

§ Law in Context

PHIL HARRIS

An Introduction to Law

Seventh Edition

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Preface

This book is written for students who are studying law on courses ranging from 'A' and 'AS' level and BTEC through to a wide range of undergraduate degree courses. Students studying for law degrees will find much material which introduces them to most of the foundation subjects, as well as familiarising them with legal concepts, legal method, and many aspects of the English legal system.

Apart from students enrolled on academic courses, it is hoped that this book will also be of interest to others who are fascinated by English law and the legal system. We live in a society in which everyday life is touched by legal regulation more than at any other period in history. Laws themselves are the result of intricate historical processes and of contemporary policies; those processes and policies are often controversial, and are themselves interesting and rewarding areas of study, helping us understand why our 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. 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; 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 have the effect of stimulating further thought and discussion on the part of the reader, then one objective, at least, will have been achieved. This, indeed, is one of the approaches taken in this book, the other being that 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 out of which the law arises 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 background, 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, property, crime, the European Community, administration and aspects of the legal system – which are the main concerns of students taking the kind of courses indicated above.

It is worth repeating that this is an introductory text. The reader is warned that he or she 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, the contents have been updated throughout.

Once again, thanks are due to a large number of colleagues and friends who have helped in various ways in the preparation of this book. Among the contributors to this edition are Jim Hanlon, Nigel Johnson, Lesley Lomax, Cathy Morse, Andrea Nollent, Peter McGregor, Mark O’Brien, Andy Selman, Colleen Smith, Doug Smith, Rob Sykes and Adam Wilson. As always, special thanks go to Sue and Dominic, without whom this book would probably have been written, but it wouldn’t have been half as much fun.

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

Phil Harris
August 2006

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