Contents

Preface
Table of statutes
Table of cases

Part one

1 Law and society
   Analysing law
   Authority and obedience to law
   Law and society
   Industrialisation and the role of law
   Law and society: consensus or conflict?

2 Law and morality
   The social definition of law and morality
   Morality and the law
   ‘Crimes without victims’
   Censorship
   The legislation of morality: reflections on the reformism of the 1960s

3 Law and the regulation of economic activity
   The form of the business enterprise
   The changing functions of state and law
   Summary

4 Some important legal concepts
   Rights and duties: problems of analysing legal concepts
   Legal personality
   Property and the law
Contents

The social and economic functions of private property 119
The law of property 122

5 Law and the settlement of disputes 138
The prevention and settlement of disputes in modern society 139
Business disputes: avoidance and arbitration 153
The growth of tribunals 157
Some recent developments 162
The English courts: the constitutional position 168
The English court structure 171
The courts and society 174

6 The making of legal rules 181
Parliamentary legislation: politics, pressures and public policy 181
Precedent and policy I: the common law 190
Equity and the common law 200
Precedent and policy II: statutory interpretation 202

7 The legal profession 206
The divided profession and its work 211
The social composition of the legal profession 225
The cost of legal services I: the rise and fall of legal aid 229
Recent changes to civil litigation and legal aid reforms 238
The cost of legal services II: the present situation 240
Conclusion 245

Part two 247

8 The European dimension of English law 249
Structure of the treaties: the Treaty on European Union and the Treaty on the Functioning of the European Union 251
Principal institutions of the European Union 254
EU law and the principle of direct effect 264
EU law: an overview 272

9 Liability in English law: the law of tort 282
Tort and capitalism 282
Liability in tort 290
Contents

10 Liability in English law: crime and the criminal justice system 350
   Liability in criminal law 351
   ‘Intention’ 356
   ‘Recklessness’ 360
   Strict liability 365
   Defences 367
   The criminal justice system 372
   Criminology and the criminal justice system 384

11 The development and role of the contract 390
   Contract and the consumer: the exclusion clause problem 407
   Legislative intervention: the solution to the consumer problem? 412
   Consumer protection legislation: some examples 413
   Is the consumer now adequately protected through legislation? 425
   Contract and business: the positive role of the contract 427

12 Law and government 431
   Remedies in administrative law 435
   The role of law in the administrative process 445
   The judges: appointment and training 450
   Judges, politics and the process of decision-making 452
   The grounds for judicial intervention in administrative activity 460
   Conclusion: future possibilities? 478

Index 481