



Park, Patricia. (2008). Editorial. *Mountbatten Journal of Legal Studies*, 2008, 12 (2), p. 2

Downloaded from <http://ssudl.solent.ac.uk/1030/>

Usage Guidelines

Please refer to usage guidelines at <http://ssudl.solent.ac.uk/policies.html> or alternatively contact ir.admin@solent.ac.uk.

EDITORIAL

This is the second issue of Volume 12, 2008, which will be the final publication of the Mounbatten Journal in hard copy. In future the *MJLS* will be published online and will be available on our website www.solent.ac.uk/law.

The first article in this issue challenges the assumption that all literature is necessarily meritorious and contends that literature has not always enjoyed such an elevated status. Three broad strands of criticism are identified and the fact that each method shifts in focus from the author to the work itself and to the reader. The author contends that post-modern literary theories refute all of these means by which literature has been assessed. The article argues that, in relation to literature, the Obscene Publications Act 1959 section 4 defence is entirely ineffectual in its aim of protecting only works of literary merit from prosecution.

The second article provides a critical analysis of the French law introduced in 2003, which prohibits religious symbols being worn in public schools. The article considers cases from the European Court of Human Rights and is critical of the approach taken by the Court and the deferential approach in favour of the High Contracting Parties. The article goes on to examine the notion of secularism used by France to justify the prohibition.

The third article considers the current position taken by HM Revenue & Customs regarding the definition of a 'ship' following the taxation appeal of *Torr & Others v HMRC*. This has generated great debate both in Parliament, as well as in the shipping industry. The article examines the broader implications of the issue as regard to maritime law, focussing on the meaning of a 'ship', and the inconsistency of its application within the English Legal System.

The fourth article examines the background to the ship-breaking industry, where hazardous waste follows the line of least resistance. It considers existing legislation on trans-boundary movements and the strong polarisation of opinion regarding its interpretation. The article considers a number of court decisions and issues involving various voluntary guidelines and the move to produce an international convention on ship-breaking that is to demand mandatory compliance.

Professor Patricia Park
Editor