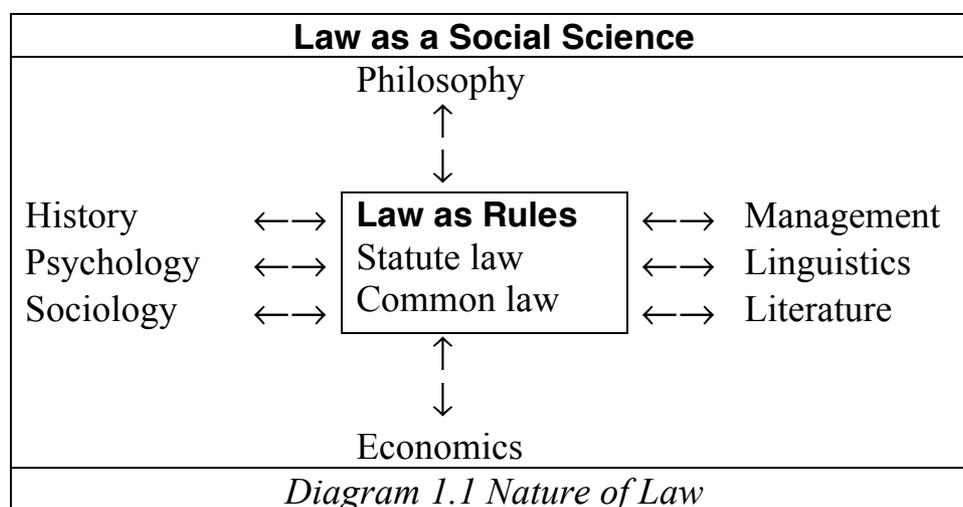


# Legal Method: Description

This is an outline of the book: Christopher Enright (2015) *Legal Method* Sinch: Canterbury.

## Legal Method *Nature of Law*

Law has both a wide and a narrow scope depending on how one wants to look at it. The narrow scope is law as a set of rules, while the broad scope is law as it enmeshes with social science, which in brief form is law as a social science.<sup>1</sup> Sometimes scholars also refer to it as sociological jurisprudence. A useful way to explain and illustrate this is with the following diagram:



This diagram illustrates the narrow scope of law in the centre box that bears the label 'Law as Rules'. It displays the wider scope of law by various social sciences that cluster around the box containing Law as Rule. In this context these eight disciplines are representatives of all the social sciences. The basic proposition is that any social science potentially casts some light on the wider application of law. There are two-way arrows between these disciplines and Law as Rules. These represent the relationship and interaction between the two.

### **Why Learn Legal Method?**

Lawyers tend to be skills averse. Consequently students in law schools sometimes, perhaps often, learn skills by a process akin to osmosis. They absorb some way of performing various tasks with law but without explicit or proper

1. An illustration is Enright (2015) *Legal Reasoning*. In order to explain legal reasoning it is necessary to make frequent excursions into the social sciences.

instruction. Their ensuing knowledge and understanding are implicit rather than explicit. This lessens their ability to learn law as students and to work with law as legal practitioners.

This book aims to rectify this problem. It draws on work in a companion volume, *Legal Reasoning*, which explains the reasoning processes that lawyers should use when working with law if they wish their work to be effective and efficient.

### ***Methods for Working with Law***

*Legal Method* draws on the work in *Legal Reasoning* to lay down methods for working with law that are both useable in practice and soundly based in reason. *Legal Method* explains techniques for organising law (the most neglected of all legal skills), making law, interpreting law, using law in litigation (focusing on applying law to facts and proving facts) and using law in transactions (focusing on applying law to facts and creating facts by following processes) and reading law (statutes, cases and texts). It discusses legal writing, but only briefly since that is the subject of a separate text.

- Organising law. This covers ascertaining the overall structure of an area of law. It also covers the task of organising an individual legal rule by dividing it into its elements and consequences.
- Making law. This explains the making of statute law and common law.
- Interpreting law. This explains the interpretation of statute law and common law.
- Using law in litigation and transactions. The text explains the overall task. It also explains one specific tasks, namely applying law to facts.
- Communicating law. This involves the major tasks of writing law. Discussion includes advice on how to answer a problem question. This also involves reading law. Discussion includes advice on reading cases and statutes.

Some other books deal with specific aspects of legal method. These books are:

- \* Christopher Enright (2015) *Proof of Facts* Sinch, Canterbury
- \* Christopher Enright (2015) *Legal Writing* Sinch, Canterbury
- \* Christopher Enright (2015) *A Method for Interpreting Statutes* Sinch, Canterbury
- \* Christopher Enright and Clare Cappa (2015) *Fundamentals of Legal Research* Sinch, Canterbury