An introduction to understanding of law

Hello and welcome to your study of law. We’re so pleased that you’ve decided to begin your study with us here at the University of Sheffield. When you arrive you will get to know our fantastic city of Sheffield and our home, Bartolomé House.

Objectives:

The purpose of this short document is to introduce you to the study of law. This will give you a small insight into what work you will be doing when arrive here to study. We look here at:

- What is the law?
- How does the law affect me?
- Preparing to study law
1) What is the law?

Oxford Dictionaries defines the law as the following:

“the system of rules which a particular country or community recognizes as regulating the actions of its members and which it may enforce by the imposition of penalties”

What you understand by this definition may vary from how one of your peers may interpret it. Indeed, what counts as a system of rules? Must everyone within a country or community recognise them? What is a relevant community? If the School chess club recognise the rules of chess as regulating the actions of its members, then does this make the rules of chess law? If a community finds itself unable to enforce the rules for a specific reason, then do they cease to be law? There are many questions such as these that you will have time to consider while studying with us. In general terms, we may agree that the “law is the enterprise of subjecting human conduct to the governance of rules”¹ and be certain that those rules will vary between countries and communities.

- In 2014 it was reported that by law all male university students in North Korea had to, by law, get their hair cut to the same style as Kim Jong-un - the head of state of North Korea.²

¹ Lon Fuller, The Morality of Law (Yale University Press, 1969), p106
² Incidentally, is this true? How could you find out?
It is obviously not the law that every female student in the UK has to wear the same haircut as the Prime Minister Theresa May… but it could be!

There are positivist notions of law that hold that what is the law in a particular country depends entirely upon what is recognised to be law within that society: “The existence of law is one thing; its merit and demerit another.” The law in liberal societies may regulate individuals in a different way than communist or totalitarian societies but each legal system may be equally valid on its own terms. Inequity is no necessary bar to legal validity. However, there are alternative ways of conceiving of legal validity. For example, some natural law theorists would hold there is a necessary conceptual connection between law and morality so that there is an essential moral requirement to valid law. Whether you are a legal positivist or natural lawyer, however, you are likely to consider moral judgment to be relevant to legal critique: you may value being just. Recognising the relationship between justice and the law does, however, only open up another set of questions about what is ‘just’ in a particular circumstance. These are big questions but reflecting for a moment upon what is law, the relationship with morality, and the authority of a particular system of rules is an interesting exercise before you begin a law degree.

What the law is can form the basis of great argument - watch a discussion here.

‘A good lawyer knows the law, but a great lawyer knows the judge!’

---

2) How does the law affect me?

The short discussion of what the law is should have got you thinking about how the law of your society affects you. Even before you were born you have been affected by the law. If you live in a country where abortion is illegal then you had already acquired a “right to life” as protected by the law before birth. In the UK a child must be registered within 42 days of his or her birth so that he or she is legally recognised. The law determines the age you start school, it determines the standards of your education, it determines the rights you have when you begin work and will even determine the way in which you retire and eventually die.

The law affects almost everything you do and, to an extent, almost everything that you are. During your study you will have to not only know what the law is but why it is as it is. Try to put your legal head on. Spend a day seeing everything as legal matter and observe what the law affects and how it exerts influence over your own life.

3) Preparing to study the law

Before you arrive at the University it will be useful for you to have an idea where the law comes from.

- The law is understood, taught and practised as existing in a wide variety of legal ‘subjects’ (contract, tort, property, etc) but all law comes from three main sources: the Legislature, the Executive and the Judiciary. These bodies are essential parts of the UK constitution.

A good place to begin would be to watch this documentary, *The Highest Court in the Land*.

We look forward to seeing you in September!

---

4 Similar rules apply in other countries. What are they for your country?
5 Are you surprised by how many things are affected by the law? Is it more or less than you thought?