

EDITORIAL

*Anna Abela*¹

As the first in, one hopes, a long line of Editors of this Review, I quite fancy myself the historian, sitting down to document the troubles and travails of the trusty band of would-be legal scholars who first conceived this publication.

This is an exciting time to sire a newborn law review into the world. Our Faculty is in the midst of ushering in a long overdue reform of the legal curriculum, an upheaval that is expected to leave an indelible mark on the legal profession in Malta.

Meanwhile, the profession itself is being buffeted by winds of change. The priorities of the legal profession are shifting from its erstwhile more traditional focus on the tenets of civil law to contemporary specialisms such as financial services, gaming, and trusts. Curiously, the profession of advocacy is so far one of the few to have eluded regulation, and yet, this is set to change with the imminent introduction of the Lawyers' Act. Likewise, this Summer has heralded a number of proposals to update the laws regulating the notarial profession.

Amid this whirlwind of reform, the European Law Students' Association embarked on its first student-edited law review, a format that has courted its fair share of controversy in international academic circles.

In one infamous jeremiad, Richard Posner dismisses student-edited law reviews thusly: 'Welcome to a world where inexperienced editors make articles about the wrong topics worse.'² The prolific U.S. Court of Appeals Judge questions law students' capacity to discriminate between good and bad scholarship and exhorts law schools to reclaim their law reviews, assigning editing duties to Faculty staff while ensuring that student contributors work under strict academic supervision.³

¹ Anna Abela graduated LL.B. from the University of Malta and is currently pursuing a Doctor of Laws at the same University. She is the founding Editor in Chief of the ELSA Malta Law Review.

² Richard A. Posner, 'Against The Law Reviews' (*Legal Affairs*, November-December 2004) <http://www.legalaffairs.org/issues/November-December-2004/review_posner_novdeco4.msp> accessed 24 August 2011.

³ *Ibid.*

So, to respond to Posner's challenge, are student-edited law reviews worthwhile? What is the merit of a publication that is not peer-reviewed? Can students contribute anything meaningful to academic scholarship? As a founding Editorial Board, we have been grappling with these questions for the past year and are perhaps now in a position to give some partial answers.

A bastion of American legal culture, the student-edited law review is a relatively new arrival to European scholarship, first introduced in Ireland in 1991, with England, Germany, the Netherlands and Italy following suit soon after.⁴ It remains a novelty in an academic milieu dominated by peer-reviewed journals. After editing one such review, we firmly believe in its value not only as a publishing medium, but particularly as a pedagogical tool to facilitate the academic formation of its editors and contributors.

Law reviews provide students with their first brush with academic writing. Contributors are urged to spend months researching, compiling and refining an essay under the watchful eye of senior law review editors, who dole out criticism and encouragement in equal measure. They are expected to master research skills, correct citation methods and the structural niceties of the legal argument, before finally producing what will be, for some, their first published work.⁵ While occasionally tedious, this process endows contributors with greater academic rigour, maturity and confidence, qualities that will prove indispensable not only throughout more advanced legal studies, but also during their budding professional careers.

Most student-edited law reviews expect contributors to draw their own conclusions on the fruits of their academic research, and indeed, this publication is no exception. This requirement equips the smartest contributors with an almost precocious insight that would otherwise have only been acquired at a much later stage in their academic life.

In continental Europe, the student-edited law review is all the more essential as it compensates, to an extent, for the conference-like nature of lectures, which allow for very little student participation.⁶ In this context, the law review presents students with a rare opportunity to 'find their voice', a crucial asset in a profession so heavily reliant on powers of oratory and persuasion.

⁴ Luigi Russi and Federico Longobardi, 'A Tiny Heart Beating: Student Edited Periodicals in Good Ol' Europe' [2009] *German Law Journal* 1128.

⁵ Mark A. Godsey, 'Educational Inequalities, the Myth of Meritocracy and the Silencing of Minority Voices: the need for Diversity on America's Law Reviews' (1995) *Harvard Blackletter Journal* 65.

⁶ Russi and Longobardi (n 4) 1134.

The collegial and intellectually stimulating environment of a student law review may also encourage some students to pursue a future in academia. Considering the lack of full-time academics in our Faculty, this would be no bad thing.

As one past Editor in Chief of the *Yale Law Journal* astutely observed, student editors with a ‘generalist’ legal education often have a knack for making specialist disciplines accessible to a wider audience.⁷ By eschewing the high-flown obscurity often associated with the more academic law journals, student-edited law reviews are often credited with bridging the gap between academia and legal practice, making private practitioners ‘pay attention to what Universities have to say’⁸.

For the above reasons, we can confidently defend the student-edited law review from its detractors. And yet, it would be sheer folly to deny that a quality gap between student-edited and peer-reviewed journals persists. My greatest wish, as Editor in Chief, is to see our contributors graduate to peer-reviewed scholarship, both in Malta and beyond our shores.

The student-edited law review’s greatest asset is undeniably its status as a training ground for aspiring academics. If this law review has sown the seed of scholarship in at least a few of its contributors, then I can safely call this humble first attempt a great success.

Editor’s Acknowledgments

This publication would not have been possible without the invaluable help and encouragement of a wide network of individuals.

We are honoured to enjoy the support of the Chamber of Advocates (Bar Association of Malta), who believed in this project from our very first meeting with them. For this we must thank the Chamber’s President, Dr Reuben Balzan, and his Executive Board for taking time out of their busy schedules to discuss this publication with us. It was truly heartening to see a professional association take such an interest in the endeavours of a student organisation. We hope this is but the beginning of a long and mutually fruitful collaboration between the *Law Review* and the Chamber.

The *Law Review* is also indebted to Professor Kevin Aquilina. In October 2010, the Editorial Board met the man who would later become our Faculty’s new Dean, to sound him out on the possibility of producing a student-edited law review. Little did we expect the

⁷ Cited by Robert Carnwath, ‘Foreword’ [2006] Cambridge Student Law Review vii.

⁸ Russi and Longobardi (n 4) 1136.

barrage of thought-provoking questions that lay in store for us that fateful day.

In particular, Professor Aquilina drew our attention to the issue of continuity: an academic publication, he cautioned, loses credibility if issued irregularly. Like Parliament, we cannot bind our successors. However, following a transparent and meritocratic recruitment process, we are now in a position to assure Professor Aquilina that next year's Editor in Chief possesses the integrity and backbone to continue our legacy.

Another staunch supporter of this *Law Review* was Professor Peter G. Xuereb who was so enthused by the prospect of encouraging students to publish their work that he proposed the first ELSA European Union Law Essay Competition. The winning entries can be found in this edition of the *Law Review*. While taking this opportunity to congratulate both Clement Mifsud Bonnici and Karl Tanti for their respective achievements, I would also like to thank two Members of the European Parliament, Dr Simon Busuttil and Professor Edward Scicluna, for awarding the winners with sponsored visits to the European institutions, as well as Professor Xuereb himself, for donating a cash prize to the competition. Thanks are also due to the Department of European and Comparative Law lecturers who served as the competition's Judging Panel.

The *Law Review* also benefited from the guidance of a number of academics and legal practitioners who shared their criticism and feedback on a number of articles published in this edition. They are individually credited in the essays they helped review for publication.

Last but surely not least, a word of thanks to the ELSA members who made this publication possible: Claudio Caruana (outgoing President) and Tessa Mallia Borg (outgoing Secretary General and President elect) for their constant support; Lauro Fava (Outgoing Vice President for Seminars and Conferences) who first conceived the idea of creating a law review; Sara Ellul (former Vice President Marketing) for her assistance with the European Union Law essay competition; and Carl Cassar for designing the Law Review website.

I reserve my deepest gratitude for my Editorial Board who emerged relatively unscathed after a grueling year of tinkering with footnotes, obsessive adherence to the Style Guide and persistent hounding of deadline-averse contributors. Lena Sammut, the Deputy Editor, proved a formidable sidekick. This publication is testimony to the breadth of her legal insight coupled with her close attention to detail. I am also grateful to our Editorial Assistant David Testa, whose academic enthusiasm proved contagious.

Working with you was truly a privilege.

