK PUBLISHING INDUSTRY GOING TO SURVIVE COVID-19?

BY ANNA-MARIA POKU

A Giant of an Industry

The UK's book publishing industry is a force. Chances are you've heard of Penguin Random House, Pan Macmillan, Hachette, HarperCollins or Simon & Schuster – the 'Big 5' in the publishing industry in the UK and worldwide. Some of the biggest literary names and icons were birthed by the UK publishing industry; icons like Margaret Atwood, Toni Morrison, Chinua Achebe and newer phenoms like Zadie Smith and Elizabeth Acevedo. According to the Publishers Association, the UK publishing industry had its best year in 2019, thanks to a growth in print and digital sales. Sales of books, journals, rights and co-editions were valued at £6.3 billion for the year – a 4% rise on the 2018 figure and a 20% increase since 2015, the association said.⁽¹⁾ The fact is, UK publishing companies are at the forefront of the knowledge economy and a driving force in innovation.⁽²⁾ Or at least they were, before COVID-19 hit.

The Impact of COVID

One would think that publishing would be a thriving industry in a lockdown situation with people home and perhaps having more time for books. However, that is not the case entirely. All types of businesses within the industry have been affected, from publishers to bookshops, especially the smaller ones. Smaller publishers, including some of the UK's best independents, have been put through the wringer and according to a survey by the Bookseller⁽³⁾ of 72 small publishers, 57% reported they had no cashflow to support their business and 85% had seen sales drop by more than half.

Beyond sales issues, COVID-19 has also affected plans that publishers had for authors. Valerie Brandes, founder of Jacaranda Books, the winner of the London category of the small press of the year award at the 2020 British Book Awards, said she had been looking at 2020 to be her

"strongest, most ambitious year of publishing", including a commitment to publish 20 black British writers and that the pandemic had decimated plans for new authors.⁽⁴⁾ This is particularly noteworthy considering that most of these small publishers, take the risk of publishing into typically greatly disadvantaged areas that bigger publishing houses will not, such as debut writers or those from black and minority ethnic backgrounds. The pandemic has meant unfortunately, that "there's a whole tranche of writers that either will not write or will be unable to see their work published".⁽⁵⁾ These small publishers' importance was made even clearer when the Big 5 separately acknowledged, at the height of the Black Lives Matter (BLM) movement, that they know "change is not happening fast enough" and that they must do a lot more to address racial inequalities in the book world.⁽⁶⁾ It's almost ironic therefore, that this year's International Booker Prize longlist is dominated by authors that mainstream publishers shy away from, with some of them having been rejected by many major houses.⁽⁷⁾

Although smaller publishers and businesses have borne the brunt of the impact, bigger publishing houses and businesses have not walked away unscathed. Bookshops of all sizes including huge ones like WHSmith have, for obvious reasons, had to cancel author events such as book launches, signings and readings, even extremely popular ones like Penguin Random House's annual Penguin Presents showcase.⁽⁸⁾ Titles have been delayed and bookshop sales have been severely hit. During lockdown, the increase in online shopping on popular sites such as Amazon, meant that the income from online (book) sales, is one that most, if not all, publishers and shops have forgone.

A Blessing in Disguise?

Nevertheless, the pandemic has not been all gloom and doom for the industry. A Nielsen BookData survey showed

that overall, the U.K. population has nearly doubled the amount of time it spends reading, from an average of around three-and-a-half hours a week to six and this translated to 25% of people buying more books.⁽⁹⁾ Rebecca Nicholson, co-founder of Short Books which was bought by Hachette in 2019, has suggested that books have been in a better place to cope with the pandemic because they do not rely so heavily on advertising and as such, books that already sold well, have sold better. Nicholson, however, acknowledges that this trend has reinforced the ideas of bestsellers and branded books making it far more difficult for debut authors to be noticed especially as most of the buying is being done online. The fact is, “[in] a bookshop, a new author has a chance to be seen; online, it’s just incredibly hard”.

People have turned to fiction, crime, romance and mind/body/spirit books as well as certain cookbooks like baking, as an escape. Educational books have also seen a huge surge due to the rise in home-schooling with reference and home learning books up 146%, while school textbooks have jumped by 32%.⁽¹⁰⁾ Nicholson suggests that another thing to note would be the impact of the BLM movement on titles, perhaps even more than COVID-19.

The Way Forward

Many small publishers and bookshops have their reservations about the future and have stressed the importance of the government and bigger publishers stepping in and some might say they have listened. The Books Council of Wales committed £150,000 to be spread between all the bookshops and publishers in Wales, although booksellers have said there is nothing to apply for yet, despite asking.⁽¹¹⁾ Furthermore, various consumer publishers have pledged financial support with And Other Stories pledging to donate 20% of subscription sales to bookshops, Pan Macmillan helping independent bookshops with financial support and with guidance on how to continue engaging with their communities through virtual events and story-time sessions. Penguin has been working with the Booksellers Association to find practical solutions to support retail partners, including matching up to £50,000 in crowd-funded donations for the Book Trade Charity, which will go towards supporting booksellers in the UK and Ireland who have been affected by the crisis.⁽¹²⁾ Authors have also been supported with Penguin’s

WriteNow flagship programme to discover voices from communities under-represented on the nation’s bookshelves and Simon & Schuster UK children’s division is working with Authorfy to run online masterclasses and ten-minute challenges that authors, and illustrators can record themselves.⁽¹³⁾

Per Stephen Lotinga of the Publishers Association, “the ... industry was on course to be worth £10 billion by 2030 before coronavirus, but that will only happen now if the government properly supports [its] recovery.”⁽¹⁴⁾ So, while some of these initiatives are not without their issues, such as accessibility and scope, they are evidence that there is work being done. As it stands, the industry has had to adapt, find new ways to drive sales, make changes to publishing schedules and rediscover the power of community and it is certain that the magic in reading and in a good story are not lost to the world. However, the point remains: the pandemic is far from over. With us being in the throes of a third lockdown, it is clear that the industry-wide uncertainty is here to stay and what is definite is that nobody really has an idea of how far the industry will fall or for how long.⁽¹⁵⁾

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THE RUSH TO BE ANTI-RACIST

BY DEONTAYE OSAZUWA

On 25th May 2020, George Floyd died after Derek Chauvin, a police officer, pressed his knee to Floyd's neck for over eight minutes. It was a death that would spark a wave of global protests during the summer of 2020. The words 'Black Lives Matter' were everywhere from the back of footballer's shirts, to placards carried by people of every colour, to Twitter hashtags that would trend for hours. But there was another word that started to spread like wildfire in society's consciousness: anti-racist.

But what does it mean to be anti-racist? In his book titled, 'How to Be an Antiracist', Ibram X. Kendi writes "One either allows racial inequities to persevere, as a racist, or confronts racial inequities, as an antiracist. There is no in between safe space of 'not racist.' The claim of 'not racist' neutrality is a mask for racism." This quote, and his book in general, sums up the key differences between being non-racist and anti-racist. It is an active step to be anti-racist, perhaps even a radical one. Kendi writes that being antiracist requires a "reorientation of our consciousness".

While someone can live their life not a racist, they could easily be normalising acts of racism. For instance, avoiding tricky conversations with racist family members, in the pursuit of 'keeping the peace', could ironically cause indirect violence towards a minority group. Denying the experiences of people of colour when it comes to discrimination, the 'yes, but's and 'not everything is about race' comments march into gaslighting territory. To not be anti-racist is to be silent in the face of racial oppression. You are either the silencer or enabling the silencer. However, it is important to recognise that some actions in the name of anti-racism

do nothing to tackle systematic racism but instead allow for self-congratulatory pats on the back. This is also known as performative activism and is mostly seen with groups that have the most influence in society: governments, corporations, and celebrities.

Being anti-racist is not just about being loud. There is no point in having a megaphone if what you are saying is not adding to a progressive conversation. Two recent examples of this would be the creation of the Black Lives Matter Plaza in Washington, D.C, and the Royal Mail's reveal of four special-edition black postboxes to mark the beginning of Black History Month. These actions are not harmful. But are they helpful? Memorials and dedications are nice. But nice isn't radical.

Radical does not mean anarchy or violence. Sometimes it means speaking the truth to rebuke a comfortable narrative. This is something we saw expressed in the protests over the summer. People demanding that we examine the colonial history of the UK and dismantle the myth of its moral superiority, that many people still believe. Yes, this country banned slavery, but it also played a significant role in the triangular slave trade to begin with. Yes, we did not have Jim Crow laws, but businesses had signs saying, 'No Blacks, No Dogs, No Irish'. Yes, we do not see people being slain on our streets in the same manner as we see from across the Atlantic, but it has been proven that BAME people are disproportionately dying from COVID-19. America's brand of racism is not the only racism we should be wary of. The UK has its own insidious brand which is partially rooted in the country's superiority complex.

For a recent example of this complex, one need not look further than the statue of Edward Colston, a prolific slave trader, which was toppled and pushed into Bristol Harbour.

This became the most significant moment in the UK protests. Unsurprisingly, many people were upset. Radical responses usually upset those who are comfortable with the status quo. Ex-UKIP leader Nigel Farage commented: 'The Taliban love to blow up and destroy historical monuments. [toppling the statue of Edward Colston] was the most appalling example of mob rule.' Unreasonable comparison aside, the presence of the statue highlighted the country's blatant cognitive dissonance. It is a disconnect that many in the country find safer to acknowledge regarding the statue of a man responsible for as many as 19,000 deaths, then to the statues of Winston Churchill, a man with a controversial past when it comes to race and colonialism.

When does an aspect of culture turn from a country's personality quirk, into a violent tendency? Britain's 'stiff-upper lip', head down, weak revolutionist spirit is what makes being an anti-racist so difficult, and is something many allies might not have appreciated when they boldly declared on social media, over the summer, that they are anti-racist. In the UK, to be anti-racist, is to be against this ingrained passivity that leads to the memorialisation of slave traders and racists.

To question the norm, however twisted the norm is, is to be dangerous. Anti-racists are picking a loose thread in the fabric of society; they must reorient their thinking and their knowing. We cannot identify the problematic aspects of society without wanting to transform it. The UK is not entirely against transformation, but the difference is many people are comfortable with an organic progression, meaning slow. Organic meaning when it suits the people in power to guide societal change. Waiting for another 'big moment' to spur them into action.

The first Race Relations Act outlawed discrimination on the "grounds of colour, race, or ethnic or national origins" in public places in Great Britain, over fifty years ago. The Equality Act was passed ten years ago. But still in the UK, BAME workers are paid around £3.2bn less than their white counterparts every year. Exclusion rates for racism in primary schools have increased by 40% in just over a decade. In addition, 46% of people in families where the household head is Black are living in poverty, compared to 19% of those living in families where the head of household is white. Black men are 4.2 times

more likely, and Black women are 4.3 times more likely to die from coronavirus than white men and women. This is the material inequality black people still face. For all the effort of being non-racist for fifty years, Britain is still determinedly not anti-racist. We cannot wait another fifty years.

While legal equality is nothing to dismiss, we must start dancing with anti-racism and thus radicalism. Radicalism is scary for most people, especially in power. But radicalism is the only alternative to our bleak and current reality. Being anti-racist is a new perspective that leads you to question and challenge. It is rebelling against the comfortable status quo, the institutions we seek to inhibit, and the people in power who refuse change. This should be the last 'big moment', the last bombshell to shock the country into truly understanding how black lives matter. It seems like a lot of young people wish for the same too, the spirit of the protest still alight long after the summer demonstrations. We must remember that anti-racism is not a passive notion, but the declaration to advocate for something new. Something radical.

THE LEGALITY OF THE USE OF FORCE BY INTERVENING STATES IN THE SYRIAN ARAB REPUBLIC

BY AJAY SINGH

In 1999, Kofi Annan famously quipped “if, in those dark... hours leading up to the (Rwandan) genocide ...States had been prepared to act, but did not receive prompt (UNSC⁽¹⁾) authorisation, should such a coalition have stood aside and allowed the horror to unfold?”⁽²⁾ The world has changed little since 1999. The Syrian Civil War that precipitated from the Arab Spring (2011) has been deeply complicated by actors with changing and competing interests; from the Syrian government, to foreign-aided opposition groups, to separatists, to Turkey seeking to confront Kurdish separatists, to the U.S. seeking to confront ISIS, Assad and Iran, to Russia confronting ISIS and concretising her naval and aerial military presence in the Mediterranean, on the invitation of Syria. The deployment of indiscriminate weapons precipitated a humanitarian crisis of recently incomparable proportions, reshaping the Middle East and Europe. In reconciling competing interests and legal positions of intervening states, it is necessary to consider the legality of the use of force against the Syrian Arab Republic.

Prima facie, the exercise of force by states is governed by customary international law (CIL). Article 2(4)⁽³⁾ of the UN Charter prohibits the use of force without UNSC authorisation, unless in self-defence.⁽⁴⁾ The Friendly Relations Declaration crystallizes the obligation on states to refrain from participating in civil strife in another state, as in *DRC v Uganda* which held that uninvited states arming militants breached CIL. Ostensibly, the law stands firmly against intrusions of Syrian territorial sovereignty in the exercise of force by intervening states; such intervention could not be said to be in self-defence, given Syria has not commissioned an attack on another state, nor were such strikes UNSC-authorised. While ISIS has commissioned attacks beyond Syria, it is unlikely such attacks would have satisfied the Caroline test;⁽⁵⁾ strikes on Syria appear to be retaliatory rather than self-defence, failing the test of ‘necessity’ set out in *Caroline*.

To circumvent the limitations of CIL, intervening states relied on an impetus created by the humanitarian crisis, possibly creating an allowance for intervention under Article 2(4) insofar as:

- A. Syrian independence is unharmed;
- B. Intervention is consistent with the purposes of the UN

Such a purposive application of Article 2(4) ostensibly creates a possibility for intervention, albeit in a limited capacity. The ICJ⁽⁶⁾ decided in *Nicaragua v USA* that “it is for states to articulate their legal views”. The UK was the only state to set out its legal position,⁽⁷⁾ detailing conditions for intervention:

- I. convincing evidence... accepted by the international community... of extreme humanitarian distress... requiring immediate relief;
- II. no alternative;
- III. use of force (is) necessary and proportionate to the aim of... humanitarian need

It would seem the legality of the UK’s purposive⁽⁸⁾ position narrowly relies on humanitarian intervention emerging as a new norm of CIL, appearing beyond the textual stipulations of the Charter. This is unlikely as reliance on Responsibility to Protect (R2P)⁽⁹⁾ in NATO’s unlawful intervention in Kosovo (1999) in circumvention of the UNSC’s objections instead signalled that deviance from international law in self-interest was the new norm; crystallizing in Libya (2011), where the UNSC’s authorisation of force to protect civilians was abused by NATO in overthrowing Gaddafi.

This is highly consistent with the reality of intervention that has been unconcerned with counter-terrorism: the U.S. repositioned⁽¹⁰⁾ infantry in Syrian oil-fields and along the Syrian-Iraqi border⁽¹¹⁾ to deny⁽¹²⁾ Iranian reinforcements to Assad. Similarly, Turkey invaded Rojava⁽¹³⁾ to weaken separatist Kurdish militias near the border, enabling the escape⁽¹⁴⁾ of 800 ISIS fighters in Kurdish prisons. Perhaps only Russia’s invited

presence in Syria kept to counter-terrorism; making enormous strides against ISIS in training and reinforcing the Syrian Army's efforts, from Aleppo (2016),⁽¹⁵⁾ to Palmyra (2017)⁽¹⁶⁾ and Ghouta (2018).⁽¹⁷⁾

Secondly, a large part of the humanitarian crisis is argued by intervening states to involve chemical weapons. This invites us to consider the Rome Statute, and if lawful humanitarian intervention may be within the jurisdiction of the ICC. However, Syria is not a party to the Statute. Even if it were, the unjust status of the unilateral use of force held by the ICJ in paragraph 268⁽¹⁸⁾ of *Nicaragua v USA* is likely compatible and applicable to the ICC:

“protection of human rights... cannot be compatible with... destruction of oil installations, or... the training, arming of (militants). The Court concludes that the argument derived from the preservation of human rights... cannot afford a legal justification for the conduct of the USA (and) cannot ... be reconciled with... self-defence”

However, U.S. and Turkish intervention may not be completely illegal; indirect forms of intervention in financing, training, and arming Syrian rebels (albeit later withdrawn by the U.S. on the discovery of links with extremism)⁽¹⁹⁾ sustains the autonomy of non-state actors. In *Nicaragua v USA*, the ICJ distinguished between state and non-state actors, necessitating an “armed attack” to have originated from a state. Here, it could be said that the U.S. and Turkey did not exercise force in Syria; given the autonomy of rebel forces receiving aid. This possibly isolates the illegal status of intervention to uninvited direct military intervention.

Axiomatically, if we accept this analysis, then direct military intervention by the U.S. and her allies in Syria has a greater illegal status by way of failing the test in *Nicaragua v USA*, requiring a state to be effecting control of non-state agents. ISIS as a non-state actor, acting independently of Syria, sufficiently distances ISIS-led and inspired attacks in Europe from Syria. ISIS attacks on other states here do not constitute an “armed attack” by Syria. Furthermore, Assad has been actively confronting ISIS, enlisting support from Russia and Iran to “liberate every inch of Syria”.⁽²⁰⁾

The West reconciles the failure in satisfying a Syrian “armed attack” by explicitly endorsing the ‘Unwilling or Unable’ test.⁽²¹⁾ (22) In 2014, the U.S. sent a letter⁽²³⁾ to the UNSC justifying the commencement of strikes on Syria, writing:

“(Syria) has shown that it cannot and will not confront these safe havens effectively itself”

The quasi-legalistic reliance on the ‘unwilling or unable’ doctrine is largely untenable as it does not enjoy CIL status and contravenes Article 2(4).

Jurisprudentially, the test should not stand still in time. Relying on a temporally inflexible assessment of ISIS’ strength presents an argument of convenience. Instead; “what needs to be included in any analysis (is) the continuing duty to meet the ‘unwilling or unable’ standard for the entire duration of the use of force that it is used to justify”⁽²⁴⁾ (Bridgeman). Such a test would surely fail after 2017. Today, ISIS does not hold⁽²⁵⁾ Syrian territory, its fighters retreated to Idlib,⁽²⁶⁾ a province home to 2 million civilians, a sobering reality dashing hopes for a military offensive in sight of the humanitarian catastrophe this would unleash.

Ultimately, the Syrian war presents an opportunity for the law to evolve and restore relevancy to a world where hybrid and proxy warfare are the basal features of emerging conflicts. Without this, there will be no counterbalance to the intense forces of self-interest driving geopolitical giants in the struggle for gain in the vacuum created by the absence of the rule of law. The human cost continues to rise as the tension of law and politics play out in Syria.

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THE END OF HISTORY AND THE CYBERMAN

BY BIEL SCHREUDER

Last August humanity witnessed the symptoms of a brave new future world. From computer algorithms deciding exam results to Elon Musk announcing prototypes and clinical trials for NeuroLink - a project that aims to implant a computer into the brain - the future of civilization appears destined to become increasingly mediated by technology. Technology will have a ubiquitous influence in our lives.

The most prominent manifestation of this future is in Musk's NeuroLink project which initially aims to "solve important brain and spine problems", by inserting a tiny device the size of a coin into the skull. However, Musk also sees this technology as a vehicle to maintain humanity's supremacy over artificial intelligence. In an interview with Joe Rogan, he stated that the NeuroLink could be used to increase one's productivity. Musk believes that this piece of technology can solve all neurological problems; blindness and brain damage, anxiety and addiction, paralysis and extreme pain will all be things of the past. This technology, if brought to fruition, has the potential to usher in a new stage in the evolution of humankind, and, if it fulfils the goals of its designer, will inaugurate the End of History.

It is inevitable that technology is what completes the history of Mankind. After the horrors of sectarian violence and the devastation caused by political dogmas in the 20th century, ideology and religion have been discarded as arenas that can achieve progress for mankind. Today it is solely technology that offers any potential to negate our present existence and realise the End of History. From climate change to the Irish border, it is technology, rather than political change, that we have placed our faith in to fix our problems.

To some, declarations of the End of History may appear naive given how much of a mockery was made of Fukuyama's proclamation to it in 1989. The chaotic and uncertain nature of politics over the last decade testifies against Fukuyama's claim that the End of History lies in liberal democratic capitalism. However, as first conceived by Lacan, everything needs to die twice: once symbolically, another absolutely. Napoleon symbolically died at Elba—his role in history had finished, confirmed by his second defeat at Waterloo where he died for the second time. The tumultuous events of recent years are symptomatic that we are positioned in between the two deaths of history: as Gramsci perfectly encapsulates, a situation where "the old is dying and the new cannot be born". We are very much aware that neoliberalism has created unprecedented levels of inequality and in turn political tribulations, and that the capitalist system regards nature as any other commodity and will destroy, distort and exploit nature in pursuit of profit maximisation. In short, we are very much aware of the harm that our political system is causing but do not possess an alternative vision of society, or the confidence to discover one, to fix the predicaments we are facing and so remain in a malaise over our directionless politics. "It is easier to imagine the end of the world than it is to imagine the end of capitalism".⁽¹⁾ Humanity died symbolically when it lost its essential internal substance - that is, his political nature. As such, it is argued that the only way to restore balance to this post-ideological world is to transcend our own human conditions; a postmodern, post-ideological world needs a post-human humanity. And in this man-machine synthesis comes the actual death of humankind.

The idea of the End of History was conceived by Hegel. Hegel believed that the End of History would arise when we have

absolute knowledge about the world, with which we can then be at one with. We will no longer feel the contradiction between our subjective understanding and the objective reality of the world; we will have ascertained self-consciousness; reality and existence will no longer feel enigmatic. We will have overcome what Freud saw as the fundamental source of our discontent: the Oceanic feeling—the sensation of powerlessness we get when we encounter the sublime, whether it be an ocean or a bureaucracy, that the world we inhabit operates independently of ourselves according to laws that we cannot grasp. Consequently, if we can remodel and create the world we live in, thus mastering our environment, we will have complete knowledge and understanding of that world. We can then fulfil fundamental human desire, because we will have attained a self-awareness that we have the ability to alter the world.

The NeuraLink will accomplish a certain form of this and complete the circularity that defined Hegel's notion of absolute knowledge. Human beings use science and reason in order to understand and master nature to fulfil human needs. The NeuraLink would enable human beings to ascertain an understanding and self-mastery over our very own nature. Humanity's perpetual discontent and unhappiness can be overcome for we can alter our biochemical composition that creates these emotions, and make ourselves one with the civilization we live in. Consequently, our ability to remodel our psychology will provide us with a complete understanding of ourselves and how we operate, the inner machinations of our minds will no longer be an enigma. For Hegel, the drive to exploit nature is still a mark of man's finitude; in such an attitude, nature is perceived as an external object, an opposing force to be dominated, while the wise men at the end of history from the standpoint of absolute knowledge, experience nature not as a force to be controlled or dominated but as something to be left to follow its inherent path. With the NeuraLink we do not have to dominate nature to make concord with our needs, we can manipulate our own psychology so that it is suitable for the environment we are in.

Another vital capability that Musk wishes for the NeuraLink to obtain is the capability to communicate with each other without words. If Musk fulfils his desire to give Human Beings the capability of telepathy, miscommunication will be a thing of the past. We will no longer inadequately describe how we are feeling or misunderstand someone due to our

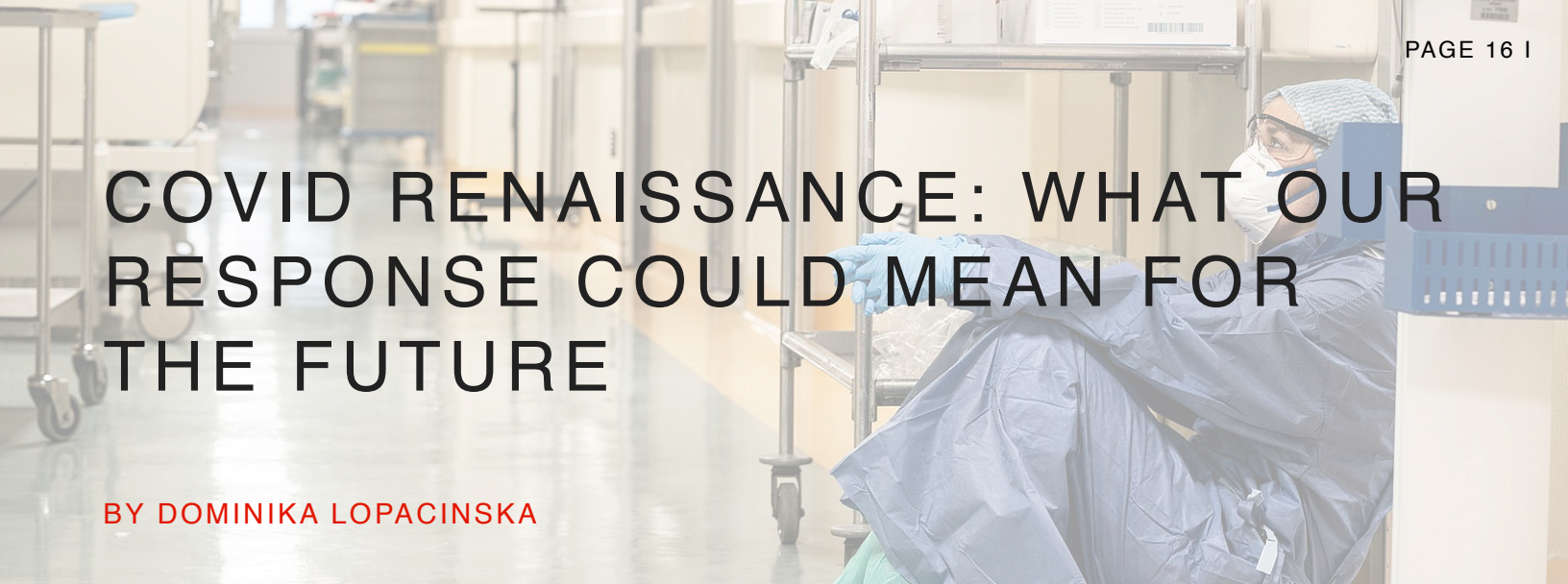
limited vocabularies. We will be able to message the other person exactly what we are thinking and feeling, and they will be able to think and feel in the same manner as we do. With this capacity, we can have true understanding and recognition for each individual's unique and particular historicity.

It is the combination of being able to control one's own mind and communicating perfectly that the NeuraLink completes history. For Hegel what brought about history was desire: the presence of a lack. By ending dissatisfaction and miscommunication, the "oceanic consciousness" would disappear. Humanity's quest for happiness will be accomplished and there shall be no desire to change society. It seems fitting that if history begins, according to Hegel, when mankind negates his animal nature, then it should end when mankind negates its own human nature and becomes cybermen.

I do not have the expertise to answer whether the NeuraLink is possible, but if it succeeds then it is the nail in the coffin for history.

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COVID RENAISSANCE: WHAT OUR RESPONSE COULD MEAN FOR THE FUTURE

BY DOMINIKA LOPACINSKA

A lot of us will sympathise with the feeling that the world seems to have been put on hold. It can often feel like big chunks of our normal lives have increasingly blurred their way onto pixelated computer monitors. But while we may have been locked in, we have increasingly looked out at what is going on around us. With everyone's lives so explicitly touched by political decisions and the huge role of the media in distributing information of critical relevance, there is clearly a unique opportunity for mass systemic reflection. In uncertain times, it is tempting to look to history to predict what is to come. As we now near the breaking point of needing to radically address climate change amidst a global pandemic, a rather bleak picture, it could be instructive to look back on the Black Death of the 14th Century which was a huge contributing factor in separating the 'dark' Medieval Ages from the age of the Renaissance.

Inequality across the board has always existed. Issues that are rearing their heads today are certainly not a new phenomenon. Covid-19 only exacerbated already deeply imbedded social and economic inequalities. The health crisis coincides with important movements such as #BLM and an increasing drive to more seriously address our deteriorating climate. But while there was no pause to systemic injustice and harmful government policy, social awareness of these issues gained more widespread attention. An optimistic perspective would draw from the reality that the whole of society now faces great instability; the hope is that the wider society (much of whom have perhaps not been politically critical before) will be able to draw a greater understanding of issues facing marginalised groups through the lens of Covid-19, especially considering its disproportionate effects. This notion has caused curious speculation about the implications of a more collectivised

society, courting ideas of revolution or more interestingly the possibility of a new post-coronavirus 'Renaissance'.

However seductive the notion that our present collective struggle may give rise to another Renaissance-reminiscent 'golden age', a recent Exurb publication warns that, "the Renaissance was not a golden age to actually live in, even if it was a golden age in terms of what it left behind". The Black Death of the 14th century and the numerous and intermittent plagues throughout the 15th and 16th centuries inspired economic sectoral changes similar to what we are faced with today. Most interestingly however, is how fittingly historian James Burckhardt's study of the 'modern man' applies to coronavirus' effect on globalisation. His recognition that the core driving force behind the Renaissance was the rise of individualism; the increased perception of oneself as a spiritual individual as opposed to the Middle Age perception of identity as deriving only from being "a member of a race, people, party, family or corporation - only through some general category" resounds with the dramatic shrink of globalisation since the beginning of the pandemic. The saying "good fences make good neighbours" has never been more relevant as now more than 135 countries added new restrictions to their borders since the outbreak, with Europe further re-establishing its internal Schengen borders for the first time in 25 years.⁽¹⁾ Obviously, our modern age does not lack personal individualism; so perhaps the retreat of nations from the global stage in the present day is no more than a manifestation of 'individualism' in the institutional realm. Perhaps through this, the 'COVID Renaissance' that is being speculated is already slowly taking form in the shift to distance learning, the death of offices and the tightening of borders.

Incredible as it was to hear Wigan MP Lisa Nandy announce on the BBC that she “hadn’t felt anger like this since [she] was growing up in the 1980s” (regarding imposing new restrictions in the North), and that “people feel that they haven’t just been abandoned, they now feel that the government is actively working against [them]”,⁽³⁾ it is not historically inconsistent that it often takes radical events such as a global pandemic to shed light on things that have been swept under an already overcrowded rug. Her somewhat naïve expression is an accurate reflection of how the unaffected are often unaware or even indifferent to hardships facing their less privileged counterparts. This is why now, when government policies infringe (admittedly to different extents) on the accustomed freedoms of the whole population, scrutiny and criticism create ripe ground for discussion concerning fundamental change. If ever, with the unmatched economic downturn across the globe, there was a time to address the cardinal problems of our social and economic systems, it would be now. We suddenly find ourselves in the culmination of a health, economic and environmental crisis; and it does not take a social scientist to see that the ‘short-termist’, materialistic political system we have put up with until now is far from adequate.

As briefly mentioned, the transmission of the virus has likewise reinforced the emphasis on borders. While that comes with the risk of a flare-up of nationalism, as historians of the Black Death remember the persecutions and massacres that faced Jewish communities who were systematically blamed for outbreaks in Europe, one would hope that this will not be the case today. It is a fact solemnly noted by the Human Rights Watch (amongst other organisations) that Covid-19 has fuelled xenophobic hate particularly targeting those in the Asian community. There is optimism in the hope that these attacks emanate from scattered radical groups and will be condemned by the wider community. A post in The Atlantic interestingly points to the ‘less-fashionable’ allegiance to the nation that might arise out of the current crisis and which presents a significant opportunity for political reflection. Indeed, how is it that while most of Europe and much of East Asia have suppressed the virus sufficiently to restart their economies, Covid-19 continues almost unchecked “in parts of the world that are, not coincidentally, headed by democratically elected right wing autocrats”?⁽³⁾ What Shadi Hamid, a contributing writer at The Atlantic, refers to as an ideological, rather than ethnic

‘nationalism’ may prove to be a positive shift; we may already be seeing evidence of it in the rhetoric to collectively protect the NHS and show appreciation for essential workers. So, could this temporary retreat eventually inspire a renewed dynamic in international relations?

Ultimately, in the middle of this all-consuming crisis, we seem to be balancing on an ideological seesaw; at once desiring a return to normalcy yet not failing to see a unique potential for fundamental change. Welfare and government-sponsored financial support have long been established as effective forms of social control by the likes of Francis Fox Piven and Richard Cloward (1971). With the government under increasing scrutiny regarding the furlough scheme and other economic aid, the extent of discontent seems to be in a constant fluctuation. While a Bolshevik-style revolution seems unlikely, it is promising to see people generally more inclined and mobilised to enact change. We need to realise that it is well within our power to aim for a post-Covid reality that is just as revolutionary and even better than the Renaissance of the 14th century, and carry on the momentum that has already been set in place.

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STUDENTS HELD CAPTIVE IN HALLS: CAN THE LAW FREE THEM?

BY MOMOKO BOWLES

At the beginning of the academic term, first-year students arrived at university with a sense of excitement and uncertainty. Most teaching was to be conducted online, students were told not to socialise outside of their bubbles, and social distancing regulations were implemented across campuses. However, despite these precautions, coronavirus spread rapidly amongst the student population. At Manchester Metropolitan University (MMU), 127 students tested positive for the virus within the first few weeks of term. To slow down the rate of infection, universities around the UK are taking unprecedented measures, some of which may impinge on students' fundamental human rights.

On Friday 25th September, over 1500 students at MMU were instructed to self-isolate for 14 days without any prior notice. Police arrived outside of the Birley Campus, and security guards were placed around accommodation blocks to stop students from leaving the premises. Many students were unprepared for this lockdown. Nonetheless, freshers were turned away when they tried to go shopping for food and other essential items. Students were also denied the choice of quarantining in the comfort of their own homes. In fact, MMU's twitter account stated that anyone who left isolation "would be breaking the law and could be fined".

This raised an important question: do universities have the legal authority to place their students under lockdown?

Jon Heath, a partner at Levins' Solicitors in Liverpool, was skeptical about the legality of MMU's instructions. Once he became aware of the situation over social media, he reached out to MMU students through Twitter with the following message: "To the MMU students at Birley campus and Cambridge halls: get in touch and we will do our best to help, pro bono". When I spoke with Heath over the phone,

he explained that he felt compelled to act to "alleviate the immediate situation". It was important to hold MMU to account by making sure the University was legally justified in its actions. Rabah Kherbane, a barrister at Doughty Street Chambers, also expressed shock at the events that unfolded at MMU. Kherbane tweeted, "The idea of an immediate notice, large-scale effective imprisonment of first-year students, with 24-hour enforcement by accommodation security, is slightly surreal". Heath and Kherbane are now working together to advise 23 student clients.

After further investigation, Heath now believes that MMU actions constituted the tort of false imprisonment. The tort consists of two elements.⁽¹⁾ The first element is a detention. In this case, it is undisputed that MMU employed security guards to prevent students from leaving their halls of residence. Secondly, the defendant must have enforced this detention without the permission of a lawful authority. Here, MMU was not instructed to impose a lockdown by Manchester City Council or any other branch of government. Instead, the University justified the lockdown on Twitter by saying they were simply following "the advice from the local health authorities". These local health authorities do not have the power to delegate legal responsibilities to universities or other similar institutions. Thus, MMU appears to fulfil both elements for false imprisonment. The University seemingly acted in excess of its powers by going above and beyond government-mandated regulation. I contacted several representatives at MMU and the MMU Students' Union to inquire about the University's current lockdown regulations, and how the University plans to respond to false imprisonment allegations. To date, I have received no responses.

In accordance with the remedies awarded in *R(Shaw) v the Secretary of State for the Home Department* (2013), students could possibly expect to be awarded damages of at least £4,500 for the first 24 hours of detention (taking into account that this figure has not been adjusted for inflation). This figure would then increase incrementally depending on the length of imprisonment. If students' civil claims are processed quickly, Heath predicts compensation could be awarded within three to six months. On the other hand, damages could take another 12-18 months if litigation arises. Still, Heath stressed that the purpose of his legal intervention is not to secure monetary compensation, but rather to uphold civil liberties. After all, these are turbulent times, and it has become increasingly clear that university lockdowns can have profound consequences.

On Thursday 8th October, police found University of Manchester student, Finn Kitson, dead in his halls of residence. The cause of his death was reportedly suicide and related to "severe lockdown anxiety". His father took to Twitter to write, "If you lockdown young people because of Covid-19 with little support, then you should expect that they suffer severe anxiety. The student referred to below is our son - and we love and miss him so much". This tragic incident clearly illustrates the importance of universities following proper legal procedure and taking legitimate steps in imposing lockdowns, as well as, of course, the need to provide comprehensive pastoral care.

MMU has now changed the status of their lockdown policy from instruction to "guidance", and the Vice-Chancellor of MMU says "we trust that [the students] will do the right thing". This, however, still poses a problem since students can face disciplinary action if they do not comply with lockdown rules. MMU's website reads, "Not following the guidance provided on our COVID-19 safety pages is deemed as an offence under our Student Code of Conduct and could result in...students [being] suspended or expelled from the University." Levins Solicitors is currently looking to resolve this point of contention with MMU. Similarly, Dr Nick McKerrel (a law professor at Glasgow Caledonian University) has said there is "potential scope" for legal action against universities that threaten suspension and expulsion as

possible punishments for failure to adhere to lockdowns.

These legal issues are not limited to MMU. In addition to his work with MMU students, Heath has also been in communication with students at the University of Durham over the question of enforced lockdowns. Furthermore, in Scotland, Aberdeen University told students they could be fined up to £250 and face expulsion if they visited other flats, but when faced with opposition to such a move, Universities Scotland Director later had to clarify that this was merely a "request" and not an order.

Universities have had to adapt every aspect of student life in response to the ongoing pandemic. This has resulted in rash decision-making, which has not always upheld the rule of law. Without the distribution of an effective vaccine, Heath thinks it is likely that students will need greater legal representation throughout this academic year and possibly the next as well. This situation could, however, be avoided. Universities should communicate with their local authorities and secure authorisation for individual lockdowns prior to announcing them. Having said this, universities may not need to impose such restrictions in the future with the government applying lockdowns and the local tiered system. First-year and international students are also taking matters into their own hands by cancelling their accommodation contracts and choosing to study remotely. This way, they can be sure that they will not, once again, find themselves trapped in their university flats.

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SURETYSHIP – A MODERN WOMAN’S NIGHTMARE?

BY GEORGIA SHELFORD

Picture the scene. Your partner of seven years comes home from work one day, whilst you are looking after your three children, and passes you a bundle of papers. He provides no real explanation but asks for your signature on the dotted line otherwise you risk losing your family home. You question what is going on and he informs you that he urgently needs to take out a second charge against the house to cover some of his commercial debts. Looking over at your three children you feel emotionally obligated to sign and do not ask any further questions. In this scenario, whilst you signed the paper, have you really consented?

The core issue that arises from scenarios like this is the inevitability of it within a family unit. Typically, there will always be one partner (usually the man) who earns either all of the household income or the largest proportion – this gives rise to the ability to emotionally manipulate the other into financial decisions purely based on their inherent economic inequality. Unfortunately, whilst the majority of society would disagree with the assumed gender roles, it is nearly always women who are coerced into unwillingly becoming what is known as a surety.⁽¹⁾ In its simplest form, this involves women providing guarantee to answer another’s default; with matrimonial homes, this imposes a second charge upon the shared house. If this is then breached it provides lending institutions with the unfettered legal right to repossess the home and any belongings they require to satisfy the now joint debt. For modern women, this is clearly problematic as it reinforces archaic societal standards which, despite progressive developments, still have the ability to shape

family life.⁽²⁾

People might question why this situation continues to pose a threat to women in our liberal and progressive society. Essentially, it is instilled into the financial norm of family life due to the ever-problematic wage gap across all sectors in the UK. Considering the statistics for 2019, the gender wage gap remained at a staggering 17.3%.⁽³⁾ Consequently, the outdated patriarchy which many oppose is habitually being embedded into our private lives with women still being economically reliant on their partners and susceptible to emotional coercion. For sureties, this is devastating as regardless of whether they make an autonomous decision or not, courts will not consider societal contexts like the implications of the gender pay gap and instead infer consent from the physical presence of a signature.

The inference of consent is also problematic in its inability to consider the wider issues that affect the majority of families across the UK. Inequalities between maternity and paternity leave continue to plague our society and force women to choose between caring for their children and financial independence. As per government guidelines, women are entitled to 52 weeks of paid maternity leave whereas men are only entitled to a mere 2 weeks.⁽⁴⁾ As a consequence, within the stereotypical family unit, this forces women to become financially subservient to their partner whilst tackling the emotional and psychological pressures of having a new-born. Considering the earlier example, it would inevitably

be a woman's natural instinct to sign any paperwork which could prevent any harmful situations for her family. Rightly or wrongly, men have exploited this and unfortunately women continue to face adversity in the wake of suretyship.

Despite this being an evident problem, the current legal system has done very little to make statutory changes which could prevent harm for vulnerable parties. Instead, there has been an ever-growing reliance on the courts to utilise existing contractual laws – namely the Misrepresentation Act 1967 – to subjectively determine suretyship cases.⁽⁵⁾ This inevitably presents significant challenges for all parties in these instances.

To combat this pervasive issue, the House of Lords tried to provide a form of clarity through its caselaw. Acting as the catalyst for change, *Barclays Bank v O'Brien* did provide some form of protection for sureties.⁽⁶⁾ It devised the constructive notice regime whereby in any instance where a bank was aware of misrepresentation against the surety, the agreement would be void on the basis of impaired autonomy. In the modern context, this could be proven through demonstrating the occurrence of undue influence. Whilst seemingly advantageous, lending institutions were unhappy with the increased burden. Subsequently, in the joint case of *Royal Bank of Scotland Plc v Etridge*, the House of Lords simplified the regime and stated that whilst banks should monitor whether misrepresentation has occurred, their primary duty is to insist that all parties obtain independent legal advice.⁽⁷⁾ If they fail to do so, any agreement whereby undue influence can be proven will become void.

Judicial developments have undoubtedly increased the avenues of escape for sureties over the last 25 years, yet at the same time have not encouraged any formal legislative action. Instead, due to the societal preference for reactivity, legislators have omitted from forming an objective approach to tackle the complex issue of suretyship and relied on ad hoc decisions to guide individuals through the judicial process. This has failed to provide the much-needed legal certainty in contracting and thus, in the aftermath of Covid-19, means that

sureties will face additional adversity on the basis of increased judicial strain.⁽⁸⁾

Despite this being problematic, it is unlikely that any substantive legislative reform will occur anytime soon. Instead, due to importance of lending institutions within society and economic stability – particularly important considering the current climate – legislators will likely be unwilling to impose any additional obligations which could detrimentally impact banks. Banks, that we all use, rely on individuals defaulting on their contractual obligations to obtain a profit; thus, wherever possible, will undeniably reject any attempts to broaden the scope of their duty of care towards consumers. Right or wrong, this is inherently a characteristic of the capitalist agenda. For sureties and modern women, this is undoubtedly a very bleak state of affairs.

Conclusively, whilst the issue is far from resolved in the UK, it is unlikely to change over the next few years. With increased uncertainty in the wake of Covid-19, sureties will continue to face confusion and suffer from a lack of coherent advice which could be urgently required to mitigate the adversity they may face.⁽⁹⁾ Additionally, society needs to accept that the gender pay gap and maternity regime needs to be updated to place all genders on an equal level and prevent economic inequality from affecting marriage dynamics, wherever possible. When this is achieved the negative implications of suretyship will be resolved.

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TAME THE TEMPEST: DEMOCRACY DURING THE PANDEMIC

BY KLAUS CHEUNG

When China was battling the virus, and few COVID-19 cases were reported outside China, little action was taken in preparation for the arguably foreseeable outbreak arriving at our own doorstep. Other than the deaths caused by COVID-19, a concerning matter that follows is the challenge to democracy, applicable not just to young democracies, but one that has also shaken the foundations of countries built on this value. Some issues currently undermining democracy worldwide are the passing of disproportionate measures that disregard human rights, expansion of executive power while diminishing legislative scrutiny and, especially for young democracies, the temptations of authoritarianism.

The Effects of Disproportionate Measures?

In situations of wartime, governments can invoke a state of emergency, allowing them to pass laws without the same scrutiny normally afforded. The current war on COVID-19 could be a pretext for politicians to exploit their power, and it is difficult to identify whether provisions made during the precarious economic and health crisis infringe human rights. Under the new powers of the UK's Coronavirus Act 2020, police officers will be able to detain a person for up to 48 hours if they are reasonably suspected to be 'potentially infectious', which is double the maximum for most criminal offences without a charge, and up to 12 hours by an immigration officer.⁽¹⁾ This longer period of detention seems ineffectual in slowing down transmission rates, and it is doubtful how police would assess potential infectiousness when knowledge of the virus remains limited, especially since the Act came into force back in March. Such increments to the extent of police powers may seem like a legal pass for unfair detention, which could be a human rights violation and in this precarious public health situation,

makes it difficult for detainees to seek a remedy if wrongly detained. These provisions, introduced by the government as emergency powers, have been rushed through Parliament without much scrutiny and debate,⁽²⁾ and although it attempted to tackle the problem with haste, the question remains whether it did so effectively and with precision. A democracy without proper scrutiny fails to uphold its very essence. While considering the brevity with which to handle the spread of the virus, scrutiny should be maintained as much as possible.

Expanding executive power and diminishing scrutiny?

Younger democracies are less resistant to opportunistic power grabs, and a lack of checks and balances during the pandemic has given rise to abuse of power. The Hungarian Prime Minister now rules by decree, Chile has sent its military to public squares once occupied by protesters and Bolivia has postponed elections.⁽³⁾ In the name of containing COVID-19, Israeli Prime Minister Benjamin Netanyahu ordered the closure of the courts while facing charges of bribery, fraud and breach of trust.⁽⁴⁾ Moreover, he tried to eliminate the spread of the virus by permitting Israel's internal security service to identify residents who should be quarantined using data harvested from their phones,⁽⁵⁾ an approach adopted in many countries such as Taiwan and Hong Kong.⁽⁶⁾ These younger democracies have come to the consensus that, in order to contain the pandemic, compromising some part of individual liberty is necessary, and the residents of such countries have accepted such a social contract, trading liberty for safety. Although the sharing of personal data should be within the rights of the individual, the province of Hangzhou in China sees that a failure to comply with their new health code, which uses personal data surveillance, would be a denial of access to amenities and needs, such as requiring proof of health prior

to services like buying a cup of coffee, or entering a bank.⁽⁷⁾ Similarly, the Hong Kong government, without public consultation nor parliamentary debate, is in the midst of coming up with its own version of a health code.⁽⁸⁾ These measures disregard the general will of the public, thus governments introducing these policies that upset the functions of the executive, judiciary and legislature in the country towards a version of authoritarian governance.

An Alternative Approach?

The pandemic has exposed the vulnerabilities in the reality of democracy today, and it might be time to re-examine the current system and debate other approaches. China, arguably the representative of modern day authoritarianism, has been trying to build a reputation of being a capable leader during this time of global emergency, and has attempted to demonstrate the advantages of the Chinese system's centralised government in effectively containing the pandemic. Although China has a distinct set of political values and beliefs compared to many in the Western world, considering its handling of the pandemic, should aspects of its authoritarian-leaning governance be acquired by democratic countries?

Indeed, it is appealing to many, that while many countries are still in the quagmire of a second outbreak, the people in the opposite hemisphere are already back to normal life, and according to China's limited statistics, have suffered a lot less deaths than other more democratic nations. China was able to send aid to Southeast Asia, the Balkans, Russia and Africa in their fight against the virus. Its methods of lockdown and close monitoring have been widely adopted by other countries, albeit in less stringent ways. For such countries, is this a one-off solution to the unique current situation, or is it a turning point in a different direction? Only time will tell, although there is much doubt that the Chinese way is fit for democratic countries, as for many, there is a pressing question of the balance between personal liberty and stability.

However, despite most democracies' failures to meet the public expectation of containing the virus, it should be admitted that a system which respects the view of its people would cost a level of efficiency due to time taken in scrutiny. In the long term, it could be that democracies strike a good balance between liberty and security, and though it might not be so in the short term, we should not lose confidence in democracy. Now may just be a time

where irrational measures find a way to present themselves to the public, and it is far from certain that we should take it as it comes, as long as there are viable ways to challenge them. Some good news for the democratic camp is that civil society in Russia, Chile, Poland and Israel has managed to voice concerns either regarding pandemic responses or over political restrictions.⁽⁹⁾ Furthermore, democratic activists have come together to make their voice louder than ever. The Milk Tea Alliance, initially an internet meme page responding to China's increasing assertions in Southeast Asia, snowballed into a transnational movement of protests pushing for human rights and democracy in Southeast Asia.

To conclude, it is no doubt that confidence in democracy has been severely damaged by the pandemic as well as government policies that undermine democratic values in various ways. Nonetheless, we must play our role in preserving the value of human rights, liberty and autonomy that is crucial to our democracies, arming ourselves with awareness and zeal in preparation for the new world that emerges post-pandemic.

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THE RISE OF LEGAL TECH: THE LIBOR TRANSITION

BY SONAKSHI BHATNAGAR

With uncertainty wafting through these times, we are met with another predicament to deal with. The benchmark reform, better known as the transition from LIBOR, is an impending issue that presents its own set of unique challenges not only to the banking and finance industry, but also to the legal sector. For those who are not cognisant of LIBOR (the London Interbank Offered Rate), it is a benchmark interest rate that is calculated to determine the cost of borrowing within global banks and the international interbank market. Following a scandal in 2012, which involved a scheme by major banks to manipulate rates, regulators sought to challenge this offering. Since then, the transitory period has had law firms with their hands full, buried under copious amounts of documentation, each pleading to be reviewed and amended. This circumstance called for technological aid. Especially prevalent in today's times, Legal Tech is a booming sector with firms requiring solutions to problems predisposed by the on-going pandemic, as well as this approaching market alteration.

The transition away from LIBOR is a well-contemplated decision with multiple announcements being made throughout the years. This has been done to give all affected parties adequate time, almost five years, to prepare for this change. The question remains, does this transition grant law firms with enough time to tackle the various issues headfirst? To begin with, this rate underpins a majority of contracts. Contracts that are set to expire before the expiry of LIBOR, towards the end of 2021, need not be interfered with, but what about those contracts that do not? The first step for law firms is to find exposures to LIBOR in the contractual agreements; once found, they must scour for any "fall-backs". Once these anomalies are spotted, they must be redrafted and

renegotiated. Areas of further development include not only alteration of contractual provisions, but also the renegotiating of rates to ensure that parties do not end up with a contract significantly different from what they entered into. This can be highly risky as it opens up the possibility of mass litigation. Due diligence activities and any other documents that refer to LIBOR are also areas where this factor would need to be accounted for.

The answer to tackling this issue lies in finding the perfect solution that combines legal expertise with technology to produce efficient solutions. There is no realm where enough resources can be gathered in terms of costs, effort, volume, and time to deal with this problem manually. The technology that is currently being utilised by law firms lacks the practicality that is needed in this particular circumstance. What firms are trying to achieve is the creation of a novel product that encompasses their clients' needs, either through the means of their legal hubs or through software development. One such example is that of Allen & Overy (A&O) and their collaboration with Factor. LIBOR is rendering firms susceptible to cross jurisdictional plights. A&O's IBOR Matrix helps in facilitating document review by following their data model, but also takes the extracted information to formulate a remediation document. Digitisation is not merely about technology, but also about understanding the legal market. Factor utilises a proprietary tool to reach clients, all whilst making and keeping track of contractual communications. What is interesting is that it uses means that the clients may already have onboard to facilitate the process. This is incredibly crucial to not only eradicate any risk as relying on a previously utilised piece of technology, but it also works aptly in a context where time constraints are binding. Not only is this development valued within an economic context, but it may also aid with post-COVID liabilities for businesses.

Another firm who utilised their legal hub to create an extensive solution was Hogan Lovells (HL). They, in collaboration with FTI Consulting, launched Hogan Lovells Engage: LIBOR to take on legal and administrative challenges. Similar to A&O's model, it combines legal expertise with management, alternative resourcing, and advance technology to offer cost-effective solutions to their clients. A key trait of HL's solution is that it encapsulates all areas that present a potential demand which would be inherently useful in reducing time and costs in papering, together a string of singular solutions. The artificial intelligence (AI) based process works in cohesion to develop and deliver an elegant solution to client needs. They are the first law firm to package and offer a premium LIBOR solution, which acts as a massive advantage to them in a market which is not yet oversaturated, but still somewhat unexplored. Alongside these credentials, the benefit of being under the wing of such a massive global firm is that they have resources to dispose. This can be seen within teams who have an advanced level of industry knowledge and connections, alongside an ability to put them together and deliver a project of this notability.

While firms like Hogan Lovells find their strength in their innovative capabilities and the sophisticated resources available at their disposal, smaller firms and businesses may be at an unfair disadvantage due to their lack thereof. Major institutions can be making moves in the market whilst SMEs get, initially, affected as they do not carry financial weight to fall back on. However, if we are to view the issue in a broader sense, we can see that ultimately the transition away from LIBOR will help SMEs in terms of stability, structure, and fairness of rates.

With the onslaught of legal development that is pioneered by this financial change as well as COVID-19, a question — a reasonable one at that — has popped into the heads of many. What does this mean for lawyers? There is still a level of ambiguity within this area as automation comes into play. We must take into account that while automation might cement certain facets of the legal profession, it will most certainly create demand, and in turn, jobs, for a variety of skills that complement technology. COVID-19 has already facilitated in the development of lawyers with a broader skillset and adaptability — two critical skills required to further a legal career. Just because a machine is operating behind the scenes, that does not mean that

the generated information will always be correct. There will be a need for critical thought, with people questioning the data to make the final judgement.

What is the future of benchmark rates, then? Each jurisdiction has developed a system of risk-free rates in regard to their own currencies. The UK's solution, running the farthest ahead, is titled SONIA (Sterling Overnight Interest Rate Average). Initially developed in the late 1990s, it was reformed in 2017. The derivatives industry has already made good progress in the utilisation of the rate and can set a precedent for the sectors that are yet to penetrate this uncharted territory. Digitalisation sits nicely in lieu of manual work as we set to move away from uncategorised, improperly stored data that might have raised issues even in other contexts. Legal data is an integral part of risk assessment and management within organisational structures; situations like these present us with a chance to overtly observe its importance and invest in it.

COVID-19'S SOCIO-ECONOMIC IMPACT IN THE CARIBBEAN AND LATIN AMERICA

BY SAMARA BABOOLAL

No country has been exempt from the impacts of the Covid-19 pandemic. A variety of approaches were taken by countries at the forefront of development. However, the ramifications of the pandemic on small developing countries have been largely different, attributed to the disparities in economic and political climates. The pandemic's impact raises questions of what this means for socio-economic changes, technological development, legal reformation, political stability. It poses the question of the viability of economic independence of the Caribbean Community (CARICOM) and Latin American countries, as reliance on international funding bodies poses its own set of dangers. All in all, the pandemic highlights the vulnerability of small state and developing economies.

Before Covid-19, the Caribbean and Latin American region had already been negatively affected by the historic plummet in oil prices to negative values due to tensions between Russia and Saudi Arabia. This made the region – in particular Trinidad and Tobago which is the largest oil and gas producer in the Caribbean – especially vulnerable to the economic ramifications of the pandemic.⁽¹⁾ In June, the International Monetary Fund (IMF) revised its regional economic growth forecast to a contraction of 9.4%, with almost every Caribbean country in recession.⁽²⁾ According to a United Nations report, “economic recovery may be a protracted process in countries that rely heavily on global trade and investment”.⁽³⁾ This will bring severe consequences for the region, especially countries already facing severe economic setbacks due to political instability, natural disasters and poverty such as Jamaica, Haiti, Cuba and Venezuela.

The region is also suffering from a loss of tourism revenue, which Barbados, Jamaica, Argentina and Brazil heavily rely on. In Trinidad and Tobago, the official cancellation of

Carnival 2021, along with its border closures and travel bans, will result in a total projected revenue loss of \$4.5 billion. A UN Conference on Trade and Development explored the potential impact of the pandemic on global foreign direct investment (FDI) and global value chains, indicating a -30% to -40% fall. Developing countries in the Caribbean and Latin America may have to resort to the IMF for funding, and these loans are notorious for having blanket conditions that fail to consider countries' socio-economic and political dynamics, thus exacerbating the problems of failing or struggling economies.

⁽⁴⁾This has been observed within Jamaica,⁽⁵⁾ where following their loan from the IMF, their currency was devalued leading to high inflation as well as the removal of certain beneficial trade agreements which affected the local dairy industry. This notable aversion to the IMF by the region after witnessing Jamaica's fate heightens tensions and uncertainty amidst the pandemic. The idea of the Eurozone, where a shared currency promotes financial assistance among member nations, could be applied as an economical safety-net to prevent the IMF ultimatum for CARICOM members. However, considering the ratio of wealthy countries to poorer nations in the region, this may be considered burdensome or undesirable by the former.

The pandemic has aggravated existing humanitarian crisis and political instability, most notably in Venezuela, which has seen an increase in authoritarian practices, politicised judicial systems, corruption, and high levels of crime and violence. ⁽⁶⁾There has been especially high levels of inequality and poverty and little to no access to food or medicine. The pandemic contributes to further deterioration of political conditions, stoking social unrest similar to that in 2019, where protests took place in an effort to pressure President Maduro into resigning. Venezuela's current state of emergency has been alleged to be a guise to crack down on dissensions, rather than trying to curb the spread of the Covid-19 virus, and is an example of leaders taking advantage of the chaos to wield

healthcare system also draws major concern for the population as hospitals have limited to no access to electricity and water, and in 2019 Venezuela had already ranked the steepest rise in malaria cases in the world. Bolivia has also seen similar trends, where the interim government twice postponed presidential elections, with Covid-19 as the rationale, prompting widespread protests.

This has its own social impact on neighbouring countries. In 2019, refugee migrants began fleeing Venezuela to countries like Trinidad and Tobago. The influx of these refugee migrants during the pandemic has resulted in a wave of xenophobia, scapegoating them as the carriers of the virus into the country and attributing their presence to community spread. Refugees are also experiencing sexual exploitation and are facing labour exploitation in the workforce. This, however, has prompted local humanitarian groups into rallying to hold the government accountable to international law guidelines on the treatment of refugees and their rights to access employment, education, health care and housing. It further resulted in a push for education to alleviate xenophobia and embrace a heterogeneous society with acceptance of Venezuelan integration. This presents an opportunity for legal reform and evaluation of current policies, for example, an official asylum policy which is absent in Trinidad and Tobago.

The pandemic has encouraged nations to re-evaluate the direction in which social development is heading, specifically in healthcare and technology. The abrupt transition to predominantly remote-based learning in Trinidad and Tobago has prompted an important discourse on increasing modernisation. Part of this discussion includes access to electricity, Wi-Fi, and computers for students in rural areas or from lower income brackets. There has also been a push in the direction of an interconnected, cashless society, encouraging the creation of the FinTech Association of Trinidad and Tobago. This is the first of its kind in the region, which will work closely with the government and regulators to adopt global standards in the local FinTech sector. There has also been a new shift in focus towards mental health, which has been a taboo and heavily stigmatised subject in the Caribbean. The stay at home orders leading to a dramatic increase in domestic violence has been responded to by policies, awareness building campaigns, and calls for reformation of the Domestic Violence Act of Trinidad and Tobago to better protect women, men and members of the LGBTQIA+ community in the country. In

fact, these improvements are demonstrative of the resilience and adaptability of small developing nations, which is often overlooked.

The socio-economic consequences of Covid-19 for countries such as the United Kingdom, Sweden or the United States of America contrasts greatly in countries such as Venezuela and Trinidad and Tobago. The pre-pandemic recession that loomed for countries reliant on oil and gas commodities continues to haunt nations in the Caribbean and Latin America amidst the pandemic, breaching a wave of uncertainty. Furthermore, the unwanted push towards monetary aid from the IMF poses an ultimatum for countries plummeting into a deep recession and brings into question how CARICOM can create economic policies to prevent dependence on foreign funds. Finally, the pandemic's inevitable call for reassessment of social development and technology can arguably be seen as a positive consequence in light of the circumstances. It also creates room for discourse and planning of important issues such as fall-back economic strategies and legal reform, which, albeit the economic repercussions of the pandemic, is arguably another strong stride toward development.

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FREEDOM FROM DETENTION

BY RIA RYAN

In the past few months, we have seen borders across the globe shut down while many of us watched behind closed doors. We have witnessed work and education move online across many societies whilst our understanding of life and the communities around us has changed drastically. However, one thing that has remained consistent throughout the COVID-19 pandemic is that the most vulnerable communities are continuing to be left behind. Due to the societal structures that are in place in our world, considerable amounts of privilege are obtained from identifying with a particular, class, gender, race, status, or sexuality. Many communities have therefore been disproportionately impacted by the pandemic, especially those already vulnerable, such as refugees and asylum seekers. The events and crises that have unfolded in the past few months have shown us that we need to rebuild our societies and structures with the safety and stability of the most vulnerable communities in mind.

Refugees are particularly vulnerable to COVID-19 as they often live in conditions that disproportionately increase their risk of infection. Refugees do not have the luxury of social distancing, and in many densely populated refugee camps such as Cox's Bazar in Bangladesh, which has over 600,000 Rohingya refugees, proper sanitation and hygiene is often an impossibility.⁽¹⁾ Many refugees are therefore left incredibly vulnerable, because as evidenced through government advice across the globe, frequent hand-washing and proper hygiene is one of the most effective ways to combat COVID-19. This has left around 79.5 million displaced individuals, 1% of humanity, incredibly vulnerable as they lack access to soap and clean water. Projections earlier this year have also shown that in refugee camps such as Cox's Bazar, a single COVID-19 patient could lead to as many as 2,090 deaths,

⁽²⁾ as well as exhausting medical resources and hospitals within around 58 days.⁽³⁾

Moreover, many aid workers in refugee camps report minimal COVID-19 testing or symptoms amongst their residents. This is because many refugees face a fear of being quarantined and separated from their families, as it is difficult to know when they would be reunited, or in some extreme cases even fear being killed to slow the pandemic.⁽⁴⁾ These fears encourage illness concealment amongst refugees, a lack of trust in health authorities and a prevention of early detection, which is vital in slowing the spread of the virus. This indicates that there are many factors that make refugees particularly vulnerable to the spread of illness and points to the fact that a lot more needs to be done to support such people.

We have seen how refugees are particularly vulnerable to COVID-19 globally. However, this is also the case closer to home in the UK. Detention centres are another place where refugees have been particularly vulnerable to the pandemic and lockdown measures. Appeals and statements have been released by civil societies and international NGOs and other organisations. The topics they have covered have included concerns about the unlawfulness of detaining migrants and refugees when there is no reasonable prospect of removal, as well as health concerns where it is difficult to adopt COVID safety measures and social distancing in these detention centres.⁽⁵⁾ In March this year, the Home Office was forced to release around 300 detainees from detention centres by the UK Border Force after just a few days. This was due to legal action which argued that the Home Office failed to protect detainees from the outbreak, whilst also failing to identify those who were in the higher risk category. Moreover, a public health expert, Prof Richard

Coker, from the London School of Hygiene and Tropical Medicine, provided a report on the dangers and risks that detention centres pose to its residents. He suggested that the conditions in them provide optimal incubation conditions for COVID-19 and could infect up to 60% of the detainees if there was to be a single coronavirus case amongst them.⁽⁶⁾ This indicates that refugees may not be safe in detention centres, particularly those who are at higher risk of serious harm or death from coronavirus.

To protect refugees and migrants from the virus inside detention centres, there needs to be regular cleaning of the facilities, social distancing when there are visitors and more monitoring of the health of detainees. Many of these measures, however, are not always put into practice.⁽⁷⁾ It seems that not enough is being done nationally or internationally to protect those that are already incredibly vulnerable. In the UK, regulations must be changed to protect detainees from the spread of the virus now and for possible emergencies and pandemics in the future, especially with the increased likelihood of similar pandemics in the future.⁽⁸⁾ Alternatives to detention need to be found such as; releasing detainees and providing them with housing in state-sponsored accommodation or another designated residence, as well as being provided with financial support, or providing detainees with a supervised release.⁽⁹⁾ Importantly, the rights of refugees, migrants and asylum seekers must continue to be protected. The government should stop detaining people disproportionately. Detention of refugees and migrants should also be rare, for short periods of time and only when absolutely necessary. It is important that a wide range of alternative for detention are found so that refugees, migrants, and asylum seekers can be protected now and in the future. It is evident that changes are needed both in the UK and globally to support the most vulnerable communities through this pandemic and beyond.

Refugees must also be further protected in densely populated refugee camps on an international scale, with basic necessities provides such as soap and clean water. Additionally, health education must also be promoted amongst these communities in a culturally sensitive manner so that they can be protected against this

pandemic and future outbreaks. With the right actions taken going forward, refugees and other vulnerable communities can be protected from the virus whilst also creating environments where they can live with stability and have access to relevant health care and support services.

In the news and media, we often see articles and discussions about when social distancing measures will stop and when life will return to 'normal', but the description of a 'normal' society comes from a particularly biased lens in which those that have economic stability, work and an education can continue to live life, socialise and go out like they did in pre-covid times. However, for the world's most vulnerable, this is not the case. It is not sufficient for humanity to return to 'normal'. We must think of ways and alternatives to build back a world that is better for everyone so that the most vulnerable can finally be granted safety, stability and access to better healthcare and resources. Despite the disaster this pandemic has been, it has given us a small window of time to rebuild our society and make changes where they are necessary.

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DARKNESS HAS COME

BY XINYING LI

With the advent of winter, the world economy has entered a period of ice under the influence of COVID-19. Across the world, the economic impact of the pandemic is not to be underestimated. Countries have ordered lockdowns to deal with the spread of the disease and this has greatly affected the operation of tourism, transportation, production, and many other industries.

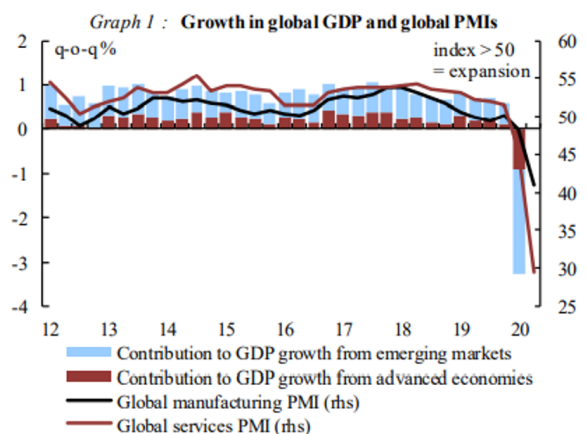
The pandemic, which has killed over a million people in a brief time, has plunged the economy into darkness and demands to be taken seriously. In Europe, for example, the outbreak in March this year was a painful and difficult experience for many people. In addition to impeding social contact and freedom of movement, the blockade also stifles economic development. Firstly, lockdown presses the pause button for the production and supply of enterprises. Most enterprises are in a state of suspension or half suspension, especially for enterprises with high energy consumption. The sudden shutdown is undoubtedly a strangle on ordinary people's livelihoods. Workers face unemployment, lower demand, and lower living standards. The tourism and transportation industries have all but ground to a halt; global airline revenues are likely to fall by more than \$5 billion in the first quarter of this year. Therefore, with the implementation of lockdown, global enterprises have entered a wave of bankruptcy, which lead in turn to the soaring unemployment rates. The world economy could be on the verge of collapse in just a few months.

In addition, the pandemic may also bring a secondary economic crisis to the world. What is most worth

mentioning is that a global lockdown limits people's income. In the short term, bad management pressure increases, which is not conducive to the healthy development of the financial system.

The COVID-19 pandemic and the confinement measures taken to limit its spread have caused a sharp slump in the global economy. The global economic outlook remains subject to extraordinary uncertainty as the pandemic continues to progress, with the number of daily new infections globally still increasing and many containment measures still in force. As shown in the graph below, the spread of Covid-19 and the corresponding strengthening of containment measures made the collapse of economic output more serious in the second quarter. As can be seen from the figure, the decline of tourism, transportation, entertainment, and other industries in the service industry is particularly serious. Although the impact on the output of the manufacturing industry is less than that of the service industry, the decrease of import and export rates also indicates the shrinkage of international trade.

Source: OECD, IMF, and national sources for GDP, JPMorgan/IHS Markit for PMI. 2020 Q2 PMI is the average over April and May.



Dawn is Not Far Away

Security, freedom, work, livelihood, a series of problems caused by Covid-19 have resulted in great anxiety and panic. It is important to note that economic stagnation is a short-term phenomenon, and this pandemic will not change the basic trend of long-term economic development. As a short-term accidental behavior, a pandemic situation cannot have a fatal impact on long-term economic development. For example, urbanisation and globalisation are irreversible trends of economic development which will continue to operate under these barriers.

Throughout history we have seen many economic shocks: the US internet bubble burst in 2000, the SARS epidemic in China in 2003, and the worldwide economic crisis in 2008. These events have a short-term impact on the global economy. From a humanitarian point of view, it is the resilience of people that has defeated these disasters. From the economic point of view, the determinants of long-term economic growth such as labour, capital, and technology will not be changed by short-term accidental events. Therefore, in the face of this pandemic, we still have to bear hope and courage, and strive to reverse the current situation in the shortest possible time.

As far as the current situation is concerned, the situation in Europe is still not well controlled. It may be what many people see is panic, chaos, and even turbulence in the world. But if you change your perspective, you can see the new opportunities under the pandemic situation, which will eventually create a brave new world for us. We all know that the traditional economy is based on the real economy. Lockdown has undoubtedly hit the development of the traditional economy, but at the same time, it has created conditions for the development of the new economy. With the development of big data and 5g, integrating the economy into science, technology and cyberspace is the general trend furthering medical development and education. Covid-19 has created a new perspective for the development of the world economy.

Although many companies have declared bankruptcy, there are still countless firms working together through a remote conference to support normal operations.

Covid-19 surely is a test of the entire world. The harm it brings to us is lingering. We are indeed experiencing a particularly difficult year, but we must demonstrate enough courage to meet the new world.

Covid-19 is seemingly merciless and in the face of this novel and uncertain attack, we need to keep a brave attitude, uniting all countries to work together to usher in the dawn of the new world. This invisible battle is a war for all people of the world. Only by fighting together can we embrace the dawn of tomorrow.

LIVING WITH TWO DEADLY PANDEMICS: COVID-19 AND RACISM

BY KHAYRA MENNI

2020 is a year that will undoubtedly go down in the history books. Starting the year off with World War III tensions, to living in a deadly pandemic, one can only wonder what comes next? As we have all felt, this year has been heavy in a lot of ways. However, a pandemic that has been here for a long while is none other than racism.

On the 25th of May 2020, George Floyd,⁽¹⁾ an unarmed black man, was horrifically killed in broad daylight by police officer Derek Chauvin. This awful and disturbing event sparked what was to be a massive change within the world.

When the news broke out, I did not realise the extent of how many lives, black lives, were lost to police brutality in America. George Floyd was not the first, and unfortunately, was not the last. Breonna Taylor, Tamir Rice, Elijah McClain, Agatha Felix, Tony McDade, Antwon Rose and Eric Garner are just a few names on a list that unfortunately goes on. Statistics show that there have been 1,003⁽²⁾ people shot and killed by police in the past year in America. It is by no surprise that Black Americans have been disproportionately shot and killed by police. In fact, according to the data⁽³⁾ available, the rate at which Black Americans are killed by police is more than twice as high as the rate for White Americans. It begins to raise the question as to why someone would disparage a person based on the colour of their skin? Racism is an on-going problem, and with the amount of deaths that occurred this year, there seems to be no improvement other than Breonna's law. A law was passed that bans the use of no-knock search warrants in wake of

Breonna Taylor's death, who was shot and killed in her sleep by police officers⁽⁴⁾ Brett Hankison, Jonathan Mattingly and Myles Cosgrove. Even though this is a positive change that will prevent what had happened to Breonna to anyone else, the officers responsible are still not charged to this day, raising many questions as to how this was allowed.

Two words: qualified immunity.

I did not know qualified immunity existed until I came across Youtuber Eve Cornwell's video⁽⁵⁾ discussing the matter. Eve's video drew light on how qualified immunity came about. It shows how some statutes and doctrines should not be practiced and applied today as it does nothing to solve the problem that we are currently facing. To put it simply, qualified immunity⁽⁶⁾ is a legal doctrine that shields government officials from being held personally liable for constitutional violations, one being excessive police force. It therefore makes it extremely difficult to hold police officers accountable for their wrongdoings. As of right now, while there are many that understandably want this doctrine abolished,⁽⁷⁾ qualified immunity is still in effect.

During all this, I happened to attend a Black Lives Matter protest held in Milton Keynes. A question that I was asked before going there was, "why do you need to protest something that is only happening in America?" There is a subtext to that question that suggests that we are better than America. Unfortunately, that is not the case.

The UK is not innocent.

Especially this year, crimes against Black British people have only risen. Recently, 21-year-old NHS worker, Kdogg, was horrendously attacked by two teens shouting racial abuse at him. In an interview, he says “it’s hard to understand why racism is still happening in the UK”.⁽⁸⁾ I, like many others, hold the same sentiment.

The data shows that in the UK, a black person is nine times more likely to be stopped and searched, three times more likely to be arrested, and five times more likely to suffer police brutality. Black British people with a degree are paid 23% less than their White counterparts. Even our Prime Minister, Boris Johnson, has referred to Black British people as “piccaninies” with “water-melon smiles” and has said that the problem with Africa is “not that we’re not in charge, but that we’re not in charge anymore”. It is disturbing to even think that a person in such a position of leadership would speak such vulgarity. In addition to that, Oxford University sent out 3,200 identical CV’s with different names⁽⁹⁾ and found that people with Pakistani names had to send out 70% more applications to get a job offer, whereas Nigerians needed to send out 80% and Middle-Eastern, 90%. The Guardian sent out a survey where almost 3,000 Britons took part, showing the differences between BAME and white people’s experiences, reinforcing that BAME people were 43% likely to be overlooked in a job application process or for promotion at work in a manner that felt unfair.⁽¹⁰⁾

Ultimately, the data shows that Black people (and other POC’s) are treated differently in society. As the next generation, it is up to us to end this. By no means is it going to be easy, especially in a time where we lack good leadership. As of right now, America is undergoing their next presidential election where many celebrities have urged young voters to take part, in hopes that a different president will finally address the issue of racism which Donald Trump has failed to do on many occasions. Here in the UK, many protests have been organised to show solidarity to Black lives and have called out for change for a more equal, tolerant, and respectful society for everyone.

As a young person, it can be hard to know what to do or how to help. It can be especially difficult for those who have friends or family members that hold racist views. The reason as to why 2020 was heavy was because we had to have conversations addressing the issue at hand, to call out those in power or those who are close to us who seem to undermine people of colour and their struggles. We are dealing with this in different ways where we are finally addressing such issues face to face in order to understand the severity of the situation we are in. This is the first step towards change. Listening and acknowledging the struggles that Black people have faced and continue to face is also a step towards sorting this issue. To “not be racist” is not enough anymore. Rather, we should be anti-racist. To be anti-racist⁽¹¹⁾ means to actively dismantle the systems, privileges and everyday practices that reinforce and normalize white dominance.⁽¹²⁾

We need to identify the inequalities in all institutions like that of healthcare, education, politics and so on. A key element of becoming anti-racist is self-education. Things like books, videos, podcasts, articles, and movies are all resources that can help you become anti-racist. Acts like signing petitions, supporting movements and work that advocate for equality is also to be anti-racist. In doing this, we are creating environments where a person will not be disparaged because of their skin colour.

In order for this change to happen, it has to start with us.

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MURDER AND REJECTION

BY ELLENA LEECH

Rejection comes in many forms, you might be rebuffed by a love interest, be excluded by your school mates or even be unable to accept your own sexuality. Regardless of whether you experience this repudiation by one person, a group or even yourself, it will cause the same emotions within us all. Humans being social creatures yearn to belong; we are programmed for it as an evolutionary consequence. Yet the world is developing in ways that seem to increase segregation leaving many on the outside looking in, feeling rejected. This feature also goes hand in hand with evolution's, sometimes, unwanted gift of feelings. Emotions convey what needs to be done to obtain and maintain optimal conditions to survive and reproduce. A tiger is coming towards you, this poses a risk to your life so fear kicks in and you run. Caveman A has a bad temper, he would not be a good caregiver to offspring, so he makes you feel sad and you stay away from him.

In 2020, there is more to pursue than simply making it through the week and passing on your genes, however feelings remain. Driven by our environment and experiences they still provide a rough guide invoking action to keep us on track. Our primary emotions are widely credited with being sadness, disgust, happiness, fear, sexual desire and surprise. Everything else, anger for example is a secondary emotion most often bubbling to the surface in order to protect your subconscious and ego. When one goes through an incident of repudiation the caveman brain, in all our heads, calculates its odds of survival to be dropping. Since, you depend on your tribe for survival you must be accepted. So, what feelings come up as a result? The three most likely are surprise, disgust and overwhelmingly sadness.

What do we do with this sadness? The sensible option is to find its cause and do something about it. But we are not creatures of sense so instead we might get into arguments, turn to retail therapy, or become spree killers. You may be familiar with the Columbine High School massacre in April 1999, where 2 students Eric Harris and Dylan Klebold committed a mass shooting. After the incident people that knew the perpetrators described them as "outcasts" and "rejects", the 2 also specifically targeted popular students in their attack. Additionally, as a result of this horrific act students across America signed agreements to not bully or taunt others. It is clear and widely accepted in this instance that the transgressors tangle with being rejected by their peers had influence on their actions that day. However, what made these two individuals consider a mass murder to be the resolution to their sadness? To consider it perhaps crudely one might come up with the misplaced reasoning of: the students rejected them, causing their sadness and getting rid of them would remove said sadness. If this twisted reasoning is believed it is an example archaic in its shallowness.

The Moors Murders, that horrified Britain in the 1960's is a less obvious example of murder entangled with rejection. A couple killed 5 children in the Manchester area. Myra Hindley one of the Moors murders was for a time dubbed "The most evil woman in Britain" as she was deemed to be entirely sound of mind and had her empathy intact which is almost unheard of in serial killers. Hindley had pursued Ian Brady but it was clear to others around them he was not as interested in her. They eventually got together, and Brady began openly expressing his desire to kill with the assistance of Hindley who, due to her infatuation, dutifully obliged. Hindley had no motivation of her own to murder and supposedly was not in any way mentally ill; however, it is hard not to call into question her mental state.

Allegedly her basis for becoming one of Britain's most infamous villains was in fact love. Instead of this tasteless excuse I would instead posit the reason was in fact rejection. Brady's initial dismissal of Hindley triggered her caveman brain and her way of fixing the situation was to run towards it, gripping on ensuring not to let go even if the cost was the lives of 5 children. Her fear of rejection was so strong it enabled her to act against any empathy she supposedly had and do something she knew was terribly wrong.

The flip side of rejection is of course acceptance and it may seem ludicrous to suggest that it can be gained through murderous means, but there are some examples to support this notion. The self-proclaimed Zodiac killer tantalised the public and media with an undetermined number of killings paired with cryptic clues and ciphers sent to the papers. He (and it is safe to assume it is a man due to Agnew's strain theory and crime statistics) demanded his puzzles be published or more killings would ensue. This seems strange as he states solving the clues will lead to unravelling the perpetrator's identity and, rationally a criminal would not want to be caught. However, if the whole community is talking about you and you are emblazed throughout the media even if it is in a negative light society is not rejecting you, you are now interwoven with it and into pop culture therefore a major player in the society for that increment in time at least.

There are more examples that could be used in exploring this line of thought. The creepy notoriety enjoyed by Ted Bundy and Jeffery Dahmer, gang murders and the number of films based on real life serial killers are exhaustive. The relatively recent film, *Joker*, carries us through this argument perfectly; a regular guy beaten down by the system and rejected by society ends up violently taking out his frustrations. It particularly aligns with the Jeffery Dahmer case. Ultimately, the audience sympathises with *Joker*, that in some way his hand was forced as a result of the world's unkindness. Similar to the Zodiac killer the *Joker* also plays to his role enjoying the notoriety now no longer rejected by society the pendulum swings into acceptance. Peoples take away from the movie varied, some dismissed it on the grounds of the psychosis experienced by the character, whereas others viewed it as a plausible state of events. Either

way it is hard to argue that some kindness and compassion would not have helped. It seems particularly important at this point in time to consider this, as we are increasingly becoming divided as a species by economic divides, political divides, materialistic, educational and life experience divides. This polarisation leads to more people feeling rejected.

Serial and spree killers lie at the extreme end of any spectrum however the principle that rejection causes turmoil filters down. Our society's obsession with not just crime but criminals is feeding the issue, consider whose names are in this article, perpetrators not victims nor legal personal, that worked on the cases. We are obsessed with individuals and their personal psyches when, actually, crime boils down to a societal problem. We view crime as them not us, when all of the above would imply perpetrators are regular people exhibiting their emotions. Our justice system has criminals at its centre, the media attention, the game like chase perpetuates what it half-heartedly tries to prevent. During this time of unsettlement we should let the dust fall in more effective and humane formations when it comes to our perspective on crime prevention.

DESIGNING ACCESSIBLE LAW: THE RISE OF LEGAL DESIGN

BY HUGH CROMBIE

In critical times as these, the future of the world remains uncertain. The fault lines in modern society have exposed themselves amidst recent crises, and divides, both socially and economically, have widened. One such fault line is the inaccessibility of legal knowledge to the layperson. Although it is easier than ever to read about cases or find legislation on the internet, there is a long way to go until the average person can easily access fundamental information about their rights. Recent events have elucidated violations of these rights - for example, the global eviction crisis that has emerged as a result of the COVID-19 pandemic demonstrates unscrupulous landlords' exploitations of the widespread asymmetry of legal knowledge to the dismay of tenants. Until this disparity is fixed, the law needs to be made more accessible, and instead of sticking to traditional legal technicalities, we need to empathise with the ordinary citizen. This is the fundamental idea that drives user-centred design, or design thinking, and the intersection of this and the law has created a new sector: legal design.

User-centric design can be broadly split up into a five-step process: empathise, define, ideate, prototype, test. Adherents empathise with their clients and build an understanding of the role, after which they need to correctly articulate the challenge the client is facing. From here, various solutions to the problem are tested through trial and error, until finally a solution is found that fits the bill and solves the problem more intuitively. Margaret Hagan, director of the Legal Design Lab at

Stanford University, shares that a well-designed legal solution should empower legal services users, provide an understanding of the legal process, foster collaborative relationships between the "client" and the advocate, and give a bird's eye view of the problem in context, among other principles.⁽¹⁾

Margaret Hagan, "Making Legal Design a Thing - and an Academic Discipline"



An example of the design thinking process can be seen in the article, “An Exercise in Legal Design” by Damian Curran, in which he describes his experience at a “design sprint”, a gamified workshop testing the participant’s ability to design better solutions to problems, in this case better communicating the rights of detainees to them under of the Police and Criminal Evidence Act 1984.⁽²⁾ First, they empathised with their “clients” - people in custody - and identified their two primary problems of not knowing their rights and feeling vulnerable in detention, affecting the reliability of the information they could recall. The idea they came up with involved a stencil on the wall repurposing something already present in detention cells. The design brief, therefore, was to solve the identified problems in the limited space afforded to the team by the wall. The third iteration of the stencil is shown below, and Curran espouses the value in having an interdisciplinary team in providing wisdom that legal professionals alone would not possess.



Damian Curran, “An Exercise in Legal Design”

In the field’s early stages, there are a few major players driving innovation. Chief among them is the aforementioned Legal Design Lab, an interdisciplinary collaboration between the Stanford Law School and d.school founded in 2013. The lab does research into legal innovation with a specific interest in access to justice, hosting classes at Stanford as well as running workshops and design sprints with various organisations and schools. In addition, Margaret Hagan has published a legal design manifesto: “Law

by Design”.

Another group doing interesting work is TLDR: The Less-Textual Legal Gallery. The gallery, hosted at City, University of London, is a project by lecturer Emily Allbon to make the law easier to teach, with the key philosophy behind the curation being to replace text with graphic design wherever possible. The museum includes projects useful to the layperson, such as infographics on tenancy rights and the law surrounding mortgages.

Although legal design is rooted in academia, it is starting to be co-opted by the legal sector: in 2019, Wavelength.law, the first legal engineering firm in the UK and a pioneer in data-driven innovation in the legal sector, was acquired by law firm Simmons & Simmons to become Simmons Wavelength. The same year, Magic Circle firm Linklaters enlisted legal design firm Observ to assist in redesigning their standard training contract offer letter. Even the Government is looking to the future with user-centred design: in 2016, Karwai Pun of Home Office Digital developed design protocols and posters to aid government workers in redesigning their services to make them more accessible to people with accessibility needs.

There are issues that legal design has run into in its infancy. For instance, there is not yet consensus as to how best to implement design thinking to solve legal problems. The field is too insular, with most literature related to the field being more informative than critical: most articles (including this one) spend more time introducing legal design to new readers rather than critically analysing existing work. Neither does legal design have the power to change much in the law. It can help inform and enforce rights that already exist, and bring attention to gaps in the law, but it does not improve or add to the existing rights of the marginalised. While it is a good tool for realising the intentions of the law, it can, in most cases, only aid legislation and policy - not supersede it.

However, the value in using design thinking in law more than outweighs its shortcomings. Firstly, it stresses simplicity: the more plainly information is presented, the easier it is to understand. Good design conveys crucial information in easily digestible packets—which, after a year of reading case law, is a concept I feel bears explaining to legal professionals. Design thinking stresses collaborative and interdisciplinary work—while “traditional” advocacy has the lawyer working on a solution alone. User-centric design looks to work more closely with the client and other vocations, in order to create solutions for humans instead of lawyers. Multiple non-legal perspectives will be able to spot problems from the public’s non-legal eyes, and contribute accordingly towards solving them. Finally, access to legal information helps everyone, not just the marginalised - the more legal awareness is improved, the less people can take advantage of information asymmetry. With increased access, we would be able to prevent legal disputes before they happen, making it harder to take advantage of the informed layperson, reducing the courts’ backlog of cases and leaving only the most important questions to the courts to decide. Design thinking is a purpose built solution to the issue of access to legal information.

There are other reasons to be excited about legal design – I would like to think that it implies the possibility of a law firm with a smart casual dress code. But this is the perfect moment to start rethinking how the law functions in our society, and redesign it to better suit the needs of all.

Sources:

- 1 Margaret Hagan, 6 Core Principles for Good Legal Design
- 2 An Exercise in Legal Design, Damian Curran
- 3 Michael Doherty, Is it time for a Legal Design Journal?

One of my MAIN
challenges in
LEGAL DESIGN



Margaret Hagan, "Law by Design"

ADVOCATE



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