

editorial



ON LEGAL JOURNALISM

"La pubblicazione di periodici locali che trattino esclusivamente del Diritto e dei Tribunali deve dirsi rarissima e di assai breve durata" (1)

When thus assessing a lamentable yet outstanding characteristic of legal publishing in Malta, Sir Arturo Mercieca was, in 1955, directing his attention to the fate of a 'Law Journal' "di cent'anni fa", the **'Foglio Legale di Malta'** of 1846. What is indeed unfortunate however, is that the above observation may be as valid in 1983 as it was thirty odd years ago, for, looking back over the years, a certain pattern is easily discernible in the life cycle of Maltese legal periodicals. Initial enthusiasm would suffice (more often than not thanks to individual initiative) to ensure publication of a number of issues which would then peter out in direct proportion to the waning interest on both the part of the publisher and that of the market.

The 'Foglio Legale di Malta', mentioned above, was a weekly publication, first issued, as a result of the efforts of "alcuni membri volenterosi della classe legale"², on the 4th September 1846³. It focussed its attention on local judicial decisions, important trials and also reproduced translations of articles which had appeared in foreign journals. The 'Foglio' however does not seem to have survived beyond the fourteenth issue⁴.

The next noteworthy effort was a direct result of initiative on the part of Maltese law students in the mid-1940's. The newly founded **Law Society** of the University of Malta commenced publication of the **'Law**

Journal', which enjoyed the longest life-span to date of any legal periodical known to be published in Malta. During the years 1945 to 1955, the 'Law Journal', consisting on average of between fifty and seventy pages, was at first issued twice a year until the end of 1950, then once a year, while the gap between the penultimate and the final number was one of nearly three years⁵. Leafing through the pages of the collection of three volumes that comprises the 1945-1955 issues of the 'Law Journal', one cannot but admire the spirit of our predecessors: law students who, with the last gunfire of the Second World War still echoing in their ears, filled their time with lectures, Papers, debates and mock court sessions and were able to leave their **alma mater** describing their university days as "perhaps, the happiest..."⁶ of their lives. The vitality that leaps forth from the Editorial pages, the academic level evident in the student contributions published in the 'Law Journal', ought to serve as an inspiration to those who have followed them.

The candle of the Law Society's life was evidently flickering ominously when, as early as 1955 one finds the Editorial of the last 'Law Journal' to be published in the original series, appealing to the University authorities and law students to ensure that the "Journal is not allowed to die a slow death"⁷. This plea apparently went unheeded for the Melitensia collection of the University of Malta Library then registers a gap of sixteen years until the 'Law Journal' re-appeared on the market, again published by the University Law Society.

One of the factors that may not have stimulated the continued publication of the 'Law Journal', after January 1955, was the inception of a new legal review, '**Rostrum**', published by the Camera degli Avvocati⁸. Conceived as a "pubblicazione trimestrale", 'Rostrum' made its debut with the March-June issue of 1955, but the impetus required to produce the journal every quarter lasted for little more than a year. From the April-June number of 1956, it was published on a six-monthly basis between No.6 of July-December 1956 until No.10 of July-December 1958, after which it only re-appeared twice: once in 1959 (No.11) and finally in 1960 (No.12). The standards set and the functions served by 'Rostrum' are a tribute to Edoardo Magri and other individuals who

must have invested much time and effort in the project - that it was allowed to suffer the same fate as the 'Law Journal' does little credit to the scholarly inclinations of our legal professions, and even less to a Chamber of Advocates on whom its ultimate survival depended.

It was not until the revival of what had by then become a "defunct"⁹ Law Society at the University of Malta that a neat twenty-page booklet, written exclusively by law students, was published in May 1971 under the title of '**Law Journal Volume 1**'. The 'Law Journal' made an annual appearance in 1972 and 1973 as volumes 2 and 3 respectively, until its name was changed to '**ID-DRITT**' in 1974. In spite of the name-change and a new cover design (which was to be retained until volume IX), a form of continuity was maintained by designating this first issue of 'ID-DRITT' as volume IV and the subsequent issues as volumes V, VI, VII and so on. Under the helm of editors of the ilk of Charles De Battista and Alec Mizzi, 'ID-DRITT' went from strength to strength until it had grown to become what is undoubtedly the most substantial law journal ever published in Malta. Running to an average 130-150 pages, 'ID-DRITT' not only attracted contributions from law students and eminent members of the Maltese legal professions, as 'Law Journal' and 'Rostrum' had done before it, but also foreign authors of the calibre of Owen Hood Phillips, G. Schwarzenberger, C.R. Halpern, Fritz Fabricius and others. The success story ended abruptly in December 1978 - in the midst of the reforms that were radically changing the structure of University education, ID-DRITT Vol.IX was printed but forgotten. For the second time within twenty five years the Maltese students' law journal had again ground to a halt.

Thus, when the law-student community of the University of Malta re-organised itself and effectively revived the Ghaqda Studenti tal-Ligi¹⁰ in the latter half of 1982, it was perhaps only natural that the students would think twice before resuming the publication of ID-DRITT. Whereas, prior to 1978, ID-DRITT had established itself as the only law journal published in Malta, its four-year absence had witnessed an unprecedented and commendable development. ID-DRITT's parent body, the Ghaqda Studenti tal-Ligi began participating, together with the Maltese Chamber

of Advocates, in the production of a new law journal, 'De Jure', two numbers of which have been published since late 1982. Any contemplation of a revival of tradition of student initiative such as ID-DRITT, therefore carried a number of serious implications. The market for legal publications in Malta being very limited one had to confront a very **real** question: can Malta afford **two** law journals, since, market apart, such publications require considerable effort¹¹ to produce?

Thus, the role, the very 'raison d'etre' of ID-DRITT, had to be re-evaluated and gradually a new set of concepts was developed.

A journal is, by its very nature, a dynamic publication keeping abreast of developments in the field within which it specialises, primarily to provide a service to persons who operate in that same field or in closely related sectors. When thus defined the concept of '**law** journal' takes on special significance when related to university law students who are as interested in Legal Education as they are in Law. As a student publication, ID-DRITT cannot but reflect the interests, needs and concerns of the law student community that it serves.

Since one of the principal aims of the Ghaqda Studenti tal-Ligi is to stimulate initiative, creativity and research in the legal field, especially amongst law students, it was deemed important to reserve a considerable part of the journal for academic articles, in order that scholarly research and criticism should find an added outlet to that provided by 'De Jure'. In this sense, the original scope of the pre-1978 ID-DRITT was retained.

After the creation of a new section, **ASSIGNMENT** in order to provide an incentive for the publication of the results of student projects, the emphasis shifts to legal education. A true dedication to the cause of progressive legal education encourages participation in an international community of law students and thus the concept of an inter-university journal was born. In this role of **Law Student** Journal, ID-DRITT serves as a forum wherein law students, from different universities in different countries, can exchange ideas and information as well as news of trends and developments in their respective universi-

ties and/or legal systems. In this way, the **OUTLOOK** section was conceived, in each issue examining the situation, problems existent and opportunities available in various universities outside Malta. Since this not only added a new dimension to the Journal but also involved a good deal of activity on the international level, an **INTERNATIONAL SECRETARIAT** has been set up to look after overseas readers, subscribers and correspondents. In fact, contacts have, to date, been made with over four hundred universities in the United States, the United Kingdom, West Germany and Italy.

The **REPORTS** Section reflects the need for space for a number of short contributions as well as various news. The latter would especially feature Gh.S.L. activities although one must express the cautious hope that the educational situation will improve enough not to warrant the publication of lengthy **working-papers** in future editions of ID-DRITT.

Volume X is but a small start to the implementation of editorial policy as formulated above, and matters are still very much at an experimental stage. It is hoped that, in spite of financial and technical difficulties, ID-DRITT will in future expand to a projected 128 pages from the present 96, thus increasing the amount of space available, especially in the sections devoted to academic **ARTICLES** and **OUTLOOK**.

In other words we look forward to the future. As a law journal and especially as an inter-university Law Student Journal, we believe that ID-DRITT has great **potential**. But is our optimism sufficient to ensure the **survival** of ID-DRITT and 'De Jure' side by side, or will they also, like their predecessors, find their way to an early grave? Legal journalism in Malta certainly faces problems peculiar to the intrinsic nature of our islands. Sir Arturo Mercieca opined that:

"Data la scarsenza degli abbonati in un ambiente limitato quale offre la nostra breve isola, circoscritta inoltre dal fatto che il periodico (12) interessa prevalentemente il ceto legale, e' difficile che simili pubblicazioni possano attecchire e fruire di una lunga esistenza, ammenocche' non si trovino sussidiati dallo Stato, a beneficio che deve ritenersi comune." (13)

Whilst no doubt welcoming financial aid from the State, it would be failing our duty not to seriously consider and likewise create the means

necessary to assure the longevity of worthwhile projects such as ID-DRITT and 'De Jure'. The lessons from the past are sufficiently clear to suggest certain broad principles. While it is imperative that every law student, lawyer, notary and legal procurator should actively support the continued existence of legal periodicals, it is finally up to the organised and constituted bodies, such as the Ghaqda Studenti tal-Ligi and the Chamber of Advocates, to motivate and co-ordinate the efforts of their members in order to invest in the scholarship inherent in serious legal publications. Ultimate responsibility for the success or otherwise of journals like 'De Jure' and ID-DRITT lies with these associations, whose function and duty it is to work for the best interests of their members, and who have the necessary structure and resources to ensure continuity of publication. In this way, one would avoid the dangers inherent in the historical tendency to rely on individual, rather than collective effort.

In the light of the above, 'De Jure' ought to flourish, once it enjoys the backing of the Maltese legal professions in general and the 'Camera' in particular. On the other hand, interest and motivation apart, the future life of ID-DRITT depends largely on whether law students will continue to be admitted to the University of Malta - and that is a different matter altogether!

J.A.C.

NOTES

1. Mercieca Sir Arturo Kt., M.A., LL.D., **Un 'Law Journal' di cent'anni fa** in **Law Journal** Vol.III No.3, Malta, 1955, p.198.
2. **ibid.**, no formal trace seems to have remained of the identity of these 'membri volonterosi...di cui ne rincesce di non essere conservati i nomi.'" (*ibid.* at p.198)
3. **ibid.**, p.198. This is also confirmed by the findings of A.F. Sapienza in **A Checklist of Maltese Periodicals**, Malta University Press, Malta, 1977, (hereinafter cited as **AFS/COMP - Ref.** etc.), Ref.311
4. **ibid.**, p.200. See also **AFS/COMP - Ref. 311**
5. Vol.III No.2 was published in February 1952 while Vol.III No.3 bears a publication date of January 1955.
6. Editorial, **Law Journal**, Law Society, Malta, 1946, Vol.I No.4, p.5

7. Editorial, **Law Journal**, Law Society, Malta, 1955, Vol.III No.3, p.158.
8. 'Camera degli Avvocati' is the name retained by the Maltese Chamber of Advocates.
9. Editorial, **Law Journal**, (2nd Series), Law Society, Malta, May 1971, Vol.I, p.2.
10. Għaqda Studenti tal-Ligi (Law Students Association) is the Maltese designation (after a statutory name-change effected in the early 1970's) of what was formerly known as 'The Law Society'.
11. especially vis-a-vis Malta's limited resources and with particular reference to the scarcity of finances and contributors.
12. Sir Arturo Mercieca is here referring to the 'Foglio Legale di Malta'.
13. **Un 'Law Journal' di cent' anni fa, op. cit., p.200**

Further References

Readers interested in the **historical** aspect of Maltese legal journalism may refer to the following publications which appeared between 1846 and 1944. Many are not strictly legalistic in content and at least one (Bertoldinu etc.) has been included for interest's sake, since the title may be a misnomer. The **AFS/COMP - Ref. No.** is given as a useful reference aid.

AFS/COMP - Ref. No. Publication

311	Foglio Legale di Malta, 1846
368	Giornale dei tribunali; foglio politico forense. nos.1-31, 1854-1855; new series, nos.1-6 1856.
482	Indipendente; foglio politico, forense, patrio 1856-1857.
483	Indipendente; giornale politico forense, 1859-1860?
367	Giornale dei tribunali; foglio forense Maltese 1862-?
31	Appello al tribunale infallibile della pubblica opinione; giornale politico, giuridico, legale, patrio, nos.1-109, 1867-1870.
132	Cassazione, ossia, ricorso al tribunale supremo della pubblica opinione; periodico giuridico, politico, locale. 1870 - ?
509	Journal de Malte et des etats barbaresques; commerce, industrie, exploration, marine, jurisprudence. 1881 - ?
946	Rivista giudiziaria, scientifica e letteraria. 1910-1911.
80	Bertoldinu student tal-ligi u 'l medicina; foljett zuffjettus u varju. 1916 - ?

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