

EDITORIAL FOREWORD

The publication of this double issue of the Mediterranean Journal of Human Rights illustrates the versatility of Human Rights and the extent to which they have become the dominant global ideology of our times. In the twenty-first century, Human Rights law is more than a quirkily idealistic chapter in International Law textbooks, or a source of vague and emotive political slogans. It has become the framework within which various international relations are conducted, a *sine qua non* for economic aid and the primary justification for resort to military force. In the process, Human Rights have long broken out of the specific confines of international law to invade other domains. They have penetrated popular consciousness in countries around the world, as well as creating a common discursive terrain where legal and non-legal expertise unite in the challenging task of constructing, defining and protecting the human subject.

The articles contained in this issue manage to contribute to various debates while remaining firmly anchored to the central problematic of human rights protection in the Mediterranean. The most theoretically provocative article we publish is Peter Serracino Inglott's original attempt to rethink the basic subjects of human rights. Proposing that humanity as a whole also be recognised as a subject of human rights, he deftly constructs a philosophical justification that simultaneously caters for what could be termed basic human obligations as well as for third generation environmental rights. The link is supplied by the notion of the common heritage of mankind; a promising concept also invoked by Claudio Zanghi for its potential legal uses in constructing an acceptable international status for the city of Jerusalem. Zanghi's concern with Middle Eastern realities is in turn echoed by Tom Najem and Abdel Sidahmed; who provide insightful commentaries on current human rights policies in Morocco and the notion of apostasy in Islam respectively. These articles do more than simply comment on the current situation. Thus Najem explores the relationship between the occasionally bland truisms of human rights law and the turbulent political settings in which it is implemented, while Sidahmed queries the oft asserted religious basis for punishing apostates under Islam.

Shifting the focus away from formal rights declarations, other articles, such as that by Bassem Eid, concentrate on the social and

cultural settings in which rights are advocated. Noteworthy for its careful sociologically informed approach, is the article by Anna Mestitz and Patrizia Pederzoli. Outlining the impact of the Italian *Tangentopoli* scandal on the judicial system, they show how it encouraged the development of new alliances between Italian magistrates and the media. The media has come to be viewed as the central arena in which judicial reputations are made or destroyed, with profound implications for the kind of legal protection afforded to human rights.

While we might be tempted to bracket out such transformations in the bureaucratic machinery enforcing human rights, other articles prove that these are not superficial changes. The legal content and role of human rights is also evolving in response to globalisation; which as Janusz Symonides observes is a complex multifaceted process with mixed implications for human rights development. Thus, even as Jonathan Black-Branch discusses recent UN efforts to extend the legal framework of children's rights, Silvano Labriola suggests that human rights may be emerging as the unofficial constitution of a re-born European Union.

In the Mediterranean the evolution of human rights protection is occurring against the backdrop of large population shifts. We here publish a cluster of articles dealing with the legal ramifications of this movement of peoples. In a well informed and critical article, Stefano Lezczynski views recent Italian immigration laws as inspired by the Italian government's attempt to balance between its European role and its Mediterranean aspirations. In the process, economic interests tend to take precedence over humanitarian concerns. Similarly, Katrine Camilleri critically appraises the strengths and weaknesses of the recent Maltese law on refugees, while Marcia Young explores the interface between legal categories and the lifestyles of these refugees.

Global transformations have also created propitious conditions for the cross-cultural transmission of legal doctrines. Guido Alpa's article provides a historical perspective on this issue; exploring the varying roles played by foreign law in one European legal system over the last two hundred years. Our editorial objectives could be put in a nutshell as the creation of an inter-disciplinary venue for such borrowing and cross-fertilisation. We hope, through this issue, to have partially realised them.