

FOREWORD

It is a huge pleasure to present to the reader this new issue of the UCL Journal of Law and Jurisprudence. The Journal is student-led, and is going from strength to strength under the immensely able and devoted efforts of its rotating editors. Its contribution to the academic literature is considerable, and accessible to all thanks to UCL Press' open access policy.

The range of depth of this issue are remarkable. Sriram Kilapakkam and Xueming Wang introduce a new format, with their interview of Prof Steven Schwarcz who visited UCL in the course of 2018. It offers remarkable insights into important questions of bank and financial regulation, which have been much at the forefront – and have proven rather intractable – since the 2008 financial crisis. The interview covers a lot of ground, and makes a genuine academic contribution.

In 'Oblique intent, foresight and authorisation' Beatrice Krebs offers a sustained and articulate analysis of the criminal law principles governing accessory liability, and of the various conceptions of intent which are present in UK case law. It is an exemplary piece, which not only advances our understanding of the law but also suggests a new way forward.

Qamarul Jailani writes about derivative claims (essentially claims by company shareholders against e.g. company directors) under the Companies Act 2006. He shows that, even if the statutory regime improves upon the common law, there continue to be significant defects. His proposals of reforms are sensible and well-conceived.

From the UK Companies Act we move to the Indian law of contract. Saloni Khanderia's paper advocates the use of UNIDROIT principles to fill gaps in the law concerning hardship – rather than the current reliance on traditional common law principles. It constitutes a strong plea for modernisation.

Last but not least, this issue includes an ambitious jurisprudential paper, by Lee Jing Yan. He looks into the long-standing debate between positivists and antipositivists, through the lens of contrasting recent work by Mark Greenberg and Scott Shapiro. The author comes down on the positivist side, after having covered a lot of ground in a very accessible and rewarding analysis. No one will ever have the last word in this debate, but Lee Jing Yan clearly makes a significant contribution.

I should like to congratulate and thank the authors for their contribution, and the editors – Natalie, Ed and Hitesh – for their hard and very effective work in bringing this issue to publication.

Professor Piet Eeckhout

Dean of the UCL Faculty of Laws