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An Introduction to Law

Extensively updated throughout, this new edition introduces students to a wide range of modern legal issues. Written in a clear and engaging style, the author expertly addresses the ways in which the rules and structures of law respond to and influence changes in economic and political life. It provides a clear understanding of the relationship between law and society, with particular emphasis on the importance of morality, dispute-resolution and business regulation. *An Introduction to Law* is a valuable resource for students of law, be they undergraduate law students, those studying law as part of a mixed degree, or students on business or social science courses on which legal studies are included.

Phil Harris is Emeritus Professor of Legal Education at Sheffield Hallam University.

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Eighth Edition

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CAMBRIDGE
UNIVERSITY PRESS

University Printing House, Cambridge CB2 8BS, United Kingdom

Cambridge University Press is part of the University of Cambridge.

It furthers the University's mission by disseminating knowledge in the pursuit of education, learning and research at the highest international levels of excellence.

www.cambridge.org

Information on this title: www.cambridge.org/9780521132077

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First published 2016

Printed in the United Kingdom by Clays, St Ives plc

A catalogue record for this publication is available from the British Library

ISBN 978-0-521-13207-7 Paperback

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Preface

This book is written for students who are studying law on courses ranging from A-level through to a wide range of undergraduate degree courses, including law degree courses and courses in business studies and social science. Students studying for law degrees, in particular, will find material which introduces them to most of the foundation subjects, as well as familiarising them with legal method, legal concepts, the English legal system and some of the theories, analyses and critical perspectives through which we may better understand law and the workings of the legal system.

Apart from students enrolled on academic courses, this book will be of interest to anyone who is fascinated by law and the legal system. We live in a society in which everyday life is touched by legal regulation of one kind or another, more than at any other period in our history. Legal rules are themselves the result of intricate historical processes, socio-economic forces, and contemporary policies; those processes, forces and policies are often controversial, and are themselves interesting and rewarding areas of study, helping us understand why the law takes the form that it does.

For if we are to have law at all (and every known social group has had codes approximating to what we would recognise as law), then it must be responsive to the needs of society, and of the multiple communities who make up that society. If the law, or any part of the legal system, fails to respond to those needs, then it clearly becomes open to criticism. I see neither use nor virtue in presenting or studying law as if it were merely a package of rules, independent of and somehow unconnected with society; or in a way which suggests that there is nothing wrong with it. And if criticisms of the law lead to criticisms of the society whose law it is, then so be it. If the critical comments in this book stimulate further thought and discussion, then one objective, at least, will have been achieved. This, indeed, is one of the approaches taken in this book, the other being that the law cannot properly be understood, and certainly ought not to be studied, in a way which fails to take account of the social, economic and political contexts from which the law emerges and in which it operates.

Consequently, the reader will find that this book differs from most other law texts. I have tried to locate legal rules and institutions within the context of their historical backgrounds, taking into account the economic and political

forces which have shaped – some might even say distorted – English law. To do this, I have incorporated, where appropriate, materials from disciplines other than that which is conventionally regarded as law. This approach, together with the inevitable constraints of space and time, has necessitated a considerable degree of selection as to the topics covered. Within these constraints, I have concentrated on those areas of law – contract, tort, crime, EU law, public law and aspects of the legal system – which are the main concerns of students taking the kind of course indicated above.

It is worth emphasising that this is an introductory text. Readers are warned that they will search in vain for the outcome of painstaking research, new theoretical formulations or even original insight. Rather, I have tried to draw together various strands of development, debate and controversy and to present them within a framework of ‘law in context’. Naturally, for this eighth edition, the contents have been updated throughout, and there has been some editing and re-ordering of the book’s structure.

Once again, thanks are due to colleagues and friends who have helped in various ways in the preparation of this edition. Among the contributors are Mark Edwards, Nigel Johnson, Lesley Lomax, Cathy Morse, Andrea Nollent, Craig Paterson and Doug Smith. I am particularly indebted to Jim Hanlon and Anna Rudkin for their contributions in the areas of EU law, and the legal profession. As always, special thanks go to Sue and Dominic, for their unfailing tolerance and support.

Although, like all authors, I wish I could blame someone else, errors which remain are of course my own responsibility.

Phil Harris

February 2015

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