

EDITORIAL

EDITORIAL FROM THE CHIEF EDITOR

We present this issue of the *Denning Law Journal* (DLJ) with considerable satisfaction. DLJ welcomes scholarship that interrogates legal principles, tests established doctrines against difficult cases, explores comparative and international dimensions of law, and addresses emerging problems for which existing legal frameworks may be incomplete or contested. The six papers collected here were accepted after rigorous peer review because each, in its own way, advances the values Lord Denning cherished and the purposes this journal has pursued since its foundation: the defence of the individual against arbitrary state power; the protection and promotion of human and constitutional rights; the interplay of law and morality; judicial independence, integrity and creativity; the urgency of reform and modernisation; and engagement with the wider global and international issues of contemporary concern. Together they demonstrate that these commitments remain urgent in a world shaped by migration control, climate urgency, technological innovation, regulatory failure, and shifting geopolitics.

The first paper by **Zia Akhtar** examines the liability of public authorities in English law for negligent omissions, focusing on the police, local councils and hospital trusts. Courts have long been reluctant to impose a duty of care in such cases, construing both duty and causation narrowly. The analysis contrasts this approach with the potential reach of Article 2 of the Human Rights Act, the right to life, particularly where a pre-identified victim is involved. By asking whether judges show greater deference under domestic negligence principles than under Article 2 when state negligence causes death, the paper engages central themes of the journal, i.e. the role of the state in defending the individual, the development of constitutional and administrative law, and the practical protection of human rights. It underscores that accountability for public omissions remains a live and contested frontier of the common law.

The second paper by **Nuray Ekşi**, offers a careful study of landmark decisions of the Turkish Court of Cassation (the Supreme Court of Appeals of the Republic of Türkiye) on the recognition and enforcement of foreign judgments. It traces how judicial interpretations, initially requiring identity of parties, later accepting foreign joint custody orders after academic and practical pressure, inventing a non-statutory ground of refusal based on the plaintiff's bad faith, and oscillating over unreasoned German *Mahnverfahren* judgments, have shaped doctrine, prompted constitutional and Strasbourg complaints, and driven legislative reform. Although centred on one jurisdiction, the analysis is comparative and identifies four issues insufficiently addressed in the literature. It exemplifies the journal's commitment to international and comparative law and to the modernisation of

private international law through judicial creativity tempered by legislative response.

The third paper by **Madara Premawardhana Dassanayake Mudiyansele** and **Harin Sellahewa** turns to the contemporary energy transition. Fossil fuels still dominate generation yet drive climate change; renewables are constrained by meteorological uncertainty that can force continued fossil overproduction as a contingency. The authors explore the potential of Digital Twins, i.e. virtual replicas of physical systems, to model meteorological and geographical variables and, in so doing, improve renewable energy forecasting. While the technology is novel, the legal and policy implications are immediate: better prediction can reduce reliance on high-emission backups and support more coherent climate regulation. The paper situates technological innovation within the broader demands of environmental governance and sustainable development, themes that increasingly occupy the journal's global remit.

The fourth paper by **David Campbell** reminds us of a tragedy that has profoundly affected British public life: the Grenfell Tower fire and the question of regulatory responsibility. Its critical examination of the Grenfell Tower Inquiry's treatment of manufacturers' regulatory non-compliance raises uncomfortable but necessary questions about how responsibility is attributed after catastrophic regulatory failure. It argues that an inadequate grasp of regulatory theory and practice undermines the Phase 2 Report's severe condemnation of product manufacturers. Different forms of non-compliance are insufficiently distinguished, and criticism of private actors is not balanced by equally rigorous scrutiny of public bodies. Those public bodies, the author contends, failed in their specific regulatory duties and, in pursuit of climate-change policies, supplied the general impetus for the cladding that caused the fire. The analysis is uncomfortable but necessary. It insists that accountability must be even-handed, that regulatory failure is not solely a private-sector phenomenon, and that climate policy itself requires careful legal scrutiny. In doing so, it upholds the journal's insistence on the interplay of law and morality and on the integrity of public decision-making.

The fifth paper by **Tanvi Pate** examines the accelerating effects of climate change on the Arctic. Melting ice is reconfiguring the region as a space of intensified economic and military activity. Energy-security calculations among Arctic states are driving geopolitics of power projection that further degrades the environment and threatens the sustainable development rights and livelihoods of Indigenous communities. Within a fragmented regulatory framework, these dynamics place Indigenous human rights at risk. The paper contributes to the journal's engagement with international law, human rights, and the defence of vulnerable communities against state and geopolitical pressures.

The sixth paper by **Yossi Nehushtan** and **Faye Thomas** distinguishes retrospective rulemaking in the strong sense from retrospective rulemaking in the weak sense. Strong retrospective rulemaking alters the legal status or consequences of completed acts or extinguished situations. Weak retrospective rulemaking alters the status of ongoing acts or continuing situations. The authors show that both forms can be equally corrosive of the rule of law and of moral legitimacy. Using the rules governing non-EU immigration to the United Kingdom as a test case of the weaker form, the paper argues that such measures are morally indefensible and legally questionable. This contribution speaks directly to the journal's concern with independence from state intervention and the defence of the individual. It reminds us that the rule of law is not secured merely by formal non-retroactivity; temporal fairness must also constrain how the state reshapes the legal landscape of ongoing lives.

These six contributions were accepted because each meets the journal's twin tests of scholarly quality and fidelity to its founding purposes. They range across public law, private international law, tort, regulatory theory, energy and climate law, and Indigenous rights. They confront retrospective legislation, public liability for omission, judicial creativity in enforcement of foreign judgments, technological tools for sustainability, the balance of private and public responsibility after catastrophe, and the human costs of Arctic energy geopolitics. In every case, they illuminate the continuing tension between state power and individual or communal rights, between formal legality and substantive fairness, and between short-term policy imperatives and longer-term demands of justice and the rule of law.

Lord Denning insisted that the law must not stand still while the world moves on. The papers in this issue take that injunction seriously. They do not merely describe contemporary problems; they interrogate the legal frameworks that shape those problems and propose clearer conceptual distinctions, more coherent accountability, and more attentive protection of rights. We are confident that they will stimulate the widest discussion among scholars, practitioners and policymakers, and that they will keep faith with the values this journal exists to promote.

The papers in this issue remind us that law is neither static nor self-executing. It is made, interpreted, applied and contested by institutions and individuals operating within social, technological, economic and political environments that continually change. The task of legal scholarship is, in part, to make those relationships visible and subject them to sustained critical examination. We sincerely hope that these contributions will not only advance debate within their respective fields but also encourage connections across them.

I extend my genuine thanks to the Denning Law Journal Team, who worked assiduously to bring this issue together and to fruition. Special thanks to Professor

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Thank you

Dr Obinna C. Edeji
Chief Editor
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