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EDITORIAL

This issue of the *Mountbatten Journal of Legal Studies* is once more a double issue. The main theme being the interaction between law, ethics and philosophy, the office of the Governor General of New Zealand, in addition to some reflections on exemplary damages and the police.

The first article is a major piece of work by Dr Jonathon Yovel, which is full of fascinating cross-cultural, and intra-textual synthesis. It makes links across a range of philosophical traditions. The article provides a thought-provoking panoramic overview of some key concepts of western philosophy, that link into legal process and logic, which go a long way toward reconciling the (apparently) irreconcilable. The linkages between linguistic philosophy and mainstream legal theory, through the bridge of litigation, are an interesting phenomenon discussed in the article that has hitherto been neglected.

Emily Finch discusses a further ethical dilemma. This article raises some anomalies in the Code of Ethics issued by the British Society of Criminology to guide researchers engaged in criminological research. The main problem for a researcher is the area of confidentiality, and the conflicting legal and ethical dilemmas that may arise therein. Is the promise of confidentiality to a respondent by the researcher to be absolute in order to gain his confidence and co-operation, or is it to be a qualified promise in order that the researcher is sure that they are working within the confines of the current law? This conflict, and some attempts at resolution throughout other common law jurisdictions, are discussed with great sensitivity by the author who concludes with some suggestions of her own.

The third article in this issue is a lively and interesting narrative of the evolution of the office of the Governor-General of New Zealand. Dr Noel Cox discusses with great insight the proposition that the Crown was a principal agency through which New Zealand independence was acquired. Hitherto, the attributes of independence were largely seen in those political processes reserved to independent countries. However, Dr Cox explores the more gradual process of conferring independence to New Zealand through the office of the Governor-General, culminating in the patriation of the office.

Georgina Andrews' article considers the concept of 'undue influence' and whether the case of *Royal Bank of Scotland PLC v Etridge (No 2) and others*, in fact has improved the protection available to help 'to ensure that the influence of one person over another is not abused'. The discussion shows a sensitive insight into what is a most private situation between husband and wife. Although the thresholds have been lowered and the resultant obligations can now be more simply discharged the author considers whether the need to preserve the *Morgan* requirement represents an unwarranted fetter on the ability of claimants to invoke the presumption of undue influence in the first place.

The last article by Dr Benjamin Andoh reflects on the extent to which exemplary damages are available in the civil courts to punish the police for wrongdoing, as a public declaration of wrongdoing. The questions discussed in the article are, *inter alia*, those of purpose and proportionality.

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Editor