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## Editorial

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### Sylvia Kierkegaard

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**Biographical notes:** Sylvia Kierkegaard is a Visiting Professor of Law at Southampton University (UK), Senior Research Fellow, ILAWS, Professor at the Communication University of China (Beijing) and Visiting Professor at X'ian Jiatong University. She is the President of the International Association of IT Lawyers, editorial board member of over 30 international journals, Editor-in-Chief of *JICLT* and *IJPL*, legal expert for the EU and the Council of Europe, and scientific and policy board member of the European Privacy Association, World Council for Law Firms and Justice and the African Center for Cyberlaw and Cybercrime Prevention. She is a legal advisor-expert to many organisations and governments. She is the Chairman of the LSPI-IPL-ILTC Conference Series (<http://www.lspi.net>) and the EU-China Coreach in IPR (<http://www.coreach-ipr.org>). She is a recipient of two national awards in journalism.

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It has become increasingly clear that there is an interminable urgency for further discussion on critical issues evolving public law and policy that concern, or ought to concern the citizens and governments.

The *International Journal of Public Law and Policy* was launched to be the leading forum for information and debate in the constantly evolving area of public law through articles and essays that address the analyses of public law and policy regulations in the international community, including human security, sovereignty, labour, healthcare and economic development. We hope that the journal can provide a space that can connect the various strands of thoughts and bridge the evident gap on public policy and legal issues for which there is currently insufficient theoretical and empirical knowledge.

The journal is a fully refereed journal and the members of the editorial board are all top-level researchers or practitioners in the field of public law and the editor is confident that the *IJPLP* will explore leading issues in depth and offer fresh perspectives.

Prof. Rolf Weber, one of our distinguished members of the editorial board, commences this issue with a thought provoking article analysing the rule-making approaches and the need to overcome the governance and participation gaps. The governance gap has developed simultaneously with the increasing lack of adequate norms and institutions for multilevel governance in intergovernmental rule-making which are supported by citizens as 'just' and the lack of inconclusive consensus building in democratic processes. In order to overcome the gap, he recommends the promotion of deliberative democracy by discussion and accountability so that all relevant public and private actors could cooperate in the collective supply of international public goods

Tyler Short of Saint Louis University School of Law provides a major contribution of critical thinking on the ongoing debate about the federal funding for embryonic stem cell (ESC) research. Federal funding for ESC research has many benefits for the public. With federal funding, the National Institutes of Health (NIH) is able to provide the opportunity for scientists to research medical advancements like stem cell research. For example, a

benefit the NIH reported in 2009 was that there had been progress in creating cancer destroying cells generated from ESCs. Furthermore, scientists are in preliminary stages of finding a treatment for Parkinson's disease by using stem cells. Recently, an HIV infected man from Berlin was cured of HIV due to a stem cell transplant. Many of these scientific advancements have not become treatments yet; however, without federal funding the projects will become stagnant at the current, promising stage of research instead of developing into treatments for diseases that affect millions of people in the world.

Brandon Marc Draper's article on the Electoral College reform provides the first comprehensive public choice analysis of the Electoral College as well as the reform measures proposed to potentially replace it. Since the controversy surrounding the 2000 presidential election, Electoral College reform is a matter of intense debate throughout the USA, especially on the eve of a presidential election. This article is intended to be a helpful contribution to the Electoral College reform debate and provide an analysis that will remain useful in the future. This article is a complete analysis of the Electoral College and its proposed replacements and to demonstrate that, despite the Electoral College's flaws, it is the best realistic method for electing a President in the USA. Brandon Marc Draper is an Assistant District Attorney with the Suffolk County District Attorney's Office in NY.

Dr. Eric Tardif's article takes an in-depth look at the legal tensions as to the extent religion is to be accommodated by the governments of secular societies in order to facilitate the insertion of the newcomers into the workplace, social networks, and education system. Few policy challenges are as puzzling to tackle for economically advanced nations as the one involving the multiple facets of immigration; this is evidenced by the recent episodes of migrant flows arriving at European shores from North African and Middle Eastern countries subject to political instability. In this context, the main issue facing receiving states, characterised by varying degrees of population homogeneity, is determining the place they wish to give the immigrants that often come to their adoptive country with deeply rooted cultural and religious traditions; while in Western societies, religious practice seems to be a private matter, in the countries of origin of many immigrants, the separation between religion and state and the public display of one's faith through the use of religious symbols, is a non-issue. Thus, states have to balance the need to integrate newcomers in order for them to play a constructive role in their community, with the obligation to ensure that residents will not perceive the concessions granted to immigrants as an undue privilege. In order for all to get along, this delicate exercise, to which many pitfalls are associated, calls for a reinterpretation of the very concept of human rights, and exemplifies a classical duel between the expectation that the law provide certainty, while being flexible enough to evolve with the changing needs of society. The debate on the use of religious symbols is likely to continue among judges, civil liberties group, religious groups and the public.

In the UK, police would rarely be liable under Human Rights Act for failing to protect an individual from the criminal acts of a third party. Phil Palmer, Co-Director of the Institute of Criminal Justice at the University of Southampton, compares the different causes of action from the viewpoint of police investigations and allegations of failure to protect and to consider whether misfeasance in a public office could be applied to policing today. He concludes that the greatest threat to a successful action of misfeasance is public policy and the judicial reluctance to finding liability against the police.

‘AIDS and Catholicism: an immoral limit to the *material* right of the many for the *ethereal* good of the few’ written by human rights lawyer Jose Serralvo argues that the Vatican policy vis-à-vis contraception reveals an unacceptable approach to current societal realities. When analysed in the context of a pandemic that should be fought relentlessly and a largely religious society ravaged by the disease, the morality of the Vatican, which pays no heed to too many incontrovertible facts, is clearly reprehensible. Many readers would find themselves in agreement with Jose Serralvo’s sentiments, while others might need more persuasion. This is our objective to offer an in-depth study of critical issues from the wealth and variety of articles and to stimulate discussion. We look forward to a more vigorous debate and dialogue from a broad mix of global contributors as they analyse a number of themes of central importance within public law. We hope you enjoy this first issue of the *International Journal of Public Law and Policy*.