

WHAT ABOUT LAW?

Most young people considering studying law, or pursuing a legal career, have very little idea of what learning law involves and how universities teach law to their students. This new book provides a ‘taster’ for the study of law; a short, accessible presentation of law as an academic subject, designed to help 17- and 18-year old students and others decide whether law is the right choice for them as a university subject, or, if they have already made the choice, what to expect when they start their law degree. It helps answer the question ‘what should I study at university?’ and counters the perception that law is a dry, dull subject.

What About Law? shows how the study of law can be fun, intellectually stimulating, challenging and of direct relevance to students. Using a case study approach, the book introduces prospective law students to the legal system, as well as to legal reasoning, critical thinking and argument.

This is a book that should be in the library of every school with a sixth form, every college and every university, and it is one that any student about to embark on the study of law should read before they commence their legal studies.

All of the authors have long experience in teaching law at Cambridge and elsewhere and all have also been involved, at various times, in advising prospective law students at open days and admissions conferences.

What About Law?

Studying Law at University

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Foreword

The two questions most often asked of a barrister about his or her profession are, ‘How can you defend someone if you know they are guilty?’ and ‘What should I (or my son/daughter) read in order to decide whether to study law?’. This book now provides the answer to the second enquiry, leaving more time for discussing the first.

You can learn something about legal studies by reading the law reports in *The Times* or attending a trial at your local Crown Court or watching classic films such as *Twelve Angry Men*. But like a tourist in a foreign country where you do not speak the language, it can help to have a professional guide. The authors of this volume expertly identify and communicate the essence of the subject: its broad scope, covering a wide range of social, political and moral problems; its intellectually satisfying methods of analysis, based on logic, precedent and judgment; and, above all, its entertainment value.

The law addresses everyday concerns and its reasoning is often no more than applied common sense. But we lawyers do not make it easy for others to understand what we are talking about. Lawyers still have, as Jonathan Swift observed nearly 300 years ago, ‘a peculiar cant and jargon of their own, that no other mortal can understand’. This can be confusing, even intimidating, to others. One of the great merits of this volume is that the authors demystify the process. They strip away the obscurities and explain what the study of law is really all about.

I very much hope and expect that the information, and enthusiasm, contained in these pages will encourage potential law students. Our society may not need more lawyers. But we certainly need more lawyers who think clearly about the meaning and the content of the laws that govern all our lives.

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Preface

What about Law? is primarily intended to be a ‘taster’ for the study of law as an academic subject, with a view to helping prospective students decide whether reading Law at university is for them. It also aims to provide an introduction to the main subjects students will study for a Law degree. We hope that many other sorts of reader will find something in it to interest them too, perhaps school careers’ advisers or parents wishing to understand what their children are studying, or planning to study, at university. Indeed, we hope that any intelligent non-lawyer who has ever wanted to know a bit more about English law will find this book a valuable tool.

However, this book comes with a health warning: it does not provide a comprehensive review of the nuts and bolts of the legal system. There are plenty of such books on the market. Nor is it packed full of useful tips as to how to be a good student of law (how to write good essays, how to prepare for exams, etc). Rather, it explores what the law is, how it has developed, how the judges interpret it and *why* it is that way. It does so by examining seven cases, each one taken from the subjects forming the ‘core’ of any law syllabus (criminal, contract, tort, land, equity, constitutional and EU law). These seven core subjects are the minimum which students must study, and pass, in order to be able to undertake their professional training to become practising solicitors or barristers. Sometimes students consider these subjects dry and technical. The aim of these chapters is to show that they are anything but.

In analysing the seven cases, the various authors examine the legal issues raised, the legal reasoning employed by the judges in the different courts, and the relationship between the particular area of law and some of the broader social, political, philosophical, ethical and economic debates at stake. But, of course, each chapter inevitably moves beyond the one chosen case, exploring other aspects of the relevant legal landscape, such as related decisions of other courts and legislative developments.

Putting it another way, the aim of this book is to use the cases in the same way as newspapers write features on the ‘life in the day’ of a particular celebrity: each case is used to illustrate issues which have ramifications beyond the immediate subject in hand. The subjects of many of these cases are not celebrities, certainly not in the tabloid sense of the word, but ordinary people suffering the vicissitudes of life. And because each case is known by the name of the parties (and not by a sterile reference number or date as often happens on the Continent) these individuals acquire a certain celebrity status among law students. If you are interested in what you are told about these celebrities, you can read the actual cases themselves on the companion website (www.whataboutlaw.com/ www.whataboutlaw.co.uk).

As you will discover, the cases studied in the core subjects are the foundations to understanding any branch of law and for learning that elusive skill—how to ‘think like a lawyer’ (and this certainly does not mean how to charge clients a lot of money). Of course the study of law is academically demanding (this should never be forgotten), but it is also intellectually stimulating, controversial, of daily relevance and very often highly entertaining.

Each of the authors of the chapters in this book is a leading academic with, cumulatively, over a century of university teaching and research experience. We hope that we have managed to convey some small part of our own boundless enthusiasm for our subjects—if so, we will have achieved our objective.

Catherine Barnard, Janet O’Sullivan and Graham Virgo
Cambridge, July 2007

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