

FOREWORD

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Maltese legal literature has changed substantially since the time when I was a student reading law at the Faculty of Laws of the University of Malta. At that time, we had very few Maltese law books to accompany us in our studies and so we ended up having to rely very much on lecture notes and the transcripts of lectures which we used to produce and circulate among ourselves. We did buy notes which were available from the Publications Section of the University or from the Faculty Office written by our Professors. Unfortunately these notes were few and far between and, when extant, tended to be outdated.

But then the law was not as complex as it is today: it essentially centered on the five Codes and a handful of specialised laws. New branches of the law had not yet emerged or, at that time, were still in their infancy. Other branches of the law, even if they were studied abroad, were not taught at our Faculty. Such is the case with Technology Law, IT Law, Communications Law, European Union Law, Gaming Law, Local Government Law, Refugee Law, Medical Law, Comparative Law, Development Planning Law, Statistics Law, etc. Then these branches of the law were very much futuristic and, to use a legal term borrowed from citizenship law, completely ‘alien’ to the Maltese Legal System.

Fortunately for us, things have moved on and, I am satisfied to state, for the better. Maltese legal literature has developed in various ways and has, to use Star Trek terminology, traversed uncharted territory, ‘to boldly go where no one has gone before’.

First, members of the legal profession are publishing more than they used to in the past. There has been a substantial increase in legal literature when compared to my student days. Second, the publications on Maltese Law are not limited to one-off publications but there is a continuum of prolific

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works, especially by full-time members of the academic staff at the Faculty of Laws.

Third, there is today a diversification of legal publications consisting in a multitude of authorship: sole authored books, co-authored books, edited books, book chapters, papers published in peer reviewed journals, papers delivered at conferences and even publications in the popular press as well as interviews and interventions in discussions on the broadcasting media.

Fourth, research in law has been on the increase and today we do not rely only on Doctor of Laws theses but other theses and dissertations which are produced as part of Master courses offered by the Faculty, not to mention more advanced studies at Doctor of Philosophy level. Indeed, the common complaint among law students vying to choose a topic for their dissertation or thesis is that all the topics from which one can choose have been exhausted! But this is far from the case.

Fifth, in today's globalised world we have access to various e-journals and e-books via the subscription which the University of Malta Library retains in various legal databases such as Lexis Nexis (U.K.), Lexis Nexis (French) JurisClasseur and De Jure as well as other databases which, though of a multi-disciplinary nature, contain legal materials as well. Such is the case of JSTOR, EBSCO, Emerald, etc. To top this up, there are several databases containing legal materials, including journals, which are available without the need of any subscription, such as the Directory of Open Access Journals, Social Science Research Network, statecareandmore.eu, etc.

Sixth, the worldwide web has changed the way we do legal research. It has provided the researcher with a plethora of resources which are all awaiting to be consulted. It has brought Comparative Law to our homes. At a touch of a button, the legal researcher has access to foreign law, case law and commentaries on the law. Seventh, the Faculty has over the last years seen the addition of new academic members of staff – both full-time and part-time – who are contributing to enriching its reading materials with their expertise in various branches of the law.

Eighth, technology assists researchers in dissemination of their works. This encourages academic members of staff to keep their teaching materials up to date. I have here in mind the Virtual Learning Environment (*Moodle*) which is being introduced into our Faculty and is slowly but steadily being

made use of by our academics. In addition, Powerpoint has made it easier for lecturers to prepare their lectures and to keep them updated.

Finally, the main tools which we use in our teaching – Maltese Law and Case Law – are now available at the touch of a button. One does no longer need to call at the Attorney General’s Office to obtain access to the most updated version of the Laws of Malta – primary or subsidiary – or to the Court of Justice Archives to read the latest court judgments.

All this has contributed immensely to the expansion of legal literature. Notwithstanding all the progress made, I think that we still suffer in Malta from a dearth of legal literature in certain areas of the law where textbooks have not yet been written. Indeed, we do not have an up-to-date textbook on Constitutional Law, Administrative Law, etc. Where we do have such textbooks, even if in the form of notes, these are outdated. Such is the case with Criminal Law and Procedure and Civil Law and Procedure. Nor do we have series of Cases and Materials on various subjects studied at the Faculty of Laws. Worse still, there is no publication on the Maltese legal system. On the other hand, it should be added that law theses which are produced every year together with the legal journals produced locally contribute to narrow this gap in legal literature. We also benefit from legal materials in other Maltese non-legal journals such as the *BOV Review*, *Melita Historica*, *Melita Theologica*, *Malta Medical Journal*, etc.

Within this context, the first issue of the *ELSA Malta Law Review* is undoubtedly another welcome contribution to the development of Maltese legal literature. Currently only three legal periodicals are published in Malta: the Faculty of Laws’ *Mediterranean Journal of Human Rights*, the Chamber of Advocates’ *Law and Practice* and the Law Students Society’s *Id-Dritt*. The first two are issued biannually whilst *Id-Dritt* is normally issued annually. The Faculty of Laws does not yet have its own Journal which publishes in-depth studies on the various branches of Maltese Law: instead it produces a specialist journal – one devoted entirely to the study of human rights. On the other hand, the Chamber of Advocates’ review – *Law and Practice* – normally contains only four articles per issue, eight in one year. The Chamber of Legal Procurators and the Notarial Council do not issue any academic journal. Hence, there is no doubt that there is a gap in Maltese legal literature – surely in the periodicals area – which hopefully the *ELSA Malta Law Review* will help to fill.

From the Table of Contents of this first issue the prospects for success are very promising: the *ELSA Malta Law Review* has attracted contributions from postgraduate students and academics, both local and foreign. This is of course a very good start. But the rhythm of publication and the standards set in the first issue have to be emulated in future issues: the *ELSA Malta Law Review* has to be issued at regular intervals while the high standard of the contributions needs to be sustained. This is indeed a great challenge which student journals face. Continuity and standards maintenance are two values which the *ELSA Malta Law Review* should strive to achieve.

The first issue of the *ELSA Malta Law Review* deals with a variety of legal subjects such as Tort Law, Private International Law, Public International Law, Broadcasting Law, Fiscal Legislation, Human Rights Law and European Union Law. This ensures a wide readership to the Law Review as it satisfies the interests of all the members of the legal profession and even beyond. Indeed, it appeals to advocates, legal procurators, notaries public, the judiciary, law students and, generally, persons interested in law reform and the study of the law. This publication is a welcome addition to my bookshelf of legal literature and I unhesitatingly recommend it to one and all. I commend all the efforts made by ELSA Malta towards its publication.

May I end by thanking the Editor and her editorial team for the production of this first interesting issue of the *ELSA Malta Law Review* and wish them every success with the publication of subsequent issues so that this Law Review may serve to fill a gap in existing Maltese legal literature. I also want to praise the authors for their important contributions to the Law Review. I conclude by wishing the *ELSA Malta Law Review* ‘*Ad Multos Annos!*’